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Item No.: 23
Date: 24 JAN 2023

SANGGUNIANG PANLALAWIGAN
SP Records
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PROVINCE OF LEYTE

Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City

Province of Leyte
Legal Office
Released: *[Signature]*
Time: *[Signature]*
Date: 12-28-22

PROVINCIAL LEGAL OFFICE

2ND INDORSEMENT
December 23, 2022

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary the attached Ordinance No. 22-005 of the SB of Mahaplag, Leyte, recommending for the declaration of its validity pursuant to its power under Section 56 (c) R.A 7160, the same being, to the opinion of the Provincial Legal Office (PLO), an exercise of the power authorized under Section 447 (3), (vi) of the Code, " subject to the guidelines prescribed by the Department of Transportation (DOTr). Provided, t That, pursuant to Section 186 of the Code, Fees, or Charges shall not be unjust, excessive, oppressive, confiscatory, or contrary to declared national policy.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer *[Signature]*

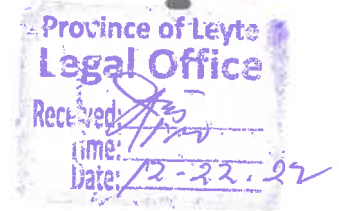




Republic of the Philippines
PROVINCE OF LEYTE



OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1st Indorsement
21 December 2022

Respectfully referred to the **PROVINCIAL LEGAL OFFICE** the herein **MUNICIPAL ORDINANCE NO. 22-005** of the Municipality of MAHAPLAG, LEYTE, granting franchise for the operation of motorized tricycles-for hire in the Municipality of Mahaplag, Leyte and regulating the operations thereof.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

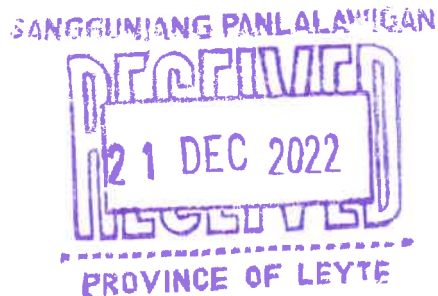


Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Mahaplag
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Office of the Sangguniang Bayan

TRANSMITTAL

FLORINDA JILL S. UYVICO
Provincial Government Department Head
Secretary to the Sangguniang Panlalawigan
Office of the Sangguniang Panlalawigan
Province of Leyte
Tacloban City



Attention: Records Office

Madam:

Transmitting to your good office these duly approved ordinances of the Sangguniang Bayan of Mahaplag, Leyte, for review by the Sangguniang Panlalawigan of the Province of Leyte, as follows:

- 1. MUNICIPAL ORDINANCE NO. 22-004: AN ORDINANCE APPROVING AND ADOPTING THE RESOLUTION NO. 019 SERIES OF 2022 OF THE MUNICIPAL DISASTER RISK REDUCTION MANAGEMENT COUNCIL (MDRRMC) ENTITLED "A RESOLUTION APPROVING THE REALIGNMENT OF FUNDS UNDER THE 70% PRE DISASTER PREPAREDNESS FUND OF CALENDAR YEAR 2022 IN THE AMOUNT OF TWO MILLION FIVE HUNDRED THOUSAND PESOS ONLY (P 2,500,000.00).**

Attachments:

- a. MDRRMC Resolution No. 019 Series of 2022
- b. Minutes of MDRRMC Meeting held on September 14, 2022
- c. Attendance Sheet of MDRRMC Meeting on September 14, 2022
- d. Indorsement Letter by the Municipal Mayor dated September 16, 2022

- ✓ 2. MUNICIPAL ORDINANCE NO. 22-005: AN ORDINANCE GRANTING FRANCHISE FOR THE OPERATION OF MOTORIZED TRICYCLES-FOR-HIRE IN THE MUNICIPALITY OF MAHAPLAG, LEYTE AND REGULATING THE OPERATION THEREOF AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

Attachments:

- a. Attendance Sheet of Committee Hearing (Committee on Transportation and Communication) held on September 12, 2022
- b. Pictures of Public Hearing by the Committee on Transportation and Communication held on October 6, 2022.
- c. Attendance Sheet of Public Hearing dated October 6, 2022.
- d. Affidavit of Publication (Leyte Samar Daily Express) dated November 14, 2022
- e. Certificate of Posting dated December 12, 2022

- 3. MUNICIPAL ORDINANCE NO. 22-006: AN ORDINANCE CREATING THE POSITIONS OF DENTIST I WITH SALARY GRADE 14 AND PHARMACIST I WITH SALARY GRADE 11 UNDER THE MUNICIPAL HEALTH OFFICE OF THE MUNICIPAL LOCAL GOVERNMENT OF MAHAPLAG, LEYTE**

Thank you and more power.

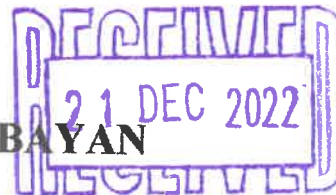
Respectfully yours, /


ATTY. JASON E. ALONZO
Board Secretary V



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Mahaplag
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SANGGUNIANG PANLALAWIGAN



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE SPECIAL SESSION OF THE 11TH SANGGUNIANG BAYAN OF MAHAPLAG, LEYTE HELD ON OCTOBER 17, 2022 AT THE SESSION HALL OF THE MUNICIPAL HALL, BRGY. POBLACION, MAHAPLAG, LEYTE.

PRESENT:

- HON. MYRA P. SOLIS - Municipal Vice Mayor/Presiding Officer
- HON. ARLENE O. GIGANTO - Sangguniang Bayan Member
- HON. AIDA L. DIZON - Sangguniang Bayan Member
- HON. CARMELITO C. ALONZO - Sangguniang Bayan Member
- HON. REYNALDO M. KANEN - Sangguniang Bayan Member
- HON. HARLIN O. GONZAGA - Sangguniang Bayan Member
- HON. OSCAR S. REALES - Sangguniang Bayan Member
- HON. JOSE T. AMARADO II - Ex officio Sangguniang Bayan Member
President, Sangguniang Kabataan Federation
- HON. GOMERCINDO V. RAMOS JR. - Ex officio Sangguniang Bayan Member
President, Liga Ng Mga Barangay

ABSENT:

- HON. JEFFREY M. RELEVO - Sangguniang Bayan Member
- HON. GLENN H. BARTOLINI - Sangguniang Bayan Member

RESOLUTION NO. 2022-0090

A RESOLUTION APPROVING ON THIRD AND FINAL READING AN ORDINANCE GRANTING FRANCHISE FOR THE OPERATION OF MOTORIZED TRICYCLES-FOR-HIRE IN THE MUNICIPALITY OF MAHAPLAG, LEYTE AND REGULATING THE OPERATION THEREOF AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

On motion by **HON. JOSE T. AMARADO II** and duly seconded by **ALL OF THE MEMBERS PRESENT**, and duly approved during the session, there being a quorum, by the votes of in-favor by **ALL OF THE MEMBERS PRESENT** of the Sangguniang Bayan of Mahaplag, be it;

