

HON. JULIUS G. JAMERO
SB Member

Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Dumingag
-oOo-



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 60th REGULAR SESSION OF THE 11th SANGGUNIANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON DECEMBER 18, 2023.

OFFICERS/MEMBERS:	POSITION	PRESENT	ABSENT	OB	OL
Hon. Edgardo G. Jamero	Municipal Vice Mayor	___/___	___	___	___
Hon. Julius G. Jamero	SB Member	___/___	___	___	___
Hon. Jo Vincent J. Morpos	SB Member	___/___	___	___	___
Hon. Dean Kaiser C. Tangalin	SB Member	___/___	___	___	___
Hon. Francis Joeray T. Gumban	SB Member	___	___/___	___	___
Hon. Jerson L. Cabahug	SB Member	___/___	___	___	___
Hon. Julito C. Mandac	SB Member	___/___	___	___	___
Hon. Percalixia Y. Bazar	SB Member	___/___	___	___	___
Hon. Efren A. Costanilla	SB Member	___/___	___	___	___
Hon. Ronie C. Gimeno	Ex - Officio Member	___	___/___	___	___
Hon. Kirby Tracy V. Estillore	Ex - Officio Member	___/___	___	___	___

Municipal Ordinance No. 11th-12-2023

AN ORDINANCE REGULATING THE TRICYCLES-FOR-HIRE OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF DUMINGAG, ZAMBOANGA DEL SUR, PROVIDING FOR THE FARE MATRIX, INSTITUTIONALIZING THE FRANCHISE SYSTEM, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

SECTION 1. TITLE

This Ordinance shall be called as the "Tricycles for Hire Regulation Ordinance" of the municipality of Dumingag, Zamboanga del Sur."

SECTION 2. LEGAL BASES

Section 447, of Republic Act No. 7160 otherwise known as the Local Government Code of 1991- Powers, Duties, Functions and Compensation states that, "The Sangguniang Bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall."

Section 447, (3)(vi) of Republic Act No. 7160 otherwise known as the Local Government Code of 1991 states that, "Subject to the guidelines prescribed by the Department of Transportation and Communications, regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the municipality."

Local Government Code of 1991 otherwise known as RA 7160 Section 458 (3) states that Sangguniang Bayan can enact ordinances granting franchises and can authorize the issuance of permits or licenses, upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the municipality and pursuant to this legislative authority shall: (vi) Subject to the guidelines prescribed by the Department of Transportation and Communications, regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction.

Republic Act No. 9994, also known as the "Expanded Senior Citizens Act of 2010". An act granting additional benefits and privileges to Senior Citizens.

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Republic Act No. 10754, also known as the "Magna Carta for Persons with Disability". An Act expanding the benefits and privileges of Persons with Disability (PWD).

Republic Act No. 11314, also known as the "Student Fare Discount Act". An Act institutionalizing the grant of student fare discount privileges on public transportation and for other purposes.

SECTION 3. OBJECTIVES

This Ordinance was promulgated to accomplish the following objectives, to wit;

- a. To regulate and grant franchises to tricycle-for-hire operating within the municipality of Dumingag, Zamboanga del Sur.
- b. To legitimize and recognize the role of tricycle as a principal mode of public transport in the municipality.
- c. To create additional source of local income of the local government unit of Dumingag, Zamboanga del Sur.
- d. To recognize that policies and plans should be adopted so that tricycle sectors can enjoy the protection of its individual and organizational rights within the municipality.

SECTION 4. DEFINITION OF TERMS

For easy understanding, the following terms are hereby defined:

- a. *Colorum* - is a motorized tricycle, whether for hire or utility service, operating without the appropriate franchise issued by the municipality
- b. *Driver* - is a holder of an appropriate license to drive from the LTO assigned by the owner to drive a tricycle-for/hire, the owner can also be the driver
- c. *Franchise* - a special privilege to do certain things conferred by the municipal government on an individual or corporation, and which does not belong to citizens generally of common right
- d. *HPG* - refers to the Highway Patrol Group under the Philippine National Police
- e. *LTO* - refers to the Land Transportation Office
- f. *Motorized Tricycle* - is a motor vehicle duly registered with the LTO composed of motorcycle fitted with a single wheeled side car, two wheeled cab, three wheeled cab, close van or open cart whether powered by gasoline or electricity
- g. *Motorized Tricycle Operators Permit (MTOP)* - is a document granting permit or license to operate issued to a person, natural or juridical, allowing him to operate a tricycle over zones specified therein
- h. *Owner/Operator* - is the registered owner of a tricycle as shown by the Certificate of Registration or other document
- i. *Public Motorized Tricycle-for-hire* - is a tricycle-for-hire rendering transport services to the general public
- j. *TODA* - refers to the Tricycle Operators and Drivers Association

SECTION 5. SCOPE AND COVERAGE

This Ordinance is applicable within the territorial jurisdiction of this municipality.

