

5TH City Council

EXCERPT FROM THE MINUTES OF THE 149TH REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE ISLAND GARDEN CITY OF SAMAL, DAVAO DEL NORTE HELD ON JUNE 4, 2013 AT THE SP SESSION HALL.

PRESENT :

Hon. Jaime A. Pichon,	SP Member, Presiding Officer Pro-Tempore
Hon. Richard A. Guindolman,	SP Member
Hon. Napoleon P.G. Villarica,	SP Member
Hon. Gaspar R. Valera,	SP Member
Hon. Glenn C. Colmenares,	SP Member
Hon. Teresita B. Antalan,	SP Member
Hon. Guillermo E. Olden,	SP Member
Hon. Isidro P. Requina, Sr.,	SP Member
Hon. Godofredo M. Mara,	SP Member
Hon. Nieljun C. Esdrelon,	SP Member
Hon. Metodio D. Gonato,	SP Member
Hon. Samuel C. Rosario,	SP Member
Hon. Joel L. Olivares,	Liga President
Hon. Michaelle Kirsten T. Ferrazzini,	SKF President
Hon. Datu Alfonso V. San Juan, Sr.,	IP Representative

ON LEAVE:

Hon. Al David T. Uy,	City Vice Mayor
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Authored by: Hon. Gaspar R. Valera

Co-Sponsored by: Unanimous

CITY ORDINANCE NO. 2012-220

"AN ORDINANCE APPROVING THE PUBLIC TRANSPORTATION CODE OF THE ISLAND GARDEN CITY OF SAMAL, DAVAO DEL NORTE"

Be it ORDAINED by the SANGGUNIANG PANLUNGSOD of the Island Garden City of Samal in Session assembled, that:

Section 1. Rationale. Pursuant to Section 458, (a), paragraph three (3), VI, of R.A. 7160,

otherwise known as the Local Government Code of 1991, the Local Government Unit of the Island Garden City of Samal shall exercise the devolved powers to regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the city.

The present public transportation set-up of the city is solely dependent on Motorcycle (Habal-habal), Motorized Tricycle (Pedicab) and Triscad (padyak) going from and to the barangays, and thus, there is a need to regulate and monitor these Utilities (Motorized Tricycles) that are used as public transport facilities in order to safeguard and promote the welfare of commuters, passengers and other riding public.

Presently, there is only one LTO franchise operating in the city plying only the main thoroughfare or National Highway from Babak to Kaputian. No Public Transport facility is operating from the National Highway to the remote barangays, sitios and other locations in the city. Noteworthy is the present practice of carrying passengers without helmet carrying 5-6 passengers per motorcycle. Hence the need to regulate and promote public safety.

Section 2. Title. This ordinance shall be called and referred to as "**THE PUBLIC TRANSPORTATION CODE OF THE ISLAND GARDEN CITY OF SAMAL**".

Section 3. Scope and Coverage. This ordinance shall comprise the Franchising and Regulatory Board for Public Transport Facilities/Utilities, Prescribing its Functions, and Procedures and Guidelines in the Grant of Franchise, Regulation, and Operation and for Penalties for Violation thereof.

This ordinance is expanded to all existing (shall cover) Public Transport Facilities such as: Motorized Tricycle For Hire, Motorcycle (Skylab) and Triscad plying the territorial jurisdiction of the Island Garden City of Samal.

Section 4. Definition of Terms. For purposes of better understanding, some of the terms used in this ordinance shall be defined as follows:

- a) Franchise - refers to a special privilege conferred by the City Government to an individual, corporation or partnership for the operation of public transport.
- b) Driver - refers to any person who possesses a valid driver's license issued by the Land Transportation Office (LTO) who is a registered owner of a motorcycle or if not being the registered owner, is given the authority by the owner expressly or impliedly to operate, possess and use the motorcycle/tricycle.
- c) Board - refers to the City Franchising and Regulatory Board for Public Transport Facilities/Utilities.
- d) Passenger - refers to any person riding in the public transportation other than the driver.
- e) Permit to Operate (PTO)- (refers to permit granted by the City Government thru the

Office of the City Franchising and Regulatory Board authorizing an individual to operate or engage in the business of transporting passenger/s and other services for a fee.

