



Republic of the Philippines
Province of Bohol
Municipality of Buenavista

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BUENAVISTA, BOHOL HELD ON JULY 2, 2018 AT THE MUNICIPAL SESSION HALL.

PRESENT: Hon.Ma. Christine C. Torregosa - Vice Mayor, Presiding Officer
 Hon. Rena S. Erojo - SB Member
 Hon. Elsa G. Tirol - SB Member
 Hon. Romeo B. Aparece - SB Member
 Hon. Martin B. Nuñez, Jr. - SB Member
 Hon. Federico S. Pacaldo - SB Member
 Hon. Rene G. Mero - SB Member
 Hon. Artemio C. Lopez - SB Member
 Hon. Artemio G. Membreve -Ex-Officio Member, ABC Pres.
 Hon. Phildon Lowell A. Torregosa -Ex-Officio Member, SKF Pres.

ABSENT: NONE

MUNICIPAL ORDINANCE NO. 7
Series of 2018

AN ORDINANCE REGULATING THE OPERATION OF TRICYCLE AND GRANTING OF FRANCHISE FOR THE OPERATION WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY AND IMPOSING FEES AND PROVIDING PENALTY FOR VIOLATION THEREOF”.

Sponsored: Hon. Rena S. Erojo
Co – Sponsor: Atty. Martin B. Nuñez, Jr.

WHEREAS, the 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;

WHEREAS, an increasing number of Tricycle for Hire is now operating within the territorial jurisdiction of Buenavista, Bohol;

WHEREAS, this measure was crafted in recognition of the role of the tricycle as the primary mode of public transport in our locality;

WHEREAS, the regulation of the operation of tricycles and the granting of franchises in relation thereto are being carried out by the LGUs through the Sangguniang Bayan, subject to the guidelines prescribed by the Department of Transportation (DOT);

Municipal Ordinance No. 7 (2) –

NOW, WHEREFORE, be it ordained by the Sangguniang Bayan in session duly assembled that;

SECTION 1. TITLE.

This Ordinance shall be known as “AN ORDINANCE REGULATING THE OPERATION OF TRICYCLE AND GRANTING OF FRANCHISE FOR THE OPERATION WITHIN THE TERRITOTIAL JURISDICTION OF THE MUNICIPALITY AND IMPOSING FEES AND PROVIDING PENALTY FOR VIOLATION THEREOF”.

SECTION 2. PURPOSE.

1. To regulate and grant franchises of tricycle for hire operating within the municipality of Buenavista, Bohol.
2. To legitimize and recognize the role of tricycle as a principal mode of public transport in the municipality.
3. To create additional source of local income of the local government unit of Buenavista, Bohol.
4. 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 3. – DEFINITIONS OF TERMS.

1. Tricycle - for – hire is a motor vehicle composed of a motorcycle fitted with a single wheel sidecar or a motor vehicle with three (3) wheels operated to render transport services to the general public for a fee.
2. Motorized Tricycle Operator’s Permit (MTO) - is the document granting franchise or license to operate issued to a person, natural or juridical, allowing him to operate Tricycle for Hire over the whole territorial jurisdiction of the municipality with or without a fixed origin and destination.

SECTION 4. – CLASSIFICATION.

There shall be one classification of tricycles – for – hire, which shall be allowed to operate in the municipality of Buenavista, Bohol, that is;

1. Tricycle – for – hire – it is Tricycle for Hire composed of motorcycle with attached sidecar supported by one wheel.

SECTION 5. MODE OF GRANTING FRANCHISE.

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

1. The applicant must be a resident of the municipality. He/she must secure a barangay certification attesting his residency in the said barangay.

Municipal Ordinance No. 7 (3) –

2. The applicant shall apply for a Motorized Tricycle Operator's Permit and comply with all necessary requisites to be allowed to operate tricycles - for - hire, such as, but not limited to, filled up Application Form, Barangay Clearance, Mayor's Permit, Certified Photocopy of Certificate of Registration of Motorcycle, Driver's License, Official Receipt of the payment in the Municipal Treasurer's Office, and the prescribed color which is Blue and Red of the Tricycle.
3. The head or person in charge of the Municipal's Permit shall forward to the Sangguniang Bayan the list of the persons who applied and complied with the requirements to operate a tricycle – for – hire and are ready for granting a franchise by the Sangguniang Bayan.
4. 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 “Motor Tricycle Operator's Permit” (MTO).

The Sangguniang Resolution shall contain the names of the person or persons where application for franchise is approved or disapproved and the date of effectivity and expiration of the franchise, and all other conditions necessary.

SECTION 6. – GROUNDS FOR DISAPPROVAL OR REVOCATION OF FRANCHISE.

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

1. Making false statements and information in the application.
2. When, upon inspection, the tricycle unit is found to be not road worthy as a passenger vehicle.
3. When the operator of the tricycle is not duly licensed to drive by the Land Transportation Office (LTO).
4. Violation of the authorized passenger carrying capacity of the Tricycle for Hire.
5. Refusal to convey passenger.
6. None compliance of color code of the body of the tricycle – for- hire which is Blue and Red.
7. No valid Motor Tricycle Operator's Permit.

SECTION 7. – FRANCHISE CERTIFICATE.

A “Motor Tricycle Operator's Permit” (MTO) or Franchise Certificate shall be issued to the applicant whose franchise application has been approved by the Sangguniang Bayan. The Secretary of the Sangguniang shall forward to the Executive Office all approved and issued MTO or Franchise Certificate for proper implementation and execution. The MTO shall be displayed in the tricycle unit together with the Mayor's Permit.

SECTION 8. – FRANCHISE NUMBER.

The word “Buenavista” shall be written just below the franchise number of the tricycle unit as well as the resolution number granting the franchise as provided in Section 3 hereof. The body number shall be printed clearly at the bottom part of the tricycle unit.

Municipal Ordinance No. 7 (4) –

SECTION 9. FEES.

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

- 1.) MTOP Fee - P1,000.00
- 2.) Driver's ID - P100.00

SECTION 10. – TRICYCLE DRIVERS.

Every tricycle driver of a tricycle unit shall be registered with the Office of the Treasurer and shall be issued an identification card for a minimal fee as stated in Section 9. It will always be carried along when operating the tricycle. He shall wear shirt, pants and shoes while on duty and shall practice good grooming at all times.

SECTION 11. – COLOR CODE OF TRICYCLE FOR HIRE.

The body color of all tricycle units shall be “Blue and Red” for identification purposes.

SECTION 12. PROHIBITION.

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. Playing of music, listening over the radio, using cellular phone, and the likes are prohibited while driving.

SECTION 13. – EFFECTIVITY OF FRANCHISE.

The franchise granted, unless earlier revoked or otherwise provided for by the Sangguniang Bayan, shall be effective for a period of one (1) year renewable every one (1) year thereafter. The franchise shall be non-transferable except with the consent of the Sangguniang Bayan.

SECTION 14. – LIMITATION.

Every person/franchise shall be limited up to three (3) units only.

SECTION 15. – CARRYING CAPACITY.

Each unit shall carry a maximum number of passengers including the driver as provided by law.

SECTION 16. – WAITING AREA.

Each barangay shall identify a waiting area/space for the operators of tricycle units.

SECTION 17. – FARE.

The rates of fare for tricycles are based on the approved fare set by the LTFRB.

SECTION 18. PENALTY.

Any person who will operate a Tricycle for Hire in the Municipality of Buenavista without a valid franchise shall pay a penalty of:

- a.) First Offense - fine of P2,000.00
- b.) Second and Succeeding Offenses - fine of P2, 500.00 or imprisonment of not more than (3) months at the discretion of the court.

Municipal Ordinance No. 7 (5) –

offense, Two Thousand Five Hundred Pesos (P2, 500.00) for the second and subsequent offenses or an imprisonment at the discretion of the court.

SECTION 19. – EFFECTIVITY.

This ordinance shall take effect after the approval from the SangguniangPanlalawigan and publication of three (3) circulation of local newspaper.

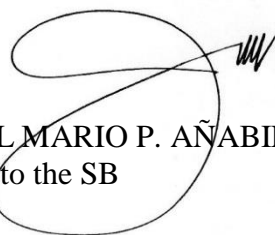
“UNANIMOUSLY APPROVED”

I hereby certify to the correctness of the above- quoted ordinance.



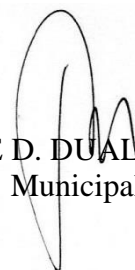
MA. CHRISTINE C. TORREGOSA
Vice Mayor and Presiding Officer

ATTESTED:



JOURDEL MARIO P. AÑABIEZA
Secretary to the SB

APPROVED:



DAVE D. DUALLO
Municipal Mayor