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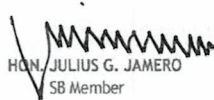
SECTION 6. FRANCHISE SYSTEM

The Local Government Code of 1991 has vested the power to grant franchise to tricycles-for-hire upon the Sangguniang Bayan. In pursuance thereto, the following procedures are prescribed:

- a. The applicant must be a resident of the municipality. He/she must secure a barangay certification attesting his residency in the said barangay.
- b. The applicant shall apply for a Motorized Tricycle Operator's Permit and comply with all necessary requisites to be allowed to operate a tricycle-for-hire.
- c. The Sangguniang Bayan in its session will consider or deliberate on the application for franchise and through a Sanggunian Resolution, will approve or disapprove the application for a franchise to be known as "Motorized Tricycle Operator's Permit" (MTOP).
- d. The franchise granted, unless earlier revoked or otherwise provided for by the Sangguniang Bayan, shall be effective only until the term of duly elected officials of the Sangguniang Bayan of Dumingag ends and shall be renewed every new term thereafter.
- e. For the safety of the riding public, there will be an inspection of the motorized tricycle-for-hire for road worthiness.
- f. Franchise to operate a tricycle-for-hire is valid only for one (1) tricycle unit and one person shall be given a maximum of three (3) franchises only under his name. The same goes for partnerships and corporations.
- g. Transfer or selling of franchise is prohibited. In case of sale of the tricycle-for-hire unit, the franchise will be valid only until its expiry and the new owner will apply for a new franchise. The Certificate of Registration (CR) of the tricycle under the Land Transportation Office (LTO) should be in the name of the new owner before his franchise application shall be considered.
- h. The Sangguniang Bayan Office shall prepare the Motorized Tricycle Operator's Permit containing therein the name, address, contact number of the operator, the technical details of the tricycle-for-hire and other appropriate data. The MTOP shall be posted inside the tricycle-for-hire.
- i. A valid tricycle-for-hire franchise shall serve as one of the requirements in the issuance of Business Permit.

SECTION 7. REQUIREMENTS IN THE APPLICATION FOR FRANCHISE

- a. Photocopy of appropriate Land Transportation Office (LTO) Certificate of Registration and the latest Official Receipt (OR/CR) of the tricycle-for-hire.
- b. Photocopy of Common Carrier Insurance (Original Copy must be presented for verification purposes).
- c. Barangay Certification (residency).
- d. Police Clearance.
- e. Old MTOP/Franchise (for renewal only).
- f. Filled-up Franchise Application Form and Driver's Information Form.
- g. Certification from the Operator in favor of the driver authorized to drive his unit.
- h. Photocopy of the valid and appropriate professional driver's license of the authorized driver.


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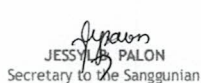

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Ex-Officio Member


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Secretary to the Sanggunian


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Municipal Mayor

- i. Certificate of Attendance of the authorized driver to a seminar on municipal traffic rules and regulations conducted by the LGU. Personnel of the LTO may be invited as a resource speaker in the seminar.
- j. Authorized driver's Medical Certificate from the Rural Health Unit (RHU).
- k. Certificate of Good Standing of the operator as member or its equivalent issued by an accredited Tricycle Operators Drivers Association (TODA).

SECTION 8. GROUNDS FOR DISAPPROVAL OR REVOCATION OF FRANCHISE

The application may be disapproved or when a franchise had already been issued, can be revoked on the following grounds:

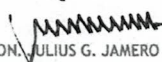
- a. Making false statements and information in the application.
- b. When, upon inspection, the tricycle unit is found to be not road worthy as a passenger vehicle.
- c. Violation of the authorized passenger carrying capacity of the Tricycle-for-hire.
- d. Refusal to convey passenger.
- e. Non-posting of a duly approved fare matrix inside the unit.
- f. Violation in the duly authorized fare matrix.
- g. None compliance of color code of the body of the tricycle-for-hire as specified in this ordinance.