- f) Provisional Authority to Operate (PATO)- Refers to the temporary authority to operate motorcycle (habal-habal) as a means of public transportation, subject to revocation, when a Public Transport Utilities duly issued with a valid Franchise from the LTFRB are already available for service on the remote barangays, or subject for the issuance of a regular franchise when authorized by national laws.
- g) Motorized Tricycle For-Hire - refers to a motor vehicle composed of a motorcycle fitted with a single wheeled side car, or with a center cab operated to render transport services to the general public for a fee.
- h) Motorized Tricycle Operator's Permit (MTO) - refers to a document granting franchise or license to operate issued under this Ordinance to a person, natural or juridical, allowing such person to operate a Motorized Tricycle For-Hire within a specified route of the Island Garden City of Samal.
- i) Motorcycle For-Hire (Skylab) - refers to a motorcycle without sidecar which is registered with the Land Transportation Office (LTO) as private vehicle but is actually used for Public Transport Facilities/Utilities for a fee as regulated by authorities of the Island Garden City of Samal, under this Ordinance;
- j) Operator - refers to the registered holder of a franchise or Permit to Operate Public Transport Facilities/Utilities and generally the registered owner of motor vehicle.
- k) Public Transport Facilities/Utilities - refers to Tricycle, Motorcycle and Trisicad which engaged in the delivery of Public Transport for a fee which is not otherwise covered by a franchise for public convenience as granted by the Land Transportation Office (LTO) or the Land Transportation Franchising and Regulatory Board (LTFRB).
- l) Trisicad (padyak) - refers to a vehicle which has three wheels and operated by means of a pedal constituted by a bicycle with side car.
- m) Traffic Citation Ticket (TCT) - as used in this code, TCT is a summon or citation in writing issued to a person and charging him for violation on any of the provisions of this code, or traffic ordinances, rules and regulations of the city, and directing him/her to answer and/or pay within seven (7) working days from its issuance of the Office of the City Franchising and Regulatory Board for Public Transport Facilities/Utilities thru the Office of the City Treasurer in case payment is ordered.
- n) Zone - is a contiguous land area or block, a subdivision or barangay where Motorized Tricycle For-Hire, Motorcycle and or Trisicad may operate without a fixed origin and destination.
- o) Public Transport - As used in this ordinance is limited to the following:
 - 1. Motorized Tricycle -For-Hire;

2. Motorcycle (Skylab); and
3. Triscad

Section 5. Creation of City Franchising and Regulatory Board. The City Franchising and Regulatory Board for Public Transport Facilities/Utilities is hereby created to effectively exercise and perform the devolved powers and functions relative to the administration, monitoring and control of the operation of Public Transport Facilities/Utilities namely: Motorized Tricycles, Motorcycles, and Triscad.

Section 6. Composition of the Board. The City Franchising and Regulatory Board for Public Transport Facilities/Utilities shall be composed of the following:

City Mayor	Chairman
City Legal Officer	Co - Chairman
Chairman, SP Committee on Transportation for Public Utilities and Communication	Vice Chairman

Secretariat:.....Franchising
Section

Members:

1. Chairman, SP Committee on Communication and Economic Enterprise, and Livelihood Program;
2. Chairman, SP Committee on GOs/NGOs;
3. Chief of the City Police Office;
4. NGO Representative from the Transport Sector, and
5. (One personnel) Representative of the Franchising Section

Section 7. Powers and Functions of the Board. The powers and functions of the City Franchising and Regulatory Board for Public Transport Facilities/Utilities shall be provided as follows:

- a.) To hear and decide contested MTOP application;
- b.) To issue, amend, revise, drop, cancel and revoke MTOP after due notice and hearings;
- c.) To conduct investigation and hearing of complaints for violations of this Code, Ordinances, Rules and Regulations issued by the Board;

- d.) To summon operators /drivers and witnesses to appear in any of the hearings conducted by the City Franchising and Regulatory Board;
- e.) To coordinate and cooperate with other government agencies in any aspects involving public service with the end - view of effecting continuous improvement of such services;
- f.) To implement and enforce the rules and regulations, requiring MTH operators to equip, install and provide safety measures in their units;
- g.) Determine, fix, prescribe or periodically adjust amount or rate of fares for the service provided within the City and recommend the same to the Sanggunian for appropriate action and approval;
- h.) Fix, impose and periodically review and adjust, but not oftener than three (3) years, reasonable fees and other related charges relative to this code and recommend the same to the Sangguniang Panlungsod for appropriate action and approval;
- i.) Open, re-open or cause the closure of service routes upon petition or at the instance of the office Board and recommend the same to the Sanggunian for appropriate action and approval; and to determine the extent and bounds in the route.
- j.) Recommend to the Local Chief Executive the conduct of road courtesy and defensive driving seminars and other related seminars in close coordination with other concerned agencies / offices;
- k.) To perform other functions and duties as may be provided by law or ordinances or as may be necessary proper or incidental to the purposes and objectives of this code.

