



Republic of the Philippines
Province of Iloilo
MUNICIPALITY OF BINGAWAN



SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 40TH REGULAR SESSION OF THE 13TH SANGGUNIANG BAYAN OF THE MUNICIPALITY OF BINGAWAN, PROVINCE OF ILOILO, HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON APRIL 5, 2017.

Present:

Hon. Matt P. Palabrica, Ph.D.	Vice Mayor/ Presiding Officer
Hon. Joy L. Quimba	SB Member
Hon. Jose C. Rabago, Jr.	SB Member
Hon. Lorens M. Belloga	SB Member
Hon. Nemesio A. Cachite	SB Member
Hon. Ted Peter P. Plagata	SB Member
Hon. Jofe C. Celeste	SB Member
Hon. Eduardo A. Dalipe	SB Member
Hon. Leovy C. Simora	SB Member
Hon. Perceval T. Girao	Ex-officio SB Member/Liga President

Absent:

None

MUNICIPAL ORDINANCE NO. 238
{Series of 2017}

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS IN THE ISSUANCE OF FRANCHISE TO TRICYCLES FOR HIRE IN THE MUNICIPALITY OF BINGAWAN, PROVINCE OF ILOILO.

Principal Sponsor: SB Member Leovy C. Simora

Co-Sponsor: Committee on Transportation and Communications and the Committee on Legal Matters, Privileges, Ordinances & Legal Matters

BE IT ORDAINED by the Sangguniang Bayan of the Municipality of Bingawan, Province of Iloilo that:

SECTION 1. DEFINITION OF TERMS. A tricycle-for-hire is a motor vehicle composed of motorcycle with a single wheel sidecar or motorcycle with two wheel rear cab. The former having a total of three wheels, which is operated to tender transport services to the general public for a fee.

Motorized Tricycle Operator's Permit or MTOP is the franchise document or license to operate issued to a person, natural or judicial, allowing him to operate a tricycle service over areas or zones specified therein.

A zone is a contiguous land area or block, subdivision or barangay where a tricycle may operate without a fixed origin and destination.

SECTION 2. SCOPE OF POWERS. The Sangguniang Bayan shall have the following powers and functions:

a. Issue, amend, revive, renew, suspend, or cancel MTOP and prescribe the appropriate terms and conditions therefore;

b. Determine, fix, and/or prescribe, and periodically adjust fares or rates relative to the service provided in a zone after public hearing;

c. Prescribe and regulate zones or areas of service in coordination with the barangay;

d. Fix, impose, collect, and periodically renew and adjust but not oftener than three (3) years, reasonable fess and other related charges in the regulation of tricycles; and

e. Establish and prescribe the conditions and quality of service.

SECTION 3. RULES OF ENTRY. Only Filipino citizens, partnership or corporations with sixty percent (60%) Filipino equity, are qualified to be tricycle operators. However, no MTOP shall be granted unless the applicant is in possession of units with valid registration papers from Land Transportation Office.

Holders of MTOP must carry a common carrier's insurance sufficient to answer for any liability it may incur to passengers in case of accidents.

SECTION 4. FARES. The fares shall be established a level that will provide the operator reasonable return of profit, and still be affordable to the general public.

The following schedule shall be the initial fare:

- Flat fee of Ten Pesos (P10.00) per passenger in a zone type of operation, where a zone is less than two kilometers (2 kms.) radius;
- A minimum fee of Ten Pesos (P10.00) plus Five Pesos (P5.00) per kilometer (km.) in excess of two kilometer (2 km.) distance;
- Fare privileges for the students, Persons with Disability (PWD), and elderly shall be imposed and minimum of Seven Pesos (P7.00) for the first two kilometers (2 km) shall be initially implemented plus Two Pesos (P2.00) for every kilometer thereafter.

The table of guiding maximum fares approved by the Sangguniang Bayan shall be posted prominently at the tricycle terminal and in a visible part of the vehicle.

SECTION 5. OPERATING CONDITIONS:

a. For safety reasons, no tricycles shall operate on national highways utilized by 4-wheeled vehicles greater than four (4) tons and where normal speed exceeds forty kilometers per hour (40 kph). Except if there is no other alternative path and only with the prior clearances of the appropriate traffic or highway engineer of the municipality;

b. Zones must be within the boundaries of the municipality. Where proposed zone has an origin in one municipality and destination in another, or has an intervening point outside its territory, the joint approval of the respective Sangguniang Bayan must be secured;

c. A common color shall be imposed on tricycle operating in the same zone. Each unit shall bear a unique identification number aside from its Land Transportation Office (LTO) registration plate;

d. An operator wishing to stop services completely, or to suspend service for more than one month, shall report such termination to the municipality. No operator shall be prevented from withdrawing from business of tricycles-for-hire. However, transfer into another zone may be permitted upon application.

e. The term of the MTOP is one (1) year, subject to renewal. It may be suspended or cancelled upon due hearing, by the Sangguniang Bayan. Transfer or ownership or zone shall be construed as an amendment to an MTOP and shall require appropriate approval of the Sangguniang Bayan;

f. Operators shall only employ drivers duly licensed by Land Transportation Office;

g. No tricycle should be allowed to carry more passengers and/or goods than it is designed for; and

h. In general, tricycle shall be allowed to operate like a taxi service, rendered upon its service demand and without a fixed route within a zone.

SECTION 6. ADMINISTRATIVE PROVISIONS. The Office of the Mayor shall issue such other rules and regulations in implementing this Ordinance.

SECTION 7. CREATION OF ROUTES.

- a. Poblacion Proper
- b. Poblacion-Maldespina-Quinangyana- Alabidhan and vice versa
- c. Poblacion-Maganhop-Inamyungan-Guinhulacan, Tapacon and vice versa
- d. Polacion-Inaquigan-Alabidhan, Quinar-upan, Ngingi-an, Agba-o, Cairohan and vice versa
- e. Poblacion-Cubay-Alabidhan, Quinar-upan, Ngingi-an, Agba-o, Cairohan and vice versa
- f. Poblacion – Bulabog and vice versa

SECTION 8. FRANCHISE FESS AND CHARGES. There shall be franchise and other charges/fees to be imposed to tricycle operators annually except of the time to be imposed only to new applicants as privilege fee (pursuant to Revenue Code):

a) Franchising Fee	P 500.00
b) Filing Fee per Unit (one-time payment)	500.00
c) Privileges Fee (new applicants)	200.00
d) Tricycle Inspection Fee	100.00

SECTION 9. PENAL PROVISIONS. Owners and operators of tricycles-for-hire operating within the municipality without a valid MTOP shall be fined the amount of One Thousand Pesos (P1,000.00) or imprisonment of three (3) months or both at the discretion of the court.

SECTION 10. REPEALING CLAUSE. This Ordinance repeals, modifies or amends any existing Ordinance inconsistent herewith.

SECTION 11. SEPARABILITY CLAUSE. If, for any reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 12. EFFECTIVITY - This ordinance shall take effect on the day following its posting in the bulletin board at the entrance of the Municipal Hall and in at least two (2) other conspicuous places in the municipality for a minimum period of three (3) consecutive weeks and after publication in a newspaper of general circulation in the Province of Iloilo.

ENACTED, this 5th of April 2017.


I HEREBY CERTIFY to the veracity of the above-quoted ordinance.

CERTIFIED CORRECT:




JULIO C. CASTIGADOR
SB Secretary

ATTESTED:



MATT P. PALABRICA, Ph.D.
Vice Mayor/ Presiding Officer

APPROVED:



MARK P. PALABRICA
Municipal Mayor

Signed on: 4-12-2017