SECTION 9. REGULATORY PROVISIONS

- a. All tricycle-for-hire operator/drivers operating within this municipality shall post or display in their tricycles the duly approved fare rate/matrix for the information of the general public.
- b. Picture, address and contact number of the driver and operator shall also be displayed in a conspicuous place inside the tricycle unit.
- c. Light shall be installed inside the tricycle and will be turned on when plying their routes at night.
- d. Load capacity limit shall be in accordance with the existing and appropriate laws.
- e. The number of passengers allowed shall be in accordance with the type of tricycle. The Road Worthiness Inspection Team will include the maximum number of passengers allowed in the Certificate of Inspection. The number shall also be included in the franchise certificate.
- f. For "tatak Dumingag", uniformity and tourism purposes, tricycles-for-hire operating in the municipality shall be painted with "yellow" color. Additional designs and the tricycle-for-hire numbers, stickers or local plates may be added and placed in such a way that is unique only to the municipality. The Office of the Municipal Mayor shall have the responsibility in implementing this provision.

The municipal government shall subsidize the cost of changing the color of the tricycle-for-hire. The operators are given one (1) year starting from the approval of this Ordinance. After one year, the franchise of those who cannot comply shall be revoked or will not be renewed.

The LGU of Dumingag shall coordinate with the Land Transportation Office (LTO), Highway Patrol Group (HPG) of the PNP and other relevant government agencies for faster transactions in changing the color of the tricycle.


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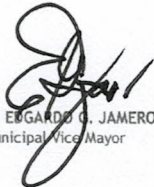

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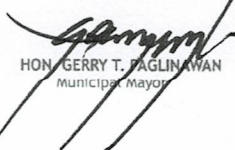

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Municipal Mayor

After one (1) year after the approval of this Ordinance, those interested to venture into tricycle-for-hire business or will apply for a franchise will now shoulder the cost of changing the color of the tricycle in conformity to the standard design.

- g. Hold bars for Senior Citizen and Person with Disabilities (PWD) shall be installed. The number of hold bars to be installed will correspond to the maximum number of allowed passengers.
- h. For the safety of the passengers on the sides of the tricycle-for-hire, a metal railing or its functional equivalent shall be installed.
- i. There shall be no stickers and other things in the windshield and dashboard that will obstruct the view of the driver.
- j. Senior citizens, person with disabilities and students shall be given a fare discount. The discounted fare shall reflect in the fare matrix. The fare discount shall be given only upon presentation of a valid identification signifying their status as such.
- k. It is prohibited for the tricycle operators/drivers to use improvised mufflers. Operators/Drivers shall also observe proper installation of side mirrors and signal lights of their respective tricycle units. Tricycles shall have trash bin inside their units for proper disposal of passenger's garbage.
- l. Drivers of tricycles-for-hire are prohibited to use cellular phones and other similar devices while driving.
- m. The driver of the tricycle must be a holder of a valid and appropriate professional license to drive issued by the Land Transportation Office (LTO).
- n. Refusal to convey passengers, overcharging of passengers/cargo, overloading and over speeding are strictly prohibited.
- o. Tricycles who convey passengers for a fee without a franchise and other pertinent legal documents (Colorum) is strictly prohibited. Traffic/Ordinance enforcers and personnel of the Dumingag Municipal Police Station are mandated to constantly inspect tricycles to protect the interest of the legitimate tricycles-for-hire and the safety of the riding public.

SECTION 10. BUDGETARY REQUIREMENTS

The budgetary requirements in changing the color of the tricycle-for-hire and other provisions stipulated in Section 9 (f) of this Ordinance shall be shouldered by the municipal government. The funds necessary for such undertaking shall be taken from the general fund of the LGU of Dumingag.

This initiative aims to ensure a cohesive and visually identifiable municipal tricycle-for-hire fleet, contributing to a more organized and efficient transport system for local residents and visitors alike.