Section 8. Qualifications for Availing of Franchise or Permit to Operate and Provisional Authority to Operate. Subject to the provision stated in Section 18 hereof, only Filipino citizens with Island Garden City of Samal residency, partnership or corporation with 80% Filipino equity whose office address is located in the Island Garden City of Samal, are qualified to be operators of Motorcycle For-Hire, Motorized Tricycle For-Hire and Trisicad.

However, no MTOP shall be granted to operator of a Motorized Tricycle unless the applicant is in possession of unit/s with valid registration papers from the Land Transportation Office (LTO).

Section 9. Common Carrier's Insurance. The Grantee of the Motorized Tricycle Operator's Permit (MTOP) and Public Transport Facilities/Utilities duly issued with a (Permit to Operate (PTO) and Provisional Authority to Operate (PATO) must carry a common carrier's insurance sufficient to answer for any damage or injury that may incur to passengers and third parties in case of accidents.

Section 10. Display and Carrying of a Photocopy of Motorized Tricycle Operator's

Permit (MTO) or Permit to Operate or Provisional Authority to Operate. A certified photocopy of the MTO shall be displayed inside the tricycle in- front of the driver. In the same manner, a certified photocopy of the Permit to Operate must be carried and or displayed by the Driver or Operator of a Motorized Tricycle, Motorcycle, Trisicad who is engaged in Public Transport for a fee.

Section 11. Fare Rates. The Sangguniang Panlungsod shall be authorized to enact an ordinance for fare rates as recommended by the Board in all Public Transport Facilities/Utilities operating within the Island Garden City of Samal. These fare rates shall be established in order to provide the operator a reasonable return of profit, but it is still affordable to the general public.

Section 12. Discount Fare for Senior Citizens, Disabled, Students & Pupils. Upon presentation of valid Identification Card (ID), the Senior Citizens, Disabled, Students & Pupils are entitled to a fare discount as mandated by law.

Section 13. Posting of Fare Table. The operators shall be required to post permanently the Fate Table in the tricycle, probably in front of the passengers. The Implementing Office is also mandated to post the fate table at the Public Transport Terminal or any conspicuous places of this city.

Section 14. Prohibition. No Motorized Tricycle, Motorcycle For-Hire, and Trisicad which engaged in Public Transport for a fee shall be operated on national highways utilized by 4-wheel vehicles greater than 4 tons and where normal speed exceeds 50 kph. However, the Board may provide exemptions, if there is no other alternative route.

Section 15. Suspension or Stoppage of Service. An operator, who wishes to stop service completely or to suspend service for more than one month, shall report in writing of such termination or suspension to the Office of the City Franchising and Regulatory Board for Public Transport Facilities/Utilities.

Section 16. Term of the Motorized Tricycle Operator's Permit (MTO) and Permit to Operate. The MTO shall be valid for three (3) years, renewable for the same period as may be approved by the Board. Change of ownership or unit or transfer of MTO shall be construed as an amendment to the MTO and shall require appropriate approval of the City Franchising and Regulatory Board for Public Transport Facilities/Utilities upon application/petition.

Permit to Operate shall be valid for only one (1) year.

Section 17. Driver's License. Operator shall only employ a driver who is duly licensed by LTO based on the prescribed license code. The driver must be a holder of a professional driver's license and must have an experience of not less than two (2) years in driving and must have an experience of training conducted by the LTO, Tourism and City Franchising Office before the operator allows him to drive the Tricycle/Pedicab or Motor for Hire.

Section 18. Forming an Operators/Drivers Tricycle/Motorcycle Association or Cooperative. All operators/drivers of Tricycle/Motorcycle covered by this Ordinance are

encouraged to organize themselves into an association or cooperative duly accredited by the LGU. No Permit to Operate or Provisional Authority to Operate shall be granted by the board unless an applicant is a certified member of an accredited association/cooperative. The association/cooperative must be duly registered with Security and Exchange Commission or Cooperative Development Agency or Department of Labor and Employment.

