

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD
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CITY ORDINANCE NO. 480
February 11, 2009

AN ORDINANCE AMENDING SECTIONS IV, V, VI, VIII AND IX OF CITY ORDINANCE NO. 461, SERIES OF 2008, OTHERWISE KNOWN AS "AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF THE NEW NORTHBOUND TERMINAL OF BACOLOD CITY.

WHEREAS, the City Ordinance No. 461, series of 2008 has been approved by the Sangguniang Panlungsod Members of Bacolod City (through Resolution No. 238, Series of 2008 dated March 26, 2008) with the main purpose of easing traffic congestions in the main thoroughfares of the city and providing the public of a regulated, systematic, convenient, safe and comfortable public transport terminal;

WHEREAS, upon further consultations and inquiries with the different government agencies and transport stake holders regarding the viability of the site where the New Northbound Terminal is to be established under the aforesaid Ordinance, the same turned out to be exactly not ideal for New Northbound Terminal as it would only cause further congestion at the junction of Lacson Street and Banago Road;

WHEREAS, the aforesaid Ordinance does not likewise prescribe for the minimum locational standards on how this New Northbound Terminal should be established, operated and maintained by a private entity or individual if said authority to operate is delegated by the City to a private operator through the execution of Memorandum of Agreement;

WHEREAS, the need to amend some portions of the Ordinance in order to eliminate ambiguities and confusions, to clearly provide standards for public terminal and to establish New Northbound Terminal at the area where it will not cause congestions along the main thoroughfare of Lacson Street, is urgent and compelling under the circumstances.

NOW THEREFORE, BE IT ENACTED AS IT IS HEREBY ENACTED by the Sangguniang Panlungsod of the City of Bacolod, in its session duly assembled, that:

Section I – Section IV of City Ordinance No. 461, series of 2008 is hereby amended now to read as follows:

COVERAGE – This ordinance shall cover all Public Utility Vehicles (PUVs) such as Public Utility Buses (PUBs), Public Mini-Buses (PMBs), Public Utility Jeepneys (PUJs) Garage to Terminal (GTs or V-Hires) which are northbound and vice versa and are required by the City to establish their terminal along the area as so prescribed in the subsequent section.

LOCATION – That the New Northbound Terminal of Bacolod City shall be established along Lacson Street in an area which should be at least (100) meters north from the junction of Banago Road (Circumferential Road) up to Bacolod-Talisay boundary.

Section III – Section VI of City Ordinance No. 461, series of 2008 is hereby amended to read as follows:

CONSTRUCTION, ESTABLISHMENT AND OPERATION OF THE TERMINAL – The City of Bacolod will establish the Bacolod City New Northbound Terminal and to be operated by the City Government or may enter into a contract with a qualified private entity to build or construct, develop, use, operate and maintain its facilities, totally or partially under such terms and conditions as may be agreed upon by the City and private entity/ies which should at least be:

- a. The frontage of the new Northbound Terminal should not be less than 75 lineal meters;
- b. The setback from the national Highway should not be less than 10 lineal meters;
- c. Total land area for a new Northbound Terminal should not be less than 1.5 hectares with an investment on the improvements of not less than P7,000,000.00;
- d. The new Northbound Terminal should conform with the standards and requirements set by the Land Transportation Franchising and Regulatory Board (LTFRB) and must be in pursuant to the Joint Memorandum Circular No. 01, series of 2008, dated September 10, 2008, between the Department of Interior and Local Government and Department of Transportation and Communication RE: Guidelines in the Review of Local Ordinances, Orders, Rules and Regulations concerning Public Transportation.

Provided, that the terms and conditions agreed upon by the parties shall be covered by a Memorandum of Agreement between the City of Bacolod and the private entity concerned subject to the approval of the Sangguniang Panlungsod.

Section IV – Section VIII of City Ordinance No. 461, series of 2008 is hereby amended now to read as follows:

TIME FRAME – The construction and the operation of the new Northbound Terminal shall be completed and be made operational within the period of One (1) year from the passage and approval of this Ordinance, or from the execution of the Memorandum of Agreement, as the case maybe.