SECTION 11. FEES

Each applicant shall pay the following non-refundable fees upon filing of the application:

- a. MTOP/Franchise Fee - ₱ 1,500.00 (3 years)
- ₱ 1,000.00 (2 years) for those who apply/renew within the remaining 2 years of the Sangguniang Bayan term


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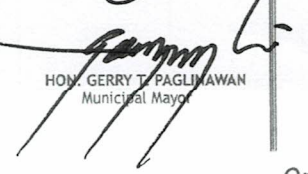

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- ₱ 500.00 (1 year) for those who apply/renew within the remaining 1 year of the Sangguniang Bayan term

- b. Road Worthiness Inspection Fee - ₱ 200.00
- c. Fare Adjustment Fee - ₱ 100.00
- d. Driver's ID /Fare Matrix Fee - ₱ 150.00
- e. Sticker - ₱ 150.00
- f. Environmental Fee - ₱ 300.00
- g. Secretary's Fee - ₱ 100.00

SECTION 12. ADJUSTMENT OF FEES IN THE REVENUE CODE OF 2019

Fees pertaining to the tricycles in the Dumingag Revised Revenue Code of 2019 shall be adjusted accordingly, to wit;

- a. Parking Fee - ₱ 1,800.00 /year and can be paid on quarterly and monthly basis.
- b. Filing Fee - ₱ 500.00 per unit
- c. Filing Fee for the amendment of MTOP - ₱ 200.00

SECTION 13. DRESS CODE FOR DRIVERS OF MOTORIZED TRICYCLES-FOR-HIRE

Drivers of the motorized tricycle-for-hire are required to wear T-shirt/polo shirt, pants and shoes when driving their respective tricycle units. Wearing of sleeveless shirts/ "sandos", short pants and slippers are strictly prohibited.

SECTION 14. TRICYCLE-FOR-HIRE ROAD WORTHINESS INSPECTION TEAM

The following are tasked to do the road worthiness inspection:

- a. Dumingag Municipal Police Station Traffic Division personnel
- b. Dumingag Task Force Ordinance Officer in Charge (OIC) or his representative
- c. Tricycle Operators Drivers Association (TODA) President or one of the officers

SECTION 15. INSPECTION FOR ROAD WORTHINESS

To effectively implement the provision of this ordinance, members of the Road Worthiness Inspection Team are directed to make actual inspection of the motorized tricycle-for-hire and afterwards, shall affix their signatures on the franchise application form after ascertaining the road worthiness of the tricycle.

All motorized tricycle-for-hire shall be inspected on the functionality of the following prior to the issuance/renewal of franchise, to wit;

- a. Color
- b. Brakes
- c. Brake Lights
- d. Head light
- e. Tail Lights
- f. Signal Lights
- g. Horn

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h. Side Mirror

i. Clean windshield, no sticker in the windshield or things in the dashboard that will obstruct the view of the driver

j. Tricycle Body Condition (flooring, roofing, seats and others)

k. Tire Condition

l. Trash Can

m. Painting/Sticker containing the names, pictures, addresses and contact numbers of operator and driver

n. Mufflers

o. Hold bars for Senior Citizen and Person with Disabilities (PWD)

p. Metal railings or its functional equivalent on all passenger sides

q. Light inside the tricycle

r. No smoking sign

Task Force Ordinance/traffic enforcers and Dumingag Municipal Police personnel are mandated to perform a random inspection of all motorized tricycles-for-hire after the issuance of a franchise and business permit to ensure the safety of the riding public and the compliance of the provisions of this Ordinance.

SECTION 16. TRICYCLE DRIVERS

Every driver of a motorized tricycle-for-hire unit must register with the Office of the Municipal Mayor and will be issued an identification card for a nominal fee, the amount of which will be determined by the same office. The ID card shall bear the signature of the Municipal Mayor and must be carried at all times while operating the tricycle-for-hire unit.

SECTION 17. CARRYING CAPACITY

Each motorized tricycles-for-hire unit shall carry only the maximum allowable number of passengers including the driver as provided by law.

SECTION 18. FARE MATRIX / TARIPA

There shall be a fare matrix that will be used by the tricycles-for-hire in Dumingag. In accordance with national laws, a twenty percent (20%) discount shall be granted to senior citizens, persons with disabilities and students. This ordinance shall explicitly outline the discounted rates for these eligible groups, ensuring their fair implementation and adherence.

Any deviation from the stipulated fare rates, including failure to apply the mandated twenty percent discount for senior citizens, persons with disabilities, and students, shall be considered a violation.

FARE MATRIX

Features:

Minimum Fare: ₱ 15.00 (First Kilometer)

Succeeding kilometer or a fraction thereof: ₱ 2.00

Poblacion Area: Minimum Fare

20% Fare Discount for Students, SC and PWD

Discounted Fares are rounded off

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Destination	Distance (km.)	Regular Fare	20% Discounted Fare (SC, PWD, Students)
	7.0	27	22
Bag-ong Valencia	9.1	33	26
Bucayan	4.8	23	18
Bontungan	9.5	33	26
Calumangi	17.0	47	38
Caridad	2.1	19	15
Cemetery (Lo. Landing)	2.49	19	15
Curvada	0.89	15	12
Dapiwak Centro Junction	11.0	35	28
Dapiwak Barangay Site	13.7	41	33
Ditulan Purok 1 & 2	7.5	29	23
Ditulan Boundary Licabang	10.0	33	26
DNHS -SHS	2.77	19	15
DNHS - JHS	1.16	17	14
Dulop Chapter	19.6	53	42
Dulop Parke	20.0	53	42
Dulop Boundary Siayan	18.6	51	41
Guintananan	12.0	37	30
Guitran	2.74	19	15
Dumingag Country Homes	1.52	17	14
JHCSC	0.94	15	12
Kalubian 1	1.2	17	14
Kalubian 2	1.1	17	14
La Fortuna Purok 2	11.3	37	30
La Fortuna Barangay Hall	12.5	39	31
Libertad	2.1	19	15
Licabang	12.6	39	31
Lower Landing	1.53	17	14
Lunas	3.48	21	17
Mahayahay	4.4	23	18
Maliyo Sentro	2.3	19	15
Maliyo beyond church	2.7	19	15
Manlabay	6.98	27	22
Maralag	4.0	21	17
Maralag Lawis	5.0	23	18

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Marangan	7.11	29	23
Nawasa	1.55	17	14
New Basak	3.0	19	15
San Juan	18.4	51	41
San Vicente Centro	9.63	33	26
Senote	12.5	39	31
Slaughterhouse	1.1	17	14
Tumoy	2.4	19	15
Upper Landing	1.52	17	14
Upper Timonan Centro	4.48	23	18
Upper Timonan Purok 5,6	5.13	25	20
Lower Timonan Purok 1	4.8	23	18
Lower Timonan Tulay P	6.16	27	22
Lower Timonan Purok 7	8.0	29	23

SECTION 19. IMPLEMENTATION

The Office of the Municipal Mayor shall primarily oversee the implementation of this Ordinance, while the Dumingag Municipal Police Station and the Task Force Ordinance/Traffic Enforcers will be responsible for its enforcement.

SECTION 20. PENALTIES

Tricycle-for-hire operators/drivers, who violate, disobey, refuse, omit or neglect to comply with the provisions of this ordinance shall be meted with the following penalties:

- First Offense - a fine of one thousand pesos (₱ 1,000.00)
- Second Offense - a fine of one thousand five hundred pesos (₱ 1,500.00)
- Third Offense - a fine of two thousand five hundred pesos (₱ 2,500.00) and revocation of franchise
- Colorum tricycles, overcharging (non-compliance to the fare matrix), overloading and over speeding - a fine of two thousand pesos (₱ 2,000.00) for every violation.

SECTION 21. SEPARABILITY CLAUSE

If any portion of this ordinance is declared invalid or unconstitutional, other portions hereof not affected by such declaration shall remain in full force and effect.

SECTION 22. REPEALING CLAUSE

Any portion of an ordinance, order or memorandum of local effect inconsistent with the provision/s of this ordinance is hereby repealed or modified accordingly.

SECTION 23. EFFECTIVITY CLAUSE

This Ordinance shall take effect upon approval and compliance with the mandatory posting and publication requirement, as prescribed under Republic Act No. 7160, otherwise known as the "Local Government Code of 1991."

Enacted: December 18, 2023

SANGGUNIANG BAYAN MEMBERS:

Hon. Julius G. Jamero

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Hon. Efren A. Costanilla

Hon. Kirby Tracy V. Estillore

ABSENT

ABSENT

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED

EDGARDO G. JAMERO
Presiding Officer/Municipal Vice Mayor

APPROVED: January 23, 2024

GERRY T. PAGLINAWAN
Municipal Mayor

I hereby certify that the foregoing Ordinance is true and correct.

JESSIE D. PALON
Secretary to the Sanggunian