Whenever practicable and subject to the availability of publicly owned terminal, all public transport facilities' associations are required to avail of a space thereof for proper dispatching.

The dispatching terminal must have clean toilet facilities (CR, benches, etc.), display rates of travel which are approved by the LGU and has completed all the requirements necessary for the terminal to operate.

Section 19. Passenger's Capacity. The total number of passengers who will ride in the motorized tricycle, motorcycle for hire or triscad shall be provided as follows:

- a. Motorized Tricycle For Hire (center car) - shall be limited to ten (10) passengers and goods not exceeding 400 kilograms;
- b. Motorized Tricycle for Hire (side car) - shall be limited to six (6) passengers and goods not exceeding 200 kilograms;
- c. Motorcycle For-Hire - shall have a maximum of one (1) back rider who must be provided with a seat and a footrest pursuant to DOTC Administrative Order No. AHS-2008-015; and
- d. Triscad - shall be limited to three (3) passengers including the driver, and goods not more than 250 kilograms.

Section 20. Routes and Routes Markings. Aside from the yellow LTO register plate, a Motorized Tricycle For-Hire shall bear the following markings/signs/colors;

- a. "Island Garden City of Samal" painted symmetrically;
- b. Assigned MTOP Body Number, painted boldly at the front, back view, right and left side of the Motorized Tricycle For-Hire.
- c. The lettering of the Route Identification shall be in black and with white background of not less than three (3) inches in length.
- d. Name of Franchise holder/operator, printed in full at the right, left and front side of the Motorized Tricycle For-Hire.
- e. Registration of Tricycle For Hire shall be by district and the particular color shall be designated to each district namely:

1. For Babak District - Color Yellow
2. For Samal District - Color Blue
3. For Kaputian District - Color White

The implementation of color coding of every district of the tricycle for hire shall be on January 2012 up to December 2014. On the year 2015, the color coding shall be strictly implemented throughout the city.

Section 21. Identification Card. All Motorized Tricycle for Hire shall be required to display an ID of the driver at the conspicuous place visible to the passenger. This ID shall be issued by the City Mayor's Office through the City Franchising and Regulatory Section.

Section 22. Franchise And Accessory Fees. The following fees shall be imposed and collected upon filing of the application or approval thereof, through the City Treasurer.

- a. Franchise Fee. This fee shall be collected upon application for an MTOP, based on the number of units.
- b. Supervision Fee. This fee shall be collected upon application for an MTOP and the renewal of Permit to Operate annually.
- c. Fare Adjustment Fee for Fare Increase. This fee shall be collected upon approval of fare increase. The approval of the fare rate increase shall be enacted by the Sangguniang Panlungsod.
- d. Filing Fee for Amendment of MTOP. This fee shall be collected upon filing of petition/application thereof.
- e. Confirmation Fee. The amount of P 25.00 shall be collected from all applicants, to defray documentation and/or postage expenses.
- f. Filing Fee for Opening or closure of Service Routes. This fee shall be collected upon application / petition thereafter.
- g. Certification Fee. For every certification on any document or act of the Board or its Section, a Certification Fee of P 25.00 shall be paid to the City Treasurer's Office.
- h. Legal Research Fee. The amount of P 25.00 to be paid to the City Treasurer's Office shall answer for all legal research works undertaken, in connection with any application filed with the MTH. Such amount shall accrue to the Special Fund of the Board.
- i. Special Permit Fee. The amount of P 50.00 shall be collected from operators who intend to bring their units outside of route for personal use and special occasion (upon written order) from the City Franchising and Regulatory Board for Public Transport Facilities/Utilities.

Special Permit:

A Special Permit Fee of P300.00 annually shall be imposed to a side car used solely for business purposes and not for transporting passenger.

Section 23. Requirements and Schedule of Fees. The following are the franchising requirements and schedule of fees:

I. OPENING OF SERVICE ROUTES

a. Requirements. Any Tricycle for hire apply for a service route or amendment of route shall comply the following requirements:

1. Barangay Clearance
2. Police Clearance
3. Photocopy of O.R./C.R.
4. Certification of membership from the MTH Association.
5. Approved Inspection Report by LTO/franchising staff
6. 3 copies of verified petition/ Notarized Petition & Verification
7. Pictures of the unit (1 copy front view & 1 copy side view).

b. Schedule of Fees. The applicants shall be required to pay the following fees prior from the approval of their application.

- | | |
|--------------------------|----------------------------------|
| 1. Franchise Fee | P 250.00/unit (Good for 3 years) |
| 2. Permit to Operate Fee | P 200.00/unit (Annually) |
| 3. Supervision Fee | P 150.00/operator (Annually) |
| 4. Garbage Fee | P 50.00/unit (Annually) |
| 5. Confirmation Fee | P 25.00 (Annually) (for new) |
| 6. Legal Research Fee | P 25.00 (Annually) (for new) |
| 7. Sticker | P 35.00 (Annually) |

II. APPLICATION FOR RENEWAL OR EXTENSION OF MOTORIZED

TRICYCLE OPERATOR'S PERMIT (MTO) FRANCHISE GOOD FOR 3 YEARS/ PERMIT TO OPERATE AND PROVISIONAL AUTHORITY TO OPERATE (ANNUALLY).

- a. Requirements:
1. Same requirements as in No. I above from nos. 1 to 5;
 2. 3 copies of MTO & 2 copies of PTO previously issued by the City.
- b. Schedule of Fees:
- | | Amount of Fees: |
|----------------------|--------------------|
| 1. Permit to Operate | P 200.00/unit |
| 2. Supervision Fee | P 150.00/operator |
| 3. Garbage Fee | P 50.00/unit |
| 4. Sticker Fee | P 35.00 (Annually) |

III. PETITION FOR DROPPING AND SUBSTITUTION

- a. Requirements:
1. 3 copies-Verified Petition / Notarized Petition & Verification;
 2. 3 copies-TOP/Franchise/ Permit to Operate issued by the City thru Franchising & Regulatory Section;
 3. 2 Photocopies of O.R / C.R
 4. 2 copies-Certificate of Registration and Official Receipt for payment of registration of Pro-forma invoice of units in substitution.
- b. Schedule of Fees
- | | Amount of Fees |
|----------------------------|----------------|
| 1. In case of substitution | P 150.00 |
| 2. Dropping | P 150.00 |

IV. PETITION FOR INCREASE OF FARE RATES FOR ASSOCIATION/COOPERATIVE ROUTE ASSOCIATION.

- a. Requirements: (For individual)
1. 2 copies - Verified Petition/ Notarized Petition & Verification;
 2. 2 copies - MTO/Franchise/ Permit to Operate issued by the City thru Franchising & Regulatory Section;
 3. 2 copies - Proof of payment of quarterly percentage taxes for the preceding years;

- 4. 2 copies - Proof of payment of 3 years Franchise Fee.
- b. For Increase Of Fare Rate Fee - P 250.00/Association
- c. For Tariff Fees - P 50.00/individual

V. MOTORCYCLE - FOR - HIRE (Skylab)

a. Requirements:

- 1. Barangay Clearance
- 2. Police Clearance
- 3. Photocopy of OR /CR/
- 4. Certification of membership from the association
- 5. Passenger's Insurance (3 passengers)

b. Permit Fees: (Skylab)

- 1. (Permit to Operate) Provisional Authority to Operate P 200.00
- 2. Sticker P 35.00 (Annually)

VI. TRISICAD

a. Requirements: (Trisicad)

- 1. Barangay Clearance
- 2. Police Clearance
- 3. Certification of membership from the association
- 4. Proof of Ownership of the unit (sales invoice)

b. Permit Fees: (Trisicad)

- 1. (Permit to Operate) Provisional Authority to Operate P 100.00
- 2. Sticker P 35.00 (Annually)

Section 24. (Permit to Operate) Provisional Authority to Operate and Imposition of Fees. The annual fee for (Permit to Operate) Provisional Authority to Operate of Motorcycle For Hire (Skylab) and Trisicad to read as follows:

- a. Single Motorcycle-For- Hire P 200.00
- b. Trisicad P 100.00

Section 25. Time of Payment. The payment shall be made to the City Treasurer's Office upon application or renewal of the Permit to Operate.

Section 26. Passengers Insurance. All operators/drivers shall secure insurance to shoulder the expenses for any damage, injury or legal claims of their passengers in case of

accidents. No transport facilities covered by this ordinance shall be granted a Permit to Operate without the compulsory insurance of their passengers.

Section 27. Operating Conditions.

- a. All drivers plying their routes are required to wear the prescribed uniform; a pair of shoes, wearing long pants. Sleeveless shirts, slippers and short pants are strictly prohibited.
- b. Smoking while transporting passenger is likewise prohibited.
- c. All drivers of Motorcycle-For-Hire plying their routes must wear safety helmets and likewise provide the same to their passengers.
- d. Using cell-phones while transporting passenger is likewise prohibited.
- e. Wearing of earphones/audio gadgets or such other devices that will cause obstruction the hearing of the driver shall not be allowed.
- f. Permit to Operate/ Provisional Authority to Operate - All transport facilities covered by this ordinance are required to secure permit to operate or Provisional Authority to Operate from the City Mayor's Office thru the Franchising and Regulatory Section.
- g. Control Numbers. - All public transport facilities covered by this ordinance are required to secure their control numbers from the City Mayor's Office thru the Franchising and Regulatory Section.

Section 28. Penalties. Any person/persons who violated this ordinance shall be penalized accordingly:

a. Light Offenses.

- 1. Loading or Unloading passengers within a prohibited area;
- 2. Loading or Unloading passengers in the middle of the road;
- 3. Loading and Unloading passengers at intersections;
- 4. Allowing passengers in excess of the seating capacity;
- 5. Racing on road or streets;
- 6. For parking a Public Transport Facility/Utility or permit it to stand attended or unattended along national highway or in any roads within the city as enumerated below:
 - 6.1. Within an intersection;
 - 6.2. On a crosswalk or pedestrian lane;
 - 6.3. Within six meters of the intersection of curved lines;
 - 6.4. Within four meters of the driveway entrance to any fire station;
 - 6.5. Within four meters of a fire hydrant;
 - 6.6. At any place where official signs have been erected prohibited parking;
- 7. Driving Public Transport Facilities/Utilities without horn;
- 8. Driving Public Transport Facilities/Utilities with improvised nuisance mufflers;

9. Driving without lights during the hours prescribed by laws;
10. Disregarding automatic signaling devices or light or any traffic signs or markings;
11. Driving along the route/zones/district not prescribed by their MTOP/PTO without a special permit;
12. Driving Public Transport Facilities/Utilities while cell phone texting;
13. Driving Public Transport Facilities/Utilities while Cigarettes/Tobacco smoking;
14. Driving Public Transport Facilities/Utilities without prescribed uniform;
15. Driving Public Transport Facilities/Utilities wearing short pants;
16. Driving Transport Facilities/Utilities wearing slippers;
17. Driving Motorcycle For Hire not wearing helmet;
18. Failure to show or surrender driver's license;
19. Failure to carry Permit to Operate/Franchise;
20. Driving Motorcycle For Hire wearing un-prescribed helmet;

Penalties of Light Offenses.

- | | |
|-------------------|--|
| 1. First Offense | P 100.00; |
| 2. Second Offense | P 150.00; |
| 3. Third Offense | P 1,000.00 or revocation of MTOP/PTO for two (2) years or less at the discretion of the Board. Failure to pay shall also mean revocation of PTO. |

b. Less Grave Offenses.

1. Driving Motorcycle without helmet;
2. Failure/Refusal to convey passenger to his/her destination;
3. Refuse to sign (RTS) Traffic Citation Ticket (TCT);
4. Re-apprehended driver due to the expiry date of the Traffic Citation Ticket; and

Penalties of Less Grave Offenses.

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|-------------------|---|
| 1. First Offense | P 150.00; |
| 2. Second Offense | P 250.00; |
| 3. Third Offense | P 1,000.00 or revocation of MTOP/PTO for two (2) Years or less at the discretion of Board |

c. Grave Offenses.

1. Operating an MTH without Permit to Operate/Franchise;
2. Operating Public Transport Facilities/Utilities with delinquent or invalid registration of Permit to Operate/Franchise.
3. Driving Motorcycle For-Hire without (Permit to Operate) Provisional Authority to Operate.
4. Driving without driver license or expired driver license.
5. Transport Facilities/Utilities (Motorcycle, Motorized Tricycle For Hire, Triscad) without plate numbers.

Penalties of Grave Offenses.