GARAGE TO TERMINAL (GT or V-Hires or vehicles for hire) All garage to terminal or Vehicles for Hires (V-Hire) shall not be allowed to enter beyond the new Northbound terminal or any other terminals approved by the City and shall not be allowed to operate in any part of Bacolod City.

Section VI – NON-ESTABLISHMENT OF WAITING STATIONS, PICK UP STATIONS, LOADING STATIONS AND OTHER SIMILAR STATIONS – Waiting stations, pick up stations, loading stations and other similar stations are strictly not allowed to operate for the northbound public utility vehicles EITHER within or beyond the area prescribed for new Northbound Terminal in order to compel northbound public utility vehicles to establish terminal at the site as so authorized under this ordinance.

Section VII – STRICT ENFORCEMENT – Each and every provision of this ordinance shall be strictly enforced in order not to cause chaos and disarray in the major streets in the city and to ensure that the new Northbound Terminal that will be constructed, developed and maintained shall serve the purpose as intended.

Section VIII – OUT-OF-ROUTE – All northbound public utility vehicles are not allowed to operate as for hire beyond the junction of Banago Road and Lacson Street unless expressly provided for in future enactments but the same should only be limited to Public Utility Jeepneys, Public Utility Vehicles operating as for hire beyond the junction as aforementioned are considered to be Out-of-Route and thus, shall be appropriately penalized in accordance with law.

Section IX – NON-TRANSFERABILITY OF NORTH TERMINAL – The new North Public Terminal shall not be transferred to any other site other than the site as prescribed under this Ordinance for a period of not less than twenty five (25) years and that no Ordinance shall be enacted which will, in any manner, diminish and prejudice the rights of the operator of a north public terminal for the same period so as to protect the interests of potential investors who are willing to infuse huge investments to put up terminals which could be possible landmarks for the city.

Section X – SEPARABILITY CLAUSE – Any provision of this ordinance that may be declared void or invalid by court of competent jurisdiction shall not affect other provisions or sections of this ordinance and shall continue to be in force and in effect.

Section XI – REPEALING CLAUSE – The pertinent provision of City Ordinance No. 187, series of 1997 and all other ordinances, rules and regulations or part thereof in conflict with the provisions of this ordinance are hereby repealed or modified accordingly.

Section XII – EFFECTIVITY – This ordinance shall take effect upon approval.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors : Greg G. Gasataya, Homer Q. Bais, Jocelle Batapa-Sigue, Dindo C. Ramos, Wilson C. Gamboa, Jr., Napoleon A. Cordova, Catalino T. Alisbo, Roberto M. Rojas, Alex A. Paglumotan, Reynold I. Iledan, Diosdado A. Valenzuela,.

Negative : None.

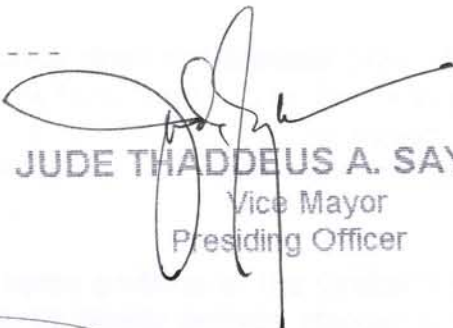
Absent : None.

Official Leave : Councilor Celia Matea R. Flor.


Author : Councilor Wilson C. Gamboa, Jr.

Passed : February 11, 2009 (84th Regular Session).

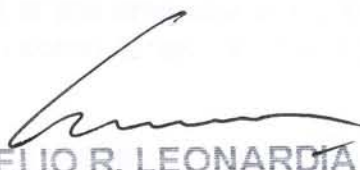
Comments: Passed.
Councilors Al Victor A. Espino and Kevin Daniel L. Ramos were not around when this ordinance was passed.


JUDE THADDEUS A. SAYSON
Vice Mayor
Presiding Officer

ATTESTED:


ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED: February 17, 2009.


EVELIO R. LEONARDIA
City Mayor

NTA/HPL/jbz

