



Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Dumungag
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OFFICE OF THE SB SECRETARY

FOR THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF DUMUNGAG, ZAMBOANGA DEL SUR, HELD AT THE MUNICIPAL SESSION HALL ON DECEMBER 16, 1996.

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PRESENT:

Hon. Edgardo G. Janero,	Vice Mayor, Presiding Officer
Hon. Narciso Pascalioga, Jr.,	SB MEMBER
Hon. Gaspar Tangalin,	-do-
Hon. Felipe Robles,	-do-
Hon. Eddie Duma,	-do-
Hon. Edman Achil,	-do-
Hon. Nellie Geographia,	-do-
Hon. Innocencio Samillan,	-do-
Hon. Allan Angasa,	-do-

ABSENT:

Hon. Libertine Rotes,	-do-
Hon. Jovenio Bono,	-do-

ORDINANCE NO. 29, S. 1996

" AN ORDINANCE GOVERNING THE FRANCHISING/LICENSEDING AND REGULATION OF MOTORIZED TRICYCLE AND MOTOROLA SERVICE OPERATION IN THE MUNICIPALITY OF DUMUNGAG AND IMPOSING CHARGES FOR LEGALIZATION AND PENALTIES FOR VIOLATION THEREOF." (NACAWAD GEOGRAPHIA and NACAWAD ACHIL)

Be it ordained by the Sangguniang Bayan of Dumungag, Zamboanga del Sur in session assembled:

ARTICLE I - T i t l e

SECTION 1 - This ordinance shall be known as the "DUMUNGAG MOTORIZED TRICYCLES AND MOTOROLA ORDINANCE OF 1996."

ARTICLE II - SCOPE OF APPLICATION

SECTION 2. This ordinance shall apply to all motorized tricycles and motorola within the territorial limits or jurisdiction of the Municipality of Dumungag, Province of Zamboanga del Sur.

ARTICLE III - DEFINITION OF TERMS

SECTION 3. As used in this Ordinance, the following terms shall mean:

- A. MOTORIZED TRICYCLE - a three-wheeled motor vehicle composed of a two-wheeled motorcycle with a single-wheeled cab.
- B. MOTOROLA - a four-wheeled motor vehicle composed of a two-wheeled motorcycle with a two-wheeled cab which tires thereof are same as tires of motorized tricycles.
- C. PUBLIC MOTORIZED TRICYCLE/FOR HIRE - motorized triaycle rendering services to the public for a fee.
- D. PUBLIC MOTOROLA/FOR HIRE - a motorola rendering services to the public for a fee.
- E. MOTORIZED TRICYCLE OPERATORS PERMIT (MOTOP) - is a document granting franchise or permit to operate a motorized triaycle for hire on terms specified therein, issued to a person whether natural or juridical.
- F. MOTOROLA OPERATORS PERMIT (MOP) - a document granting franchise or permit to operate a motorola for hire on terms specified therein, issued to a person whether natural or juridical.

3. ZONE - a contiguous area or territorial limitation such as barangay where a motorized tricycle or motorcycle for hire may operate without a fixed origin or destination.

ARTICLE IV - ORGANIZATION & IMPLEMENTATION

Section 4. The Office of the Municipal Mayor is tasked to implement the provisions of this Ordinance through the Motorized Tricycle and Motorcycle Regulatory Unit (MTMRU), to be created by the Municipal Mayor and shall have the following composition and duties:

A. COMPOSITION

1. One MTMRU Head/In-charge
2. One MTMRU Service/Record Clerk

B. DUTIES

1. Enlist motorized tricycle and motorcycle for hire operating within the territorial jurisdiction of the Municipality of Davao.
2. Attend to the documentation for the registration and application for franchise of all motorized tricycles and motorcycle intending to operate on hire basis.
3. Submit all processed application papers for Motorized Tricycle and Motorcycle Operators Franchise, with all the supporting prescribed documents, to the Sangguniang Bayan through the Motorized Tricycle and Motorcycle Regulatory Board (MTMRB) for approval.
4. Perform such other duties as may be prescribed by the Sangguniang Bayan.