RESOLVED, as it is hereby resolved, to **APPROVE ON THIRD AND FINAL READING** the ordinance entitled **“AN ORDINANCE GRANTING FRANCHISE FOR THE OPERATION OF MOTORIZED TRICYCLES-FOR-HIRE IN THE MUNICIPALITY OF MAHAPLAG, LEYTE AND REGULATING THE OPERATION THEREOF AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF”**, as follows:

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MUNICIPAL ORDINANCE NO. 22-005

AN ORDINANCE GRANTING FRANCHISE FOR THE OPERATION OF MOTORIZED TRICYCLES-FOR-HIRE IN THE MUNICIPALITY OF MAHAPLAG, LEYTE AND REGULATING THE OPERATION THEREOF AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

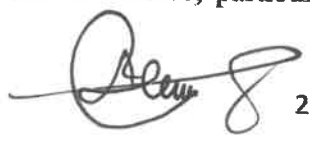
BE IT ORDAINED, by the Sangguniang Bayan of the Municipality of Mahaplag, in session duly assembled that:

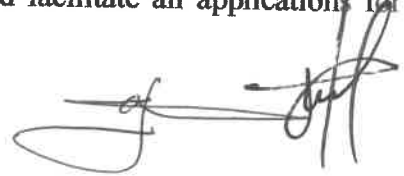
Section 1. TITLE - This ordinance shall be known as “An Ordinance Granting Franchise for the Operation of Motorized Tricycles-for-hire in the Municipality of Mahaplag, Leyte and Regulating the Operation Thereof and Providing Penalties for Violations Thereof.”

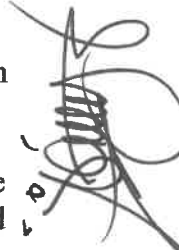
Section 2. SCOPE AND APPLICATION - This ordinance shall be applied to all motorized tricycles operating in the Municipality of Mahaplag, Leyte.

Section 3. DEFINITION OF TERMS - When used in this ordinance the following terms shall be defined as follows:

1. **Motorized Tricycle Operator’s Franchise (MTOF)** - is a document granting franchise to a person, natural or juridical, allowing him/her to operate a motorized tricycle-for-hire in the Municipality of Mahaplag or over specified zones/routes as may be specified;
2. **Franchise** - is a privilege, imbued with the public interest, which is conferred upon private person or corporations, under such terms and conditions as the government and its political subdivisions may impose in the interest of public welfare, security and safety;
3. **Colorum** – refers to motorized tricycles operating as a tricycle-for-hire without franchise and rendering transport service to the general public for a fee within the territorial jurisdiction of the Municipality of Mahaplag;
4. **Motorized Tricycle-for-hire** - is a motorcycle with TC (tricycle) registration fitted with a single-wheeled sidecar, or a three-wheel center-motored unit, rendering transport service to the general public for a fee;
5. **Tricycle Operator** – a person engaged in the business of operating tricycle/s. He/she shall be the actual legal owner of the motor vehicle in whose name such vehicle is duly registered with the Land Transportation Office (LTO) and having property rights and interest over the motor vehicle;
6. **Tricycle Driver** - a person duly licensed to drive a tricycle-for-hire and whose primary source of income is driving a tricycle. It also refers to any person duly licensed to drive a motor vehicle or is in actual physical control of the motor vehicle;
7. **Mahaplag Tricycle Franchising and Regulatory Board (MTFRB)** – the municipal advisory and policy making body for tricycle franchising, hereinafter referred to as MTFRB for brevity;
8. **Tricycle Regulation Unit (TRU)** – the unit tasked to primarily implement the provisions of this ordinance, particularly to assist and facilitate all applications for

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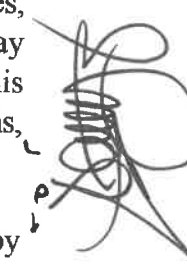


tricycle-for-hire franchise, conduct validation of documentary requirements and inspection of applicants' tricycle unit, to act as the secretariat of the MTFRB and Sangguniang Bayan on all applications for tricycle-for-hire franchise, among others. It is hereinafter referred to as TRU for brevity;

9. **Mahaplag Traffic Enforcement and Management Office (MATEAMO)** – the office tasked for the monitoring, enforcement and management of vehicle traffic within the territorial jurisdiction of the Municipality of Mahaplag in accordance to municipal ordinances, law, and rules and regulations issued by duly constituted authorities, including the implementation of this ordinance and other regulations/orders which may be issued pursuant thereto, hereinafter referred to as MATEAMO for brevity. This office was created by virtue of Municipal Ordinance No. 19-015 where its functions, compositions, qualifications of its personnel, and budget are specifically provided;
10. **TODA** – refers to the Tricycle Operators and Drivers Associations duly accredited by the Sangguniang Bayan;
11. **Validation** – the process of determining the current validity of an existing MTOF by evaluating its compliance to franchise conditions and requirements. Under this Ordinance, it is conducted annually prior to the issuance of the Mayor's Permit;
12. **Registration** – the process of the TRU officially taking cognizance and recording in a logbook kept for that purpose the MTOF number, the name and address of the operator/franchisee, the names and address of the designated and alternate driver/s of the tricycle unit, the change of designated driver, the names and address of the transferee of franchise if any, the recording of the permanent body number of each tricycle unit, the serial number of the yearly Mayor's Permit Sticker, the serial number of the Seminar Certificate, the tricycle unit's Engine Number, Chassis Number, Plate Number, Certificate of Registration and Official Receipt numbers, etc.;
13. **Tricycle Fare** - the amount paid by a passenger to a tricycle driver/owner for the consideration of a conveyance made or the amount paid for the transport of cargo from one place to another;
14. **Zone** - is a contiguous land area or block, a subdivision or barangay, classified as the exclusive area of operations for a particular tricycle operators and drivers' association, without prejudice to innocent passage by other vehicles;
15. **Route** - is a way, road, or network of roads, corresponding to a zone, for passage, travel and operation of a tricycle-for-hire;
16. **Zone Measure Capacity** - means the number of units of tricycle for hire allowed in each zone as may be set by the Sangguniang Bayan;
17. **Color Coding** - the color/s set by the Sangguniang Bayan to be painted on tricycle bodies to properly distinguish or classify tricycles-for-hire according to its zone or area of operations, according to its association, or on any other basis as may be determined by the Sangguniang Bayan;
18. **Reckless Driving** – the act must be something more than mere negligence in the operation of the motor vehicle – a willful and wanton disregard of the consequences is required. It is the willful, wanton or reckless disregard for the safety of others. It also involves a conscious choice of a course of action which injures another, either with knowledge of serious danger to others involved, or with knowledge of facts which would disclose the danger to any reasonable person. It is the inexcusable lack of

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precaution or conscious indifference to the consequences of the conduct. (G.R. No. 195671, Jan. 21, 2015)

- 19. **Arrogant** - shall refer to the behavior or attitude of the driver of a tricycle-for-hire which is boisterous and/or by utterance of harsh, offensive, degrading annoying or insulting remarks. Unduly or excessively proud; overbearing, haughty;
- 20. **Discourteous** – shall refer to the behavior showing rudeness and lack of consideration for other people;

Section 4. MAHAPLAG TRICYCLE FRANCHISING AND REGULATORY BOARD – The Mahaplag Tricycle Franchising and Regulatory Board (MTRFB) is hereby created and shall be composed of the following:

- | | |
|--------------|---|
| Chairperson: | Chairperson, SB Committee on Transportation |
| Members: | Municipal Treasurer |
| | Municipal Planning and Development Officer |
| | Business Permit and Licensing Officer (or Designate) |
| | Head/Representative, Tricycle Regulatory Unit (TRU) |
| | Head/Representative, Mahaplag Traffic Enforcement and Management Office (MATEAMO) |
| | President, Liga Ng Mga Barangay |
| | President, Sangguniang Kabataan Federation |

Pursuant thereto, the Municipal Mayor is hereby authorized by virtue of this Ordinance to issue an Executive Order appointing the persons composing the MTRFB.