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|------------------|-----------|
| 1. First Offense | P 500.00; |
|------------------|-----------|

- | | |
|-----------------------------|---|
| 2. Second Offense | P 700.00; |
| 3. Third Offense
two (2) | P 1,000.00 or revocation of MTOP/PTO for
years or less at the discretion of the Board. |

Penalties for Grave Offense, particularly the THIRD OFFENSE shall include impoundment of the motor vehicle which shall be released only after the vehicle s properly registered or a Permit to Operate of Franchise have been obtained.

Section 29. Failure to Pay Franchise, Supervisory and Regulatory Fees. MTH operator must present the complete MTH unit and receipt of payment before the Franchising and Regulatory Section every anniversary date of the approval of the MTOP (3 years) thereafter. The CFRB shall be empowered to automatically cancel or revoke the duly approved MTOP unless valid cause of the delay of payment shall be presented in writing within 30 days from said annual due date.

Section 30. Extension / Renewal of MTOP. Failure to renew MTOP on the date stated in the franchise or for renewal of a delinquent registration shall be fined P 150.00 plus, 25% surcharge on the franchise fee, without prejudice to all lawful fees under this code.

Section 31. Confiscation of Driver's License. The license of the driver of the Public Transport Facilities/Utilities unit that violates any provisions of this Code shall be confiscated and a Temporary Operator's Permit (TOP) shall be issued for any violation thereof and the same shall be submitted to the (LTO) for appropriate action.

Only authorized LTO personnel or LGU Personnel deputized by LTO shall have the authority to confiscate the driver's license and issue TOP for violation of this ordinance or other transportation or traffic laws, rules and regulations.

Section 32. Authority. Only deputized LGU employees and/or PNP personnel can execute and apprehend violators under this Ordinance. The said personnel shall be authorized by the Local Chief Executive of the Island Garden City of Samal.

Apprehending Officer shall issue a Traffic Citation Tickets (TCT) to any drivers of Motorized Tricycle For Hire, Motorcycle for-Hire and Triscad who violated this Ordinance. Citation Tickets shall be in three copies with the following distribution;

- a. Original Copy - (color white) is a copy for Franchising and Regulatory Section of the City Mayor's Office which shall be used as reference copy.
- b. Second Copy - (color pink) is for the violator's copy which shall be presented to the City Treasurer's Office for payment of the amount due.
- c. Third Copy - (color blue) is for the City Treasurer's Office which shall be served as file copy.

Any violation under this ordinance shall be imposed to any violator apprehended by Deputized Apprehending Officer. However, if violators refused to settle said violation or surrender the said unit to authorize agency, the City Franchising and Regulatory Board Office under authorization from the Board will serve a single notice to concerned driver or operator, to comply his/her obligation within seven (7) working days or failure to settle the same within the prescribed period, the (CFRB) City Franchising Regulatory Board will endorse this matter to the City Prosecutor's Office for appropriate Legal Action.

Section 33. Forfeiture of MTH Unit. An MTH unit operating without MTOP shall be impounded and be released only upon payment of the Administrative fine as provided in the preceding section.

However, in the event the vehicle or the Administrative fines shall remain unsettled more than 90 days, the impounded vehicle shall be forfeited in favor of the City Government and thereafter shall be disposed of in accordance with law, rules and regulations.

Section 34. Disposition of Fines. All fines/forfeitures collected for violation of any provisions of this code shall be paid to the City through the City Treasurer's Office and deposited under the General Fund of the City.

Section 35. Separability Clause. If, for any reason or reasons, any part/s or provision/s of this Code shall be held unconstitutional or unlawful, the other part/s or provision/s hereof which are not affected thereby, shall continue to be in full force and effect.

Section 36. Repealing Clause. All ordinances, resolutions, rules and regulations specifically Chapter IV, Article 20 of City Tax Ordinance No. 2000-12 and Chapter III, Article 5 of City Tax Ordinance No. 2004-083 are hereby repealed, superseded, or modified accordingly.

Section 37. Effectivity. This ordinance shall take effect immediately after fifteen (15) days of its publication in the newspaper of local circulation or after posting for fifteen (15) days at least in three (3) conspicuous places within the city.

ENACTED AND APPROVED this 19th day of November, 2012.

CERTIFIED CORRECT:

JOSE ERSANTE M. FUERTES,

Secretary to the

MPA

Sanggunian

ATTESTED:

JAIME A. PICHON
SP Member
Presiding Officer Pro Tempore

APPROVED:

ANIANO P. ANTALAN
City Mayor