ARTICLE V - MOTORIZED TRICYCLE AND MOTORCYCLE REGULATORY BOARD

Section 5. The Motorized Tricycle and Motorcycle Regulatory Board (MTMRB) under the Sangguniang Bayan is hereby created with its composition, powers and authority, to wit:

A. COMPOSITION

- | | | |
|---|----|----------|
| 1. Chairman of Committee on Transportation | .. | Chairman |
| 2. Chairman of Committee on Ways and Means | .. | Member |
| 3. Chairman of Committee on Barangay Affairs | | |
| or APC President | .. | -do- |
| 4. Members of Committee on Transportation | .. | -do- |
| 5. Chief/Head of MTMRU | .. | -do- |
| 6. President of Motorized Tricycle and Motorcycle Drivers'/Operators' Association | .. | -do- |
| 7. NGO representative to be determined by the Sangguniang Bayan | .. | -do- |

B. POWERS AND AUTHORITY

1. Issue, amend, revise, suspend or cancel Motorized Tricycle Operator's Permit and Motorcycle Operators Permit and prescribe the appropriate terms and conditions thereof.
2. Prescribe and regulate zones or service areas in coordination with the Sangguniang Barangay of the area affected.
3. Establish and prescribe the conditions and qualifications of service.
4. Recommend to the Sangguniang Bayan the readjustment of fares and or rates of the services for the different zones as well as the fees and other regulatory fees and charges in connection with the operation of the motorized tricycle and motorcycle for hire.
5. Perform such other powers and authority as may be prescribed by the Sangguniang Bayan.

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Section 6. The Secretary of the Sangguniang Bayan shall provide the secretarial support and assistance to the Board.

**ARTICLE VI - MOTORIZED TRICYCLE AND MOTOROLA
REGULATORY UNIT REGISTRATION**

Section 7. All public motorized tricycles and motorola for hire operating within the territorial jurisdiction of the municipality shall enlist with the Motorized Tricycle and Motorola Regulatory Unit (MTRU), and apply for a franchise with the Sangguniang Bayan through the Motorized Tricycle and Motorola Regulatory Board (MTRB) created for the purpose, to operate a motorized tricycle or motorola for hire.

Section 8. Applicants for franchise of motorized tricycle and motorola shall present the following documents.

- A. Community Tax Certificate
- B. Certificate of Residence issued by the Pambang Barangay or copy of latent voter's registration/affidavit.
- C. Certificate of Registration of motorcycle with official receipt issued by the Land Transportation Office (LTO), in the name of the applicant.

ARTICLE VII - DURATION OF FRANCHISE

Section 9. The franchise for motorized tricycle and motorola for hire shall be valid for two (2) years, renewable for the same period.

ARTICLE VIII - FEES AND CHARGES

Section 10. Applicants/Motorized Tricycle and Motorola Operators Permit holders shall pay the following fees and charges:

- A. Filing Fee per unit P 100.00
- B. Annual Supervision Fee per unit P 50.00
The Schedule of collection of which shall be in accordance with the schedule of the LTO registration and renewal of motorized tricycle and motorola based on the last digit of the licensed plate number. Failure to pay the said fee as scheduled, fifty (50%) surcharge shall be incurred to the operator of the motorized tricycle or motorola in question.
- C. Business Permit P 300.00.
Payable on or before the 20th day of January of each year.
- D. Filing fee for substitution of unit P 50.00
- E. Filing fee for dropping of unit P 50.00
- F. Filing fee for petition of fare rate increase . . . P 150.00
- G. Filing fee for petition for change of route P 150.00

Section 11. In case of substitution, the MTRB OR MTR holders shall only enjoy the unexpired portion of the validity of the MTRB or MTR.

**ARTICLE IX - APPROVED MOTORIZED TRICYCLE AND
MOTOROLA OPERATORS' PERMIT/FRANCHISE**

Section 12. All motorized tricycles and motorola covered by an approved MTRB or MTR/franchise shall be registered with the Land Transportation Office as "FOR HIRE," to be able to secure the appropriate Plate Number for the operation.

**ARTICLE X - RENEWAL OF FRANCHISE/MOTORIZED TRICYCLE
AND MOTOROLA OPERATORS' PERMIT**

Section 13. Approved Franchise/MTRB or MTR is renewable every after

two years (2) from the date of issuance for the same period.

Section 14. A surcharge of twenty five percent (25%) of the Franchise Fee shall be collected from the operator with expired franchise/MTCP or MCP who will apply for renewal.

ARTICLE XI - ZONING, COLOR CODING AND BODY NUMBERING

Section 15. There shall be a color coding scheme for all motorized tricycles and motorels for hire to be assigned by the MTMRU and which shall be adopted to identify their area of operation.

Section 16. Motorized tricycles and motorels for hire shall bear a body number to be controlled by the Motorized Tricycle and Motorela Regulatory Unit.

Section 17. MTCP or MCP/Franchise holder shall paint the corresponding MTMRU Case Number on the frontside, rear side and inside of the unit which shall not be less than two (2) inches high. The MTMRU Control Number shall likewise be painted on the frontside and rear side of the unit just below the MTMRU Case Number, which shall not be less than four (4) inches high in red color on a white background.

ARTICLE XII - ROUTES, TERMINAL AND AREA OF OPERATIONS/DRIVER'S ID

Section 18. Only motorized tricycles and motorels duly listed with the Sangguniang Bayan through MTMRU and MTMRB shall be allowed to operate within the routes and terminal allotted for motorized tricycles and motorels operations as determined and authorized by the Sangguniang Bayan in coordination with the MTMRB, MTMRU, Barangay Officials and appropriate government agencies concerned.

Section 19. There shall be an identification (ID) card for every driver of motorized tricycle and motorela for hire which shall be issued by the MTMRU duly signed by the MTMRU Chairman and Municipal Mayor. The ID card shall be displayed in a conspicuous part inside the sidecar/cab. Expenditures therefore in the production of ID CARDS shall be charged to the driver/s.

ARTICLE XIII - RULES AND REGULATIONS

Section 20. Only Filipino citizens and partnership, corporation and association with Filipino equity are qualified to be operators of motorized tricycles or motorels for hire. However, no MTCP or MCP must be granted unless the applicant is in possession of unit/s with valid registration documents duly issued by the Land Transportation Office (LTO).

Section 21. Grantees of MTCP or MCP must be covered by a common carriers insurance sufficient to answer any liability it may incur to passengers and third parties in the event of an accident.

Section 22. No motorized tricycle or motorela for hire shall be allowed to operate within the territorial jurisdiction of the municipality without having first complied with the following:

- A. Enlistment with MTMRU
- B. Valid/Current LTO Registration
- C. Annual Safety Inspection/Check-up by LTO
- D. Issuance of MTCP or MCP
- E. Insurance Coverage

Section 23. No motorized tricycle or motorela for hire shall be allowed to operate beyond its designated or allowed area of operation except in extreme emergencies involving the preservation of life and/or property.

Section 24. No motorized tricycle or motorela for hire shall be allowed to carry more passengers and/or commodities than it is designed for.

Section 25. Public motorized tricycle and motorela for hire are not allowed to collect more than the prescribed fare rates.

Section 26. No driver of motorized tricycle and motorela for hire shall refuse to convey passengers or riding individuals to their respective destinations within their allocated or designated routes or area of operation, except for valid and justifiable cause/reason.

Section 27. Public motorized tricycles and motorela for hire are not allowed to operate without the prescribed color scheme, body number and other prints as provided for in Sections 15, 16 and 17, Article XI of this Ordinance.

Section 28. Any operator opting to transfer to another zone or area of operation shall be allowed only upon application for change of route and payment of the prescribed fee in accordance with Section 10 (3), Article VIII of this ordinance.

Section 29. Operators shall only employ drivers with valid and appropriate Professional Driver's License duly issued by the Land Transportation Office.

ARTICLE XIV - OTHER PROVISIONS

Section 30. The MEMRO shall furnish the Sangguniang Bayan through the MEMRO records of motorized tricycles and motorela for hire and their respective operators as well as the routes allowed or designated for motorized tricycles and motorela for appropriate action and/or disposition.

ARTICLE XV - PENAL PROVISIONS

Section 31. Except those falling within the purview of the RA 4136 and other related laws of national applications, violations of the pertinent provisions of this Ordinance shall be penalized by paying a fine of not less than ONE HUNDRED PESOS (P100.00) but not more than FIVE HUNDRED PESOS (P500.00) or an imprisonment for a period not exceeding one (1) month or both at the discretion of the court.

ARTICLE XVI - SEPARABILITY CLAUSE

Section 32. If any part or provisions of this Ordinance may be declared invalid or unconstitutional, the remaining portions not affected thereby shall remain valid and enforceable.

ARTICLE XVII - REPEALING CLAUSE

Section 33. Any existing ordinance or parts thereof which are inconsistent with this Ordinance are hereby modified, repealed or superseded accordingly.

ARTICLE XVIII - EFFECTIVITY

Section 34. This Ordinance shall take effect after the review by the Sangguniang Panlalawigan and fifteen (15) days posting at the entrance of the municipal hall and two (2) conspicuous places of this municipality.

ENACTED NOVEMBER 16, 1996.

ATTESTED:

A. R. JENTILONE
SB Secretary

APPROVED:

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DOMECIANO E. REAL
Municipal Mayor

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CERTIFIED CORRESPOND:

EDUARDO G. JENTILONE
Vice Mayor, presiding