Section 5. DUTIES AND RESPONSIBILITIES OF THE MTRFB - The MTRFB shall have the following duties and responsibilities:

- 1. Recommend to the Sangguniang Bayan the approval of franchise applications;
- 2. To determine and recommend, periodically review, and suggest necessary adjustments of the reasonable tricycle fare rates/matrix and the rates for the different services rendered, or rates for the services provided in a particular area/zone after the conduct of a public hearing, taking into consideration the prices of fuels and petroleum products and spare parts, and they may also take into consideration as reference the Fare Formula promulgated by the Land Transportation and Franchising Regulatory Board and the rules and regulations promulgated by all other concerned national government agencies, subject to the approval of the Sangguniang Bayan;
- 3. Recommend to the Sangguniang Bayan the designation and/or regulation of zones of tricycle-for-hire services in the municipality, as may be necessary and reasonable;
- 4. Recommend the opening or closure of tricycle terminal, zone or route, as may be necessary and reasonable;
- 5. Have administrative jurisdiction to hear complaints, conduct investigations and render its findings on complaints for acts and omissions committed by tricycle drivers and/or operators for purposes of recommending possible franchise cancellation, suspension, revocation, or disapproval upon renewal of franchise by the Sangguniang Bayan and/or for the non-issuance of Mayor's Permit;
- 6. Recommend the suspension, cancellation, revocation, or disapproval upon renewal of motorized tricycle-for-hire franchise/MTOF and/or the suspension, cancellation, revocation, or non-issuance of the annual Mayor's Permit;

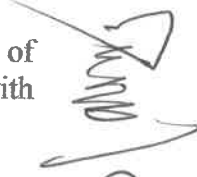
7. Recommend the limitation in the number of units of tricycles-for-hire operating in the municipality or in a particular zone, as may be necessary and reasonable;
8. Recommend the passenger capacity and/or load limit of each tricycle unit upon recommendation by the Tricycle Regulatory Unit after an inspection thereof.

The recommendation or decision of the MTFRB shall be in a form of a Resolution.

Section 6. TRICYCLE REGULATION UNIT (TRU) – The Tricycle Regulation Unit (TRU) is hereby created to implement the provisions of this ordinance. The Tricycle Regulation Unit shall be under the Municipal Tricycle Franchising and Regulatory Board (MTFRB), subject to the administrative control and supervision of the Municipal Mayor. The Tricycle Regulation Unit (TRU) is hereby tasked to implement the provisions of this ordinance and other regulations related to motorized tricycle registration, franchising and validation the MTFB may promulgate. They shall register motorized tricycles applying for initial franchise, franchise renewal, or validation, and maintain a database of pertinent information related to this ordinance. The TRU shall determine compliance to legal requirements and also conduct inspection of motorized tricycles as to road worthiness prior to grant or renewal of franchise, or prior to the issuance of Mayor's Permit in the case of the annual validation. The TRU shall continue to monitor all motorized tricycles-for-hire with respect to compliance to the conditions on franchise privilege and make the necessary and appropriate recommendations to the MTFRB and Sangguniang Bayan.

Specifically, the Tricycle Regulation Unit has the following functions and responsibilities:

1. Implement the provisions of this Ordinance;
2. Accept and process new applications and renewals of franchise;
3. Register tricycles-for-hire applying for initial franchise, franchise renewal, or validation, and maintain a database of pertinent information related to this ordinance;
4. Determine compliance to legal requirements and also conduct inspection of tricycles as to road worthiness prior to granting or renewal of franchise, or prior to the issuance of Mayor's Permit in the case of the annual validation;
5. Compile and have on-hand for ready reference and assistance to applicants all relevant LTO rules and regulations, as well as pertinent municipal laws and ordinances;
6. Cross-check LTO registration records to establish a record of the make and engine number of each tricycle-for-hire unit and maintain a comprehensive record thereof for reference and verification purposes;
7. Continue monitor all tricycles-for-hire with respect to compliance to the conditions on franchise privilege and make the necessary and appropriate recommendations to the MTFRB and Sangguniang Bayan;
8. Receive and review application forms and require correctness and completeness of attachments, and record in a logbook kept for the purpose all accepted applications with attachments, with their respective application number duly indicated;
9. Monitor and maintain the necessary records on the status and disposition of each and every application for the information of all concerned and submit quarterly summary report of such record to the MTFRB copy furnished the Sangguniang Bayan;
10. Verify the veracity and validity of all the information and data contained in the application papers submitted by the applicants;



11. Conduct ocular inspection of all tricycles-for-hire units for identification, inspection on the road-worthiness, and compliance to pertinent laws, rules and regulations;
12. Implement the color coding of tricycles-for-hire, if required;
13. Assign a permanent body number for each tricycle-for-hire with franchise;
14. Coordinate with the PNP Mahaplag Police Station, Land Transportation Office (LTO) and other government agencies for the implementation of this ordinance and the relevant laws and rules and regulations governing the operation of tricycles-for-hire in the Municipality;
15. Conduct inspection and validation of each tricycle-for-hire and recommend the passenger capacity and/or load limit of each tricycle unit; and
16. Perform such other functions as may be authorized by the Sangguniang Bayan.

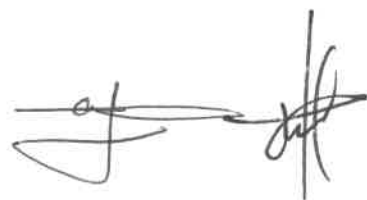
Pursuant thereto, the Municipal Mayor shall issue an Executive Order appointing the persons composing the TRU.


Section 7. REQUIREMENTS OF FRANCHISE APPLICATIONS - All motorized tricycle operators shall first apply for a franchise in the Sangguniang Bayan thru the Tricycle Regulation Unit (TRU) and Mahaplag Tricycle Franchising and Regulatory Board (MTRFB) before it can operate a tricycle-for-hire as a public conveyance in this municipality.

For New Application for Franchise, the requirements are as follows:

1. **Certificate of Registration (CR)** of the motorized tricycle issued by the Land Transportation Office (LTO);
2. **Official Receipt (OR)** of updated registration of the motorized tricycle issued by the Land Transportation Office (LTO);
3. Actual and accurate **pictures** of the Tricycle unit/s on all four (4) sides thereof;
4. **Police Clearance** of both the applicant operator and his designated driver;
5. **Barangay Clearance** of the applicant operator issued by the Punong Barangay of the applicant's barangay residence;
6. Valid and unexpired **Driver's License** of the designated tricycle-for-hire driver;
7. **Community Tax Certificate (Cedula)** of the applicant operator;
8. **Safety Seminar Certificate** for both the operator and designated driver issued by the Mahaplag Traffic Enforcement and Management Office (MATEAMO);
9. **Inspection Certificate** for the tricycle unit/s issued by the Tricycle Regulation Unit (TRU);
10. **Affidavit of Undertaking** to convert LTO Registration of tricycle unit/s into "FOR HIRE" registration, if applicable; and
11. Copy of the **Vaccination Card** of the Designated Driver/s or Medical/Health Certificate if exempt for Covid-19 vaccination;

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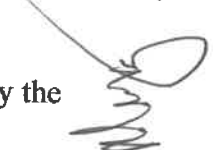


















For **Renewal of Franchise**, the application should be filed within sixty (60) days prior to the expiration of the MTOF. The requirements for renewal of Franchise are as follows:

1. The same requirements for new application; and
2. Copy of the latest **Motorized Tricycle Operator's Franchise (MTOF)**.

Section 8. CONVERSION OF LTO REGISTRATION TO TRICYCLE FOR HIRE - Initial issuance of the MTOF to tricycle operators without a "FOR HIRE" classification is a conditional accommodation to enable them to secure a "FOR HIRE" registration from the Land Transportation Office. For this purpose, such tricycle operators shall be required to sign an Affidavit of Undertaking expressing their consent and promise that they will immediately convert the LTO Registration of their tricycle unit into "FOR HIRE" classification, and their failure to reclassify/renew LTO registration to "FOR HIRE" during the succeeding inspection and validation upon their application for the yearly Mayor's Permit shall be sufficient cause for the revocation, or denial of issuance, of the MTOF.

Section 9. SAFETY SEMINAR - Tricycle operators and drivers shall undergo traffic safety, values, and emergency response seminar to be conducted by the Mahaplag Traffic Enforcement and Management Office (MATEAMO), Tricycle Regulation Unit (TRU) and the Local Disaster Risk Reduction Management Office (LDRRMO) prior to the application or renewal of MTOF or every three (3) years thereafter. After the seminar, the MATEAMO shall issue a Safety Seminar Certificate to the participants. For this purpose, the Tricycle Regulation Unit (TRU) shall keep a permanent record of operators and drivers who have undergone such seminar indicating therein the certificate serial number and date of issuance.

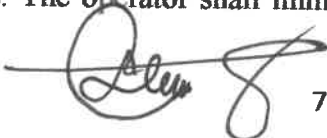
Section 10. INSPECTION CERTIFICATE - For every application and renewal of franchise, and also prior to the yearly issuance of Mayor's Permit, the Tricycle Regulation Unit (TRU) shall conduct a physical inspection and validation of each tricycle-for-hire. The TRU shall inspect and validate the Body Color, Body/Chassis Number, Engine Number, Plate Number (Yellow Plate) of the tricycle unit/s. The TRU shall also assign a permanent printed body number for each tricycle-for-hire for/with franchise. The TRU shall also determine the recommended passenger capacity and load limit of each tricycle unit, such passenger capacity and load limit to be specifically indicated in the MTOF.

In addition, the TRU shall also inspect if the tricycle unit/s has the following:

1. Functioning horn that does not emit exceptionally loud or startling sound;
2. Signal lights, two (2) in front and two (2) at the back for turning right or left or for emergency purposes;
3. Tail light, including license plate light;
4. White head lights in front and red tail light with functioning stop light in the rear, visible at least fifty (50) meters distance during nighttime from the front and rear of the tricycle and functioning under all weather conditions, to be lighted starting at six o'clock in the evening (6:00 p.m.) until six o'clock in the morning (6:00 a.m.) when/during in operation;
5. Light installed inside the motorized tricycle to be kept lighted while plying the routes during nighttime;
6. Reflectorized stickers mentioned in Section 26;

After having passed the inspection, the TRU shall issue an Inspection Certificate for each tricycle unit clearly indicating the name of the operator, assigned permanent body number, plate number, body/chassis number, engine number, body color, load limit, and passenger capacity of the tricycle unit, among others.

Section 11. REGISTRATION AND CHANGE OF DESIGNATED DRIVER - All motorized tricycle operators must register their drivers, including their alternates, to the Tricycle Regulation Unit (TRU). The operator shall immediately report to the Tricycle Regulatory Unit

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(TRU) any change of the designated driver of his/her tricycle unit. Failure of the operator to immediately report to the TRU the change of the designated driver within fifteen (15) days from the actual change of driver is a violation of the MTOF and is a valid ground for the revocation, cancellation, suspension, or disapproval upon application for renewal of the operator's MTOF.

Section 12. After compliance of all the requirements mentioned in Section 7 and after due verification, the applications shall be indorsed by the Tricycle Regulation Unit (TRU) to the Mahaplag Tricycle Franchising and Regulatory Board (MTFRB) for its review and recommendation. Thereafter, the MTFRB may indorse/recommend the applications to the Sangguniang Bayan for the grant of franchise subject to the compliance of all the requirements.

Section 13. The Mahaplag Tricycle Franchising and Regulatory Board (MTFRB), after the indorsement of the applications by the Tricycle Regulation Unit (TRU), shall conduct a summary hearing on the said applications to review the compliance to all the requirements.

Section 14. After the conduct of summary hearing and after being satisfied that all the requirements provided under Section 7 are complete and verified, and after being satisfied that the applicant/s can perform the duties and obligations of an operator of a public conveyance, the Mahaplag Tricycle Franchising and Regulatory Board (MTFRB) shall indorse the application/s for the issuance of MTOF to the Sangguniang Bayan and shall recommend the approval thereof by the Sangguniang Bayan.

Section 15. MOTORIZED TRICYCLE OPERATOR'S FRANCHISE (MTOF) - All motorized tricycles-for-hire operating in the Municipality of Mahaplag for public conveyance or utility shall possess a valid franchise to operate also known as Motorized Tricycle Operator's Franchise (MTOF) issued by the Sangguniang Bayan.

The Sangguniang Bayan in its session will consider or deliberate on the application for franchise and through a Resolution may approve or disapprove the application for franchise to be known as Motorized Tricycle Operator's Franchise (MTOF). The Sangguniang Bayan Resolution shall contain the names of the person or persons whom the application for franchise is approved or disapproved and the date of effectivity and expiration of the franchise, and all other conditions necessary.

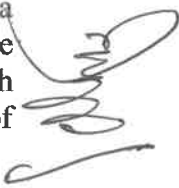
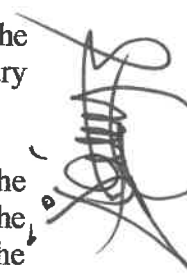
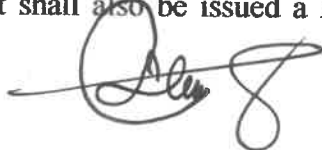
SECTION 16. DURATION AND SCOPE OF FRANCHISE - A franchise under this ordinance may be initially granted anytime subject to availability and compliance to requirements and shall be valid for a maximum of three (3) years or until the 31st day of December immediately following the second anniversary of the date of grant of the franchise, whichever comes first.

A franchise granted under this ordinance shall cover a maximum of three (3) units at any given time and shall be non-transferrable to any person, natural or juridical. It can validly cover a different tricycle unit in case of unit replacement provided the registered owner and the franchise holder are one and the same, and the replacement unit has undergone registration procedures with the TRU. For this procedure, the franchise holder shall pay only the filing fee for amendment of MTOF as provided in Section 20 hereof.

Section 17. RENEWAL OF FRANCHISE - The franchise/MTOF shall be renewable within sixty (60) days before its expiry date.

Section 18. MAYOR'S PERMIT - After obtaining an MTOF, all motorized tricycle-for-hire operators shall secure a Mayor's Permit prior to their actual operation on that year, to be secured annually by the operator from January 1 to March 31 of every year. Prior to the issuance of the Mayor's Permit, the Tricycle Regulation Unit (TRU) shall conduct a validation of the MTOF and an actual inspection of the tricycles-for-hire to check for its continued road worthiness, passenger safety and compliance to the conditions imposed by the MTOF to the tricycle unit.

Section 19. MAYOR'S PERMIT STICKER - Every motorized tricycle unit issued with a Mayor's Permit shall also be issued a Mayor's Permit Sticker for the easy identification of



compliant and non-compliant motorized tricycle unit. The said sticker must be pasted at the front outer portion of the tricycle unit.

Section 20. FEES - The Municipal Treasurer or his duly authorized representatives shall collect the following fees in connection with the application/transactions concerning the motorized tricycles-for-hire:

1. Franchising Fee
 - a. New Application - ₱2,000.00 per unit
 - b. Renewal Application - ₱1,000.00 per unit
2. Mayor's Permit Fee - ₱250.00/unit
3. Driver's Identification (ID) Card Fee - ₱150.00
4. Filing Fee for Amendment of MTOF - ₱250.00
5. Transfer Fee in case of death or permanent disability of franchisee - ₱250.00/unit
6. Franchise holders who apply for Mayor's Permit after the regular deadline of March 31 shall pay a Surcharge of fifty percent (50%) of the Validation Fee/Mayor's Permit Fee.

Section 21. GROUNDS FOR THE CANCELLATION, SUSPENSION, REVOCATION, OR DISAPPROVAL UPON RENEWAL OF FRANCHISE - Any franchise for the motorized tricycle-for-hire issued under this Ordinance may be cancelled, suspended, revoked, or disapproved upon application for renewal of the franchise on any of the following grounds:

1. Non-renewal of franchise after its expiration - A franchise not renewed after its expiry date is deemed automatically cancelled. Thereafter any application filed by the franchisee shall be considered as a new application;
2. Sale of the motorized tricycle by the operator to another person - It shall be the duty of the franchisee to immediately inform the Tricycle Regulatory Unit of the sale of the tricycle to another person. Thereafter, should the vendee desire to operate the tricycle for public conveyance in the Municipality of Mahaplag, the vendee shall then file his own application for a Motorized Tricycle Operator's Franchise (MTOF) at the Tricycle Regulation Unit (TRU) which application shall be considered as new application;
3. Use of dummy or third person as franchisee;
4. Non-compliance and/or non-fulfillment of any of the requirements imposed by this Ordinance;
5. If the motorized tricycle is being used for an illegal or unlawful activity or if used in the commission of a crime with the knowledge of the owner/operator;
6. If the operator is operating within the Municipality of Mahaplag of other unit/s of motorized tricycle-for-hire not covered by the operator's franchise;
7. Failure to acquire the annual Mayor's Permit;
8. Making false statements and information in the application for MTOF;



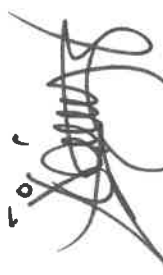
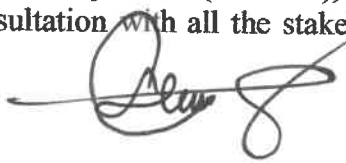
9. When, upon inspection, the tricycle unit is found to be not roadworthy as a passenger vehicle;
10. Failure of the operator to immediately report to the TRU the change of the designated driver of the tricycle unit within fifteen (15) days from the actual change of driver;
11. Failure of the operator to inform the TRU of the change of engine and/or chassis of the registered motorized tricycle-for-hire within thirty (30) days from the actual change thereof;
12. When the designated driver of the motorized tricycle-for-hire have been cited for at least four times of having no or having an expired Driver's License from the Land Transportation Office (LTO) while rendering transport service to the general public for a fee;
13. When the designated driver of the motorized tricycle-for-hire have been cited for at least four times of violating the prohibition on overloading or the authorized passenger carrying capacity of the motorized tricycle-for-hire as prescribed in the MTOF, or by the Land Transportation Office or other concerned government agencies;
14. When the designated driver of the motorized tricycle-for-hire have been cited for at least four times of refusing to convey passenger without a valid reason;
15. Non-compliance to the color coding of the body of the motorized tricycle, if or when required by the Sangguniang Bayan as recommended by the Mahaplag Tricycle Franchising and Regulatory Board (MTFRB) and Tricycle Regulation Unit (TRU);
16. Non-compliance of the operator on the laws, rules and regulations governing smoke belching and anti-noise pollution in relation to his or her motorized tricycle-for-hire; and
17. No garbage bin inside the tricycle unit.

The cancellation, revocation or suspension of franchise shall not affect the civil or criminal liability of the operator/owner and driver, if there is any.

Section 22. NON-TRANSFERABILITY OF FRANCHISE - A tricycle franchise is a personal privilege granted to the operator and shall not be transferable to any other person. Any sale, transfer, or conveyance of the tricycle unit by the operator shall not carry the franchise. It shall be the duty of the operator as vendor/seller/transferor to report and surrender the tricycle franchise to the Tricycle Regulation Unit (TRU) upon the sale of the unit. The sale, transfer or conveyance of the tricycle unit also automatically cancels the existing franchise. The buyer/vendee of the tricycle unit must apply for another franchise as a new applicant if he/she will also engage in a transport service to the general public for a fee.

Section 23. EXEMPTION TO THE NON-TRANSFERABILITY OF FRANCHISE - The franchise shall not be transferable except in cases of death or physical disability of the operator, in which case the legal spouse or any of his/her children who is qualified to operate a tricycle franchise may assume as the new operator, provided a written request is submitted to the Tricycle Regulation Unit (TRU), Mahaplag Tricycle Franchising Regulatory and Board (MTFRB), and Sangguniang Bayan. The Sangguniang Bayan may approve the request for change of operator through a Resolution approved during its session there being a quorum.

Section 24. TRICYCLE FARE RATES/MATRIX - A reasonable tricycle fare rates/matrix and its adjustments shall be studied, prepared and finalized by the Mahaplag Tricycle Franchising and Regulatory Board (MTFRB), with the assistance of the Tricycle Regulation Unit (TRU), and in consultation with all the stakeholders and interested parties such as the tricycle



operators, tricycle drivers, business sector, students, farmers, etc., prior to its indorsement to the Sangguniang Bayan for approval.

The Mahaplag Tricycle Franchising and Regulatory Board (MTFRB) is hereby authorized to study, determine, periodically review, suggest necessary adjustments, and recommend to the Sangguniang Bayan the reasonable tricycle fare rates/matrix and the rates for the different services rendered, or rates for the services provided in a particular area/zone after the conduct of a public hearing, taking into consideration the prices of fuels and spare parts. They may also take into consideration as reference the Fare Formula promulgated by the Land Transportation Franchising and Regulatory Board and the rules and regulations promulgated by all other concerned national government agencies. The recommending approval of the MTFRB on the proposed fare rates/matrix shall be made through a Board Resolution duly approved by the majority of the members present there being a quorum.

The recommended fare matrix or its adjustments shall be subject to the approval of the Sangguniang Bayan through an ordinance adopting the fare rates/matrix recommended by the Mahaplag Tricycle Franchising and Regulatory Board.

Tricycle operators are principally mandated to ensure the conspicuous display of the approved and prevailing fare matrix inside the tricycle unit.

Section 25. PASSENGER CAPACITY AND LOAD LIMIT - No tricycle shall carry or convey passengers and/or cargo more than its recommended passenger capacity or load limit, taking into consideration the different design, power and capacity of each tricycle unit. The recommended passenger capacity and load limit of each tricycle-for-hire shall be determined by the Mahaplag Tricycle Franchising and Regulatory Board after the inspection and recommendation by the Tricycle Regulation Unit. The passenger capacity and load limit of the tricycle unit/s shall be specifically indicated in the Inspection Certificate issued by the TRU and in the approved Motorized Tricycle Operator's Franchise (MTOF) issued by the Sangguniang Bayan.

Section 26. PLACEMENT OF REFLECTORIZED STICKER - To make the motorized tricycles-for-hire more visible and recognizable especially during nighttime, all motorized tricycles-for-hire operating within the Municipality of Mahaplag shall be provided with reflectORIZED sticker pasted on the outer parts of the tricycle unit:

1. Front outer side with a size of one inch (1") in width and not less than twenty inches (20") in total length, continuous or divided by parts.
2. Right and left outer sides with a size of one inch (1") in width and not less than five inches (5") in length.
3. Rear outer side with a size of one inch (1") in width and not less than twenty inches (20") in total length, continuous or by divided by parts.

Section 27. DRIVER'S DRESS CODE - Drivers of tricycle-for-hire are prohibited from wearing shorts and sandos, including the non-wearing of any shirt, when rendering transport service to the general public for a fee.

Section 28. MANDATORY CONVEYANCE OF PASSENGERS - Motorized tricycle-for-hire shall not refuse to convey passengers. A motorized tricycle temporarily not conveying passenger shall put up a "NOT FOR HIRE" signboard clearly visible in front of the motor vehicle so that the riding public may know. A tricycle-for-hire plying along the road without a "NOT FOR HIRE" signboard visible in front of the tricycle unit shall be presumed as actually engaging in transport service to the general public for a fee.

Section 29. RIGHT OF WOULD-BE-PASSENGER - When a tricycle-for-hire requested for transport is empty or vacant, the tricycle driver shall not refuse to convey the would-

be-passenger. However, for would-be-passenger whose destination is different from a passenger/s who is already on board ahead of him/her, the driver may or may not accept the conveyance of those would-be-passenger.

Section 30. CHANGE OF MOTOR/ENGINE AND CHASSIS – The operator must inform the Tricycle Regulation Unit (TRU) of the change of the motor/engine and chassis of the registered motorized tricycle-for-hire. Failure of the operator to inform the TRU of the change in the engine number and/or chassis number of the registered motorized tricycle-for-hire within thirty (30) days from the actual change thereof is a ground for cancellation, suspension, revocation, or disapproval upon application for renewal of the franchise.

Section 31. PERMANENT BODY NUMBER AND MAYOR’S PERMIT STICKER - For identification purposes all motorized tricycle shall bear a permanent/painted body number issued by the Tricycle Regulation Unit. It must be placed in the front, at the back, and inside the tricycle unit. The Mahaplag Tricycle Franchising and Regulatory Board shall determine the details of the tricycle body numbers such as the color, size, font, etc. The Body Number issued to each tricycle-for-hire shall be permanent, but the number for the Mayor’s Permit Sticker for every tricycle shall not be permanent as they will change every year upon renewal of the annual Mayor’s Permit.

Section 32. TRICYCLE NOT FOR HIRE - All tricycle-not-for-hire shall not be used to render transport service to the general public for a fee. For this purpose, the phrase “NOT FOR HIRE” shall be painted on the left and right outside portions of the tricycle, the cost of which painting shall be shouldered by the tricycle owner.

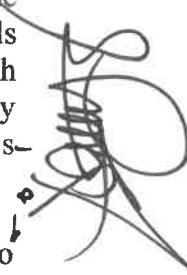
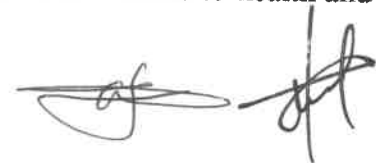
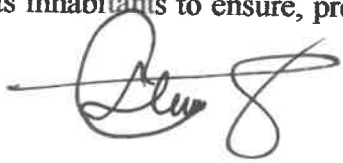
Section 33. BRAKE, SIGNAL AND PARKING LIGHTS - The brake, signal and parking lights of the tricycle unit must at all times be in good working condition. A lamp shall also be provided inside the tricycle unit, which must always be in good working condition, and shall be lighted during nighttime when rendering transport service to the general public for a fee.

Section 34. TRICYCLES IN THE NATIONAL HIGHWAY - The Local Government Code of 1991 has devolved the power to regulate the operation of tricycles to the municipal government, subject to the guidelines prescribed by the Department of Transportation (DoTr).

The Guidelines of the Department of Transportation (DoTr) provides that *“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. However, the Sangguniang Bayan/Sangguniang Panlungsud may provide exceptions if there is no alternative route.”*

Therefore, invoking the General Welfare Clause under Section 16 of the Local Government Code of 1991, as well as the other pertinent provisions of the said law, it is hereby recognized and acknowledged that there is no alternative route or road for all tricycles in the Municipality of Mahaplag to traverse to and from the different barangays of this municipality except through the National Highway (Maharlika Highway) and other National Roads (Tacloban-Baybay South Road and Mahaplag-Hilongos Road) considering the fact that almost all the barangays of this municipality are located along the National Highway or National Roads and/or whose only entrance and exit is only through the National Highway (Maharlika Highway) and/or National Roads.

It is also recognized and acknowledged in this Ordinance that there is no alternative route or road for tricycles from the Municipality of Mahaplag to traverse to and from the adjacent neighboring municipalities and city such as to and from Baybay City other than through the Maharlika Highway and a National Road (Tacloban-Baybay South Road); to and from Sogod, Southern Leyte and Abuyog, Leyte other than through the National Highway (Maharlika Highway); and to and from Hilongos, Leyte other than through a National Road (Mahaplag-Hilongos Road). The fact that the municipality of Mahaplag is a landlocked municipality in the center of the Island of Leyte, it is very essential and of utmost importance in the promotion of the general welfare of its inhabitants to ensure, promote, and support the better access to health and



basic services as well as the better access to economic, educational, and employment opportunities, to enhance economic prosperity and promote sustainable development, to promote full employment, to maintain peace and order, and to preserve the comfort and convenience of the inhabitants that access to and from these adjacent neighboring municipalities and city through the basic mode of available public transport of tricycles-for-hire be made available to the inhabitants of this municipality.

Therefore, tricycles are hereby authorized to pass through the National Highway (Maharlika Highway) and other National Roads by reason of necessity in order to promote the general welfare of the inhabitants of this municipality there being no alternative route or road practically available or existing.

As much as possible and provided that safety is not compromised, motorized tricycles traversing the four (4) lanes National Highway/National Road shall use or occupy the outermost lanes of the road designated for small or slow-moving vehicles for safety purposes. They must also give way to fast moving vehicles.

Section 35. QUALIFICATIONS OF OPERATOR AND DRIVER.

Only Filipino citizens, partnerships, cooperatives, associations, or corporations owned by at least sixty-percent (60%) Filipinos are qualified to be operators of tricycles-for-hire.

Only a holder of a valid Professional Driver's License issued by the Land Transportation Office are qualified to be drivers of tricycles-for-hire.

Section 36. TRICYCLE OPERATOR'S AND DRIVER'S ASSOCIATION (TODA) - Tricycle operators and drivers may form an association among themselves for their mutual aid and protection. However, membership in the association for tricycle operators and drivers shall not be compulsory, but it should be at their own choice taking into consideration their freedom of association. Unless there is a valid and reasonable basis, tricycle operators and drivers who are not members of any association shall not be discriminated nor be disadvantaged in rendering transport service to the general public for a fee.

Section 37. ACCREDITATION OF TRICYCLE OPERATORS AND DRIVERS' ASSOCIATION - All tricycle operators and drivers' association in the Municipality of Mahaplag must apply for accreditation as a Civil Society Organization (People's Organization) in the Sangguniang Bayan.

Section 38. PROHIBITION ON EXORBITANT AND UNREASONABLE FEES - The tricycle operators and drivers' association may collect only a reasonable amount of Membership Fee from its members. The imposition of exorbitant and unreasonable amount of Membership Fees and other miscellaneous fees from its members is hereby prohibited. The violation of the said prohibition shall be a valid ground by the Sangguniang Bayan to deny or revoke the accreditation of the said association.

Section 39. TRICYCLE TERMINAL - For the orderly arrangement of tricycles-for-hire and for public convenience purposes, the Tricycle Regulation Unit (TRU) shall coordinate with the Mahaplag Traffic Enforcement and Management Office (MATEAMO) to determine the designated terminal location/s for tricycles-for-hire in areas/location owned by the Municipal Local Government of Mahaplag.

For the orderly management of the lineup of tricycles-for-hire inside the designated Tricycle Terminal, only those Tricycle Operators and Drivers Association (TODA) that are accredited by the Sangguniang Bayan as a Civil Society Organization (People's Organization) shall be authorized to establish their own line-up of tricycles-for-hire inside the designated Tricycle Terminal owned by the Municipal Local Government of Mahaplag. The Municipal Mayor is hereby authorized to determine which Tricycle Operators and Drivers Association (TODA) will

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be allowed to establish a line-up of tricycles-for-hire inside a Tricycle Terminal owned by the municipal government.

In the line-up of tricycles-for-hire in the designated Tricycle Terminal, those tricycle-for-hire operators and drivers who are not members of any association, or not members of the TODA authorized to establish a line-up in the designated Tricycle Terminal, shall not be prevented from being included in the line-up, provided they will comply to the rules and regulations imposed by the authorized TODA to its regular members pertaining to the line-up.

The terminal for tricycles-for-hire shall be segregated from the terminal for other modes of public transportation such as jeepneys, buses, multicab vehicles, habal-habal motorcycles, etc.

Section 40. DRIVER'S IDENTIFICATION (ID) - All drivers of tricycle-for-hire while operating within the Municipality of Mahaplag are hereby required to display prominently inside the tricycle their Identification (ID) cards which shall contain their personal data.

The driver's identification card shall contain the following data:

1. A true, correct, and unedited photograph of the driver's face;
2. The true and correct Full Name and Address of the driver;
3. The Driver's License Number of the driver;
4. The true and correct Full Name and Address of the Operator;

Section 41. The driver's identification (ID) card issued under this Ordinance is renewable annually, to be issued by the Tricycle Regulation Unit (TRU) immediately after or simultaneous with the issuance of the annual Mayor's Permit.

Section 42. PENAL PROVISION - Violation of any of the following shall be penalized as follows:


VIOLATIONS	PENALTIES		
	FIRST OFFENSE	SECOND OFFENSE	THIRD AND SUCCEEDING OFFENSES
OPERATOR'S OFFENSES			
1. Operating a tricycle-for-hire without or with a revoked, suspended, cancelled, expired, or fake MTOF	Fine of ₱1,500.00 or imprisonment for 10 days, or both at the discretion of the court	Fine of ₱2,000.00 or imprisonment for 20 days, or both at the discretion of the court	Permanent Non-issuance of MTOF, Fine of ₱2,500.00 and/or imprisonment for 30 days, at the discretion of the court
2. Operating the tricycle-for-hire even if the tricycle unit is no longer road worthy	Fine of ₱1,500.00 or imprisonment for 10 days, or both at the discretion of the court	Fine of ₱2,000.00 or imprisonment for 20 days, or both at the discretion of the court	Fine of ₱2,500.00, and/or imprisonment for 30 days, at the discretion of the court
3. Operating an unregistered tricycle, or without an LTO Official Receipt and Certificate of Registration, or using	Fine of ₱1,500.00 and/or	Fine of ₱2,000.00, and/or	Fine of ₱2,500.00, and/or

fake LTO Official Receipt and Certificate of Registration	imprisonment for 10 days, at the discretion of the court	imprisonment for 20 days, at the discretion of the court	imprisonment for 30 days, at the discretion of the court
4. Operating the tricycle with a Designated Driver that has no/expired Driver's License or that is using a fake Driver's License	Fine of ₱1,500.00	Fine of ₱2,000.00	Fine of ₱2,500.00
5. Failure to report to the TRU the change or replacement of Engine or Chassis of tricycle within 30 days from the actual change thereof	Fine of ₱1,500.00	Fine of ₱2,000.00	Fine of ₱2,500.00
6. Operating the tricycle with no windshield	Fine of ₱300.00	Fine of ₱500.00	Fine of ₱1,000.00
7. Operating the tricycle with no Plate Number /Body Number	Fine of ₱200.00	Fine of ₱300.00	Fine of ₱500.00
8. Operating the tricycle without or with defective Headlight/ Taillight/Brake Light	Fine of ₱200.00	Fine of ₱300.00	Fine of ₱500.00
9. Operating the tricycle without or with defective Signal Light/s	Fine of ₱200.00	Fine of ₱300.00	Fine of ₱500.00
10. Operating the tricycle with defective or modified Muffler/Silencer	Fine of ₱200.00	Fine of ₱300.00	Fine of ₱500.00
11. Operating the tricycle without or with defective Interior Light	Fine of ₱200.00	Fine of ₱300.00	Fine of ₱500.00
12. Operating the tricycle without or with unauthorized or with unreadable Body Number	Fine of ₱200.00	Fine of ₱300.00	Fine of ₱500.00
13. Operating the tricycle with no Mayor's Permit and with no or with fake Mayor's Permit Sticker	Fine of ₱200.00	Fine of ₱300.00	Fine of ₱500.00
14. Operating the tricycle with no or with dilapidated reflectorized sticker	Fine of ₱200.00	Fine of ₱300.00	Fine of ₱500.00
15. Fare matrix not displayed inside the tricycle unit	Fine of ₱100.00	Fine of ₱200.00	Fine of ₱300.00
16. No garbage bin inside the tricycle unit	Fine of ₱100.00	Fine of ₱200.00	Fine of ₱300.00
DRIVER'S OFFENSES			
17. Reckless driving	Fine of ₱500.00 or imprisonment for 10 days, or both at the discretion of the court	Fine of ₱1,500.00 or imprisonment for 20 days, or both at the discretion of the court	Fine of ₱2,500.00 or imprisonment for 30 days, or both at the discretion of the court
18. Driving under the influence of intoxicating liquor or prohibited drugs	Fine of ₱500.00 or imprisonment for 10 days, or both at the discretion of the court	Fine of ₱1,500.00 or imprisonment for 20 days, or both at the discretion of the court	Fine of ₱2,500.00 or imprisonment for 15 days, or both at the discretion of the court
19. Driving without carrying Driver's ID, LTO Official Receipt and Certificate of Registration of tricycle, and MTOF (Penalty is for every item of violation)	Fine of ₱300.00	Fine of ₱500.00	Fine of ₱1,000.00













20. Driving the tricycle without/not carrying a Driver's License or using a fake Driver's License	Fine of ₱200.00	Fine of ₱300.00	Fine of ₱500.00
21. Overcharging the passenger	Fine of ₱200.00	Fine of ₱300.00	Fine of ₱500.00 or imprisonment for 10 days, or both at the discretion of the court
22. Not giving of discount to Senior Citizen or Student passenger/s	Fine of ₱200.00	Fine of ₱300.00	Fine of ₱500.00 or imprisonment for 10 days at the discretion of the court
23. Overloading of passengers and/or cargo	Fine of ₱200.00	Fine of ₱300.00	Fine of ₱500.00 or imprisonment for 10 days, or both at the discretion of the court
24. Arrogance and discourtesy of the Driver to the passenger/s or/and traffic enforcer/s	Fine of ₱200.00	Fine of ₱300.00	Fine of ₱500.00 or imprisonment for 10 days, or both at the discretion of the court
25. Refusal to convey passenger/cargo	Fine of ₱200.00	Fine of ₱300.00	Fine of ₱500.00
26. Driving in Short-pants/ Sando / shirtless	Fine of ₱100.00	Fine of ₱200.00	Fine of ₱300.00

Section 43. ACCIDENT DUE TO RECKLESS DRIVING – In the event of any accident that may occur resulting to an injury to any person or damage to property as a result of negligence, recklessness, or unreasonable fast driving, the driver and/or operator of the vehicle at fault shall upon conviction be punished under the provisions of the Revised Penal Code.

Section 44. DUTIES OF TRAFFIC LAW ENFORCERS - It shall be the duty of the Traffic Enforcers/Officers to report and submit to the Municipal Treasurer within Twenty-Four (24) hours from the apprehension the list of apprehended traffic violators issued with violation citation tickets.

Section 45. CITATION TICKETS - The Office of the Municipal Treasurer shall provide the Mahaplag Traffic Enforcement and Management Office (MATEAMO) the necessary Citation Tickets to be issued to apprehended violators of this Ordinance.

Section 46. NO CONTEST PROVISION - Any person who is apprehended or cited for violation of this Ordinance and who does not wish to contest the violation and is willing to pay voluntarily the fine imposable upon him/her prior to the filing of the formal charges with the proper court shall be allowed to pay the appropriate penalty of fine in the Municipal Treasurer's Office to avoid being criminally prosecuted within three (3) days from apprehension. Otherwise, the case shall be prosecuted in court. In the event that the apprehension is held during a Saturday, Sunday, or holiday, the voluntary payment of fine shall be made on the next following working day. All proceeds from the payment of the herein penalties imposed shall accrue to the General Fund of the Municipality of Mahaplag.

Section 47. FAILURE TO PAY THE FINE UNDER THE CITATION TICKETS - Failure of the operator and/or designated driver to pay the fine under the issued citation ticket for

any violation of the provisions of this ordinance shall be a ground for the non-issuance of the yearly Mayor's Permit and shall also be an additional ground for the disapproval of the application for renewal of MTOF.


Section 48. SEPARABILITY CLAUSE - If any provision or section of this ordinance is declared unconstitutional or invalid by a competent court, the other sections or provisions not affected thereby shall continue to be in force and effect.

Section 49. REPEALING CLAUSE - All ordinances, regulations, executive orders, or local rules and regulations which are inconsistent or contrary to the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 50. EFFECTIVITY - This Ordinance shall take effect after fifteen (15) days from the approval by the Municipal Mayor, posting in at least three (3) conspicuous places in the Municipality of Mahaplag, and its publication in the newspaper of general or local circulation.

ENACTED on this 17th day of October in Mahaplag, Leyte, Philippines.

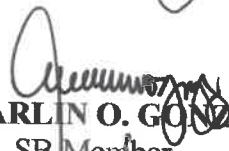
APPROVED BY THE SANGGUNIANG BAYAN MEMBERS:


HON. ARIENE O. GIGANTO
SB Member


HON. AIDA L. DIZON
SB Member


HON. CARMELITO C. ALONZO
SB Member


HON. REYNALDO M. KANEN
SB Member


HON. HARLIN O. GONZAGA
SB Member


HON. OSCAR S. REALES
SB Member


HON. GOMERCINDO V. RAMOS JR.
President, Liga Ng Mga Barangay


HON. JOSE T. AMARADO II
President, Sangguniang Kabataan Federation

CERTIFIED TRUE AND CORRECT:


ATTY. JASON L. ALONZO
Board Secretary V

ATTESTED TO BE DULY ENACTED:


HON. MYRA P. SOLIS
Municipal Vice Mayor/ Presiding Officer

APPROVED BY:


HON. RONALDO T. ILEVE
Municipal Mayor

Date of Approval: NOV 07 2022