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Republic of the Philippines
PROVINCE OF LEYTE

Item No.: 09
Date: 07 FEB 2023

PROVINCIAL LEGAL OFFICE

SANGGUNIANG PANLALAWIGAN
SP Records
JAN 31 2023
dy 1-30-23
PROVINCE OF LEYTE

2nd Indorsement
January 18, 2022

Province of Leyte
Legal Office
Released: [Signature]
Time: [Signature]
Date: 1-24-23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance Nos 14 S. 2022 of the SB of Merida, Leyte, recommending for the declaration of its validity pursuant to its power under Section 56 (c) of 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)".

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



Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
17 January 2023



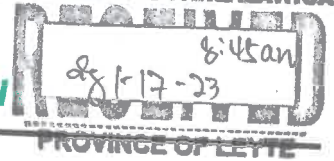
The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 14, SERIES OF 2022 OF THE MUNICIPALITY OF MERIDA, LEYTE, ENTITLED: AN ORDINANCE FOR THE FRANCHISE AND REGULATION OF MOTORPOT VEHICLES IN THE MUNICIPALITY OF MERIDA, LEYTE, TO LEVY FEES AND CHARGES FOR THE OPERATