



EXCERPT FROM THE MINUTES OF THE CY 2024 – 22nd REGULAR SESSION OF THE HONORABLE SANGGUNIANG BAYAN TIGBAUAN, ILOILO HELD AT THE S.B. SESSION HALL, TIGBAUAN MUNICIPAL BUILDING ON MAY 29, 2024 AT 9:40 IN THE MORNING

PRESENT:

HON. LUGEN T. ORTILANO,	-	Vice Mayor & Presiding Officer
HON. JOEL L. SAYSON	-	SB Member & Temp. Pres. Officer
HON. ADRIAN S. CAMPOSAGRADO	-	SB Member
HON. NERI T. CAMIÑA	-	SB Member
HON. REYNALDO E. TUMABOTABO	-	SB Member
HON. JULIUS T. LEDESMA	-	SB Member
HON. NORBERTO T. TURALBA	-	SB Member
HON. JERRY T. TUARES	-	SB Member
HON. ANA ROWENA A. PERERA	-	SB Member
HON. GAYLORD T. TRASPORTO	-	Liga President

OFFICIAL BUSINESS: *(To attend meeting of the Linggo Ng Mga Kabataan at the Iloilo Provincial Capitol, Iloilo City, May 29, 2024)*

HON. FLORENCE JOY V. CABALONGA - SKMF President

MUNICIPAL ORDINANCE NO. 2024-007

AN ORDINANCE AUTHORIZING TRICYCLES, TO USE THE NATIONAL HIGHWAY AS AN EXEMPTION TO THE GENERAL PROHIBITION, PROVIDING GUIDELINES FOR ITS IMPLEMENTATION AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF

Introduced by: HON. NORBERTO T. TURALBA, Chairman, Committee on Transportation

Moved by: Hon. Julius T. Ledesma

Sponsored by: Committee on Transportation

Seconded by: Hon. Adrian S. Camposagrado, Hon. Neri T. Camiña, Hon. Reynaldo E. Tumabotabo, Hon. Julius T. Ledesma and Hon. Gaylord T. Trasporto.

WHEREAS, it is the policy of the State to ensure the implementation of an efficient and reliable public transport system as a vital component of economic development, and as a program that will serve the public's transportation needs;

WHEREAS, House Bill No. 9073, otherwise known as “An Act Providing for the Regulation of Tricycles, Institutionalizing Mechanisms for its Implementation and for Other Purposes”, provides that for safety reasons, no tricycle shall operate on national highways utilized by four wheel vehicles greater than four tons and where normal speed exceed 40 kilometers per hour, except to cross the same;

WHEREAS, Memorandum Circular 2020-036 of the Department of the Interior and Local Government (DILG), dated February 17, 2020 provides the creation of a Task Force in every City and Municipality prohibiting Tricycles, Pedicabs, and Motorized Pedicabs from operating on National Highways;

WHEREAS, pursuant to Republic Act No. 7160 of the Local Government Code, Chapter I, Section 3 (g), “The capabilities of local government units, especially the municipalities and barangays shall be enhanced by providing them with opportunities to participate actively in the implementation of National Programs and Projects;”

WHEREAS, there is a need to organize a team of individuals who will be in charge of all matters pertaining to the public transport routes in the Municipality of Tigbauan, Province of Iloilo, including the crafting of the Tricycle Route Plan and ensuring that all plans, programs, projects, ordinances, orders, and other issuances are in accordance with the DILG Memorandum Circular No. 36-2020;

SECTION 1. TITLE. This Ordinance shall be otherwise known as, "An Ordinance Authorizing Tricycles, To Use the National Highway As An Exemption To The General Prohibition, Providing Guidelines For Its Implementation And Imposing Penalties For Violation Thereof."

SECTION 2. STATEMENT OF POLICY. For safety reasons, no tricycles, should operate on national highways utilized by 4-wheel vehicles greater than 4 tons and where normal speed exceed 40 kph.

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

- a. Tricycle - a motor vehicle composed of a motorcycle fitted with a single-wheel side car or bicycle with a two-wheel cab, motorized or electric, operated to render transport services to the general public.
- b. Citation Ticket - is a form issued to person/s violating any municipal ordinance of the municipality in lieu of arrest and/or prosecution, among other things, it notifies the offender/s on the particular infraction of the ordinance he/she violated and also advices him/her to appear before the Chief of Police for appropriate disposition of the case. This ticket shall be issued by a person authorized to issue a citation ticket.

SECTION 4. CREATION AND FUNCTION OF THE TRICYCLE ROUTE PLAN TASK FORCE. There is hereby created a **Tricycle Route Plan Task Force** in the Municipality of Tigbauan, Province of Iloilo that will focus on the formulation and updating of the Route Plans for **tricycles**, of the municipality.

SECTION 5. COMPOSITION. The **Tricycle Route Plan Task Force** shall be composed of the following.

- | | | |
|------------------|---|--|
| Chairman | - | Municipal Mayor |
| Vice Chairman | - | PNP Chief |
| Members | - | SB Chairman of the Committee on Transportation,
SB Chairman of the Committee on Communication,
Water and
Energy |
| | - | Liga ng mga Barangay Federated President |
| | - | Head of the Tricycle Regulatory Board |
| | - | Head of the Department of Public Order and Safety |
| | - | Municipal Planning and Development Officer |
| | - | Head of the Traffic Management Office |
| | - | Municipal Local Government Operations Officer |
| | - | Municipal Disaster Risk Reduction and Management
Officer |
| Resource Persons | - | Representatives from the Land Transportation Office and
the
Land Transportation Franchising and Regulatory Board |
| Secretariat | - | Municipal Legal Officer or the Municipal Administrator |
| | - | Franchising Officer -Designate |

SECTION 6. DUTIES AND FUNCTIONS OF THE TASK FORCE. The Tricycle Route Plan Task Force shall perform the following functions, duties and responsibilities:

- A. Conduct meetings, public consultations and hearings with stakeholders, and survey/ocular inspection of the zone/area of tricycle operations with special focus on the following:
 - 1) Rationalizing the authorized routes of all tricycles to ensure that they are banned from the national highway, in time when the infrastructure support is completely in place;
 - 2) Identification of national roads; and

- 3) Determination of the portions of the national highway presently used or proposed to be traversed by tricycles only if there are no alternative routes available.
- A. Draft a Tricycle Route Plan (TRP). The Tricycle Route Plan Task Force shall formulate a Tricycle Route Plan which shall be the basis for the enactment of an ordinance. The Tricycle Route Plan shall contain the following:
- 1) SCHEMATIC MAP clearly showing the following:
 - a) All the location of tricycle terminals and tricycle routes authorized by the LGU;
 - b) The national highways of the LGU which is utilized by four (4) wheel vehicles greater than four (4) tons and where normal speed exceed forty (40) kph; and
 - 2) Review and recommend an updated Route Plan to the Sangguniang Bayan on applicable policies to improve the implementation of this ordinance that will eventually ban the use of the national highway by Tricycles for safety purposes.

c) Portion(s) of the national highway allowed to be used by tricycles for lack of alternative route.

SECTION 7. TRICYCLE FRANCHISING AND REGULATORY BOARD. There shall be created the Tricycle Franchising and Regulatory Board to be composed of the following:

Chairman	-	SB Chairman, Committee on Transportation
Vice Chairman	-	SB Vice Chairman, Committee on Transportation
Members	-	Members, SB Committee on Transportation

SECTION 8. DUTIES AND FUNCTIONS. The Tricycle Franchising and Regulatory Board shall have the duties and functions, as follows:

- 1) Supervises the (i) processing of applications for tricycle franchise forwarded or endorsed to the Tricycle and Franchising Regulatory Board (TFRB) for its recommendation and subject for approval by the Sangguniang Bayan; and (ii) issuance of Motorized Tricycle Operator's Permit (MTO) and (iii) annual renewal of Operator's Permit thereafter, after actual inspection conducted by Board or its deputized officers.
- 2) Prepare inventory lists of all motorized and non-motorized tricycles for-hire operating within the municipality.
- 3) Study, develop and recommend Tricycle Zones or Routes, Route Measured Capacity (RMC); designation of Color Scheme, Body Number and Tricycle Terminals.
- 4) Apprehend and impound unauthorized tricycle operating for hire within the municipality.
- 5) Investigate and hear public complaints as well as the institution of remedial measures to the said complaints with regard to public tricycle operations within the municipality.
- 6) Prepare regular and special reports on the operations and supervision of Tricycle every month as well as the accomplishment report of the office every quarter. It shall furnish a copy of the said reports to the Sangguniang Bayan, Office of the Municipal Mayor, and Tricycle Associations.
- 7) In special or exceptional cases, the Municipal Mayor, thru the recommendation of the Board, may apply for deputization with the Land Transportation Office (LTO) authorizing the Philippine National Police or traffic enforcers or barangay officials, to apprehend erring tricycle drivers, confiscate driver's license, issue Citation Tickets or Ordinance Traffic Violation Receipt, and impound public tricycle.
- 8) Among other things, the Board may impound public tricycle and seize or confiscate license plate of public tricycle.
- 9) Implement color or number coding schemes or such other schemes intended to reduce the number of tricycles operating each day in each particular route.

- 10) Tricycle Association or franchise zones/route. Give recommendations to the Tricycle Associations of their findings and observations on traffic problems and compel the organization to enforce their transport rules on operation by the use of innovative ideas to reduce traffic impacts on public transport in their area of operation.
- 11) Observe and certify election of officers of the Tricycle Associations and their Federation in the municipality.
- 12) Require all Tricycle Associations to submit a list of its members or franchise holders every quarter.
- 13) Conduct information dissemination to raise awareness among residents and other motorists about the new Tricycle routes and the portions of the national highway traversed by the tricycles for lack of alternative route.

SECTION 9. GENERAL RULE - To ensure safety -

- 1) No Tricycles shall operate on the national highways utilized by 4-wheel vehicles greater than 4 tons and where normal speed exceeds 40 KPH; and
- 2) No Tricycles shall use the national highways for crossing and making U-turns.

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SECTION 10. EXEMPTION. Due to absence of alternative route, the portion/s of the National Highway of the Municipality of Tigbauan from Barangay Barroc to Barangay Buyuan, Barangay 5 Poblacion to Barangay Cordova Norte shall be allowed for tricycles as an exemption to the general rule, provided that they are issued a valid Operator's Permit from the Tricycle Franchising and Regulatory Board.

However, if the Infrastructure Development support or part thereof, as stated in the Tricycle Route Plan, has been materialized, the Tricycle Franchising and Regulatory Board shall refrain from the issuance of a Valid Operator's Permit.

SECTION 11. OUTERMOST LANE OF THE NATIONAL HIGHWAY FOR TRICYCLES. Tricycles are only allowed to traverse at the outermost lane of the National Highway. However, if portion/s of the outermost lane is obstructed, the tricycle, may use the inner lane of the National Highway.

SECTION 12. NO OVERTAKING OF TRICYCLES. Tricycles, are prohibited from overtaking other vehicles and must remain in a single file in the outermost lane of the road.

SECTION 13. SPEED LIMIT. Maximum of 40 kph shall be the speed limit for tricycles.

SECTION 14. TRICYCLE OPERATOR'S PERMIT AND FRANCHISE REQUIREMENTS. As provided for by the Tigbauan Transportation Code, the following are the requirements for the issuance of a Motorized Tricycle Operator's Permit (MTO) and Franchise

1. Duly Accomplished Application Form
2. Old MTO/Franchise for Verification/Confirmation/Authorization (Original)
3. Certificate from Route President(Original)
4. Barangay Clearance with RESIBO (Owner & Driver) (Original)
5. Photocopy (Xerox) of OR and CR
6. Stencil of Motor No. & Chassis No. (Original)
7. Two (2) Copies of Inspection Report from Tigbauan PNP (Original)
8. Photocopy (Xerox) Insurance
9. Photocopy (Xerox) Driver's License (Owner & Driver)
10. Picture of Tricycle with Municipal Plate & Body Plate attached in the unit
11. Payment Receipt from Treasurer's Office

SECTION 15. MINIMUM OPERATING CONDITIONS. The Tricycle Franchising and Regulatory Board or its deputized officers shall conduct actual inspection of tricycles for the issuance of Tricycle Franchising & Regulatory Board (TFRB) Clearance showing that the

tricycle unit is road worthy, as one of the requirements of the Tricycle Operator's Permit and Franchise to check on the following:

- 1) Body Number marked inside and outside the cab;
- 2) Hotline no marked inside the cab;
- 3) Basic LTO requirements (brakes, head lights, Tail Lights, signal lights, and horn);
- 4) Side Mirrors;
- 6) Color Code (to determine the tricycles with MTOP from those without MTOP);
- 7) Fare Tariff posted at the most conspicuous part of the tricycle;
- 8) A clean and covered garbage bin with a label "GARBAGE BIN" attached to the tricycle.

The minimum operating conditions also apply to Private units of Tricycles, upon application for permits.

SECTION 16. ISSUANCE OF MUNICIPAL PLATE. Those who have complied with the requirements and have secured a Tricycle Operator's Permit (TOP) shall be provided with a municipal PLATE to be displayed on their respective vehicles visibly.

SECTION 17. SIGNAGE INSTALLATION AND SAFETY MEASURES. (A) The Municipal Engineering Office shall take charge in the inspection of the outermost portions of the national highway for use of the tricycles and the installation of visible and appropriate signage, marks on lane and other safety feature to guide and protect all vehicles utilizing the national highway from all types of road obstructions.

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SECTION 18. LIMIT THE FRANCHISE ISSUED. Each operator is entitled to a maximum of five (5) MTOP under his/her name.

SECTION 19. VIOLATIONS AND PENALTIES. Any violation committed by the driver or operator of tricycles, shall be subject to the following penalties:

No head light	-	P 200
No signal Light	-	P 200
No Taillight	-	P 200
Use of inappropriate light	-	P 500
No Driver's License	-	P 1,000
No Proper Hygiene	-	P 100
Change lane when there is available lane-	P	150
No side mirrors	-	P 150
No shield	-	P 150
No garbage receptacles	-	P 150
Nuisance such as muffler, music	-	P 2,000
No body number/Failure to attach vehicle Plates-	P	1,000
Defective Accessories	-	P 500
Expired Franchise	-	P 500
Expired LTO OR	-	P 500
Expired Driver's License	-	P 500
Overloading	-	P 500

SECTION 20. APPROPRIATION. The Local Government Unit of Tigbauan shall identify the annual budget necessary or incidental to the implementation of this ordinance subject to the availability of funds and usual budgeting, accounting and auditing rules.

SECTION 21. REPEALING CLAUSE - Any ordinance, rule or regulation, or executive order which may be inconsistent herewith is hereby amended or repealed accordingly.

SECTION 22. SEPARABILITY CLAUSE - If for any reason, any part of provision of this Ordinance shall be held or declared to be invalid, other parts or provisions hereof which are not affected thereby shall continue to be in effect.

SECTION 23. EFFECTIVITY - This Ordinance shall take effect after complying with the requirements as to mandatory posting as provided for under Section 59 of RA 7160.

APPROVED.

CERTIFIED CORRECT:

MARLENE TAYO-NAVA
S.B. Secretary

ATTESTED:


JOEL L. SAYSON
S.B. Member & Temp. Pres. Officer

APPROVED:


ATTY. VIRGILIO T. TERUEL
Municipal Mayor

(Date signed)

HON. LUGEN T. ORTILANO
Municipal Vice Mayor

Sangguniang Bayan Members:

HON. ADRIAN S. CAMPOSAGRADO
HON. NERI T. CAMIÑA
HON. REYNALDO E. TUMABOTABO

HON. JULIUS T. LEDESMA, O.D.
HON. NORBETO T. TURALBA
HON. JERRY T. TUARES, C.E.
HON. JOEL L. SAYSON

HON. ANA ROWENA ARIAS-PERERA, R.N. M.A.N.
HON. GAYLORD T. TRASPORTO, LnB President
HON. FLORENCE JOY V. CABALONGA, PPSK President

"Public office is a public Trust. Public Officials must at all times be accountable to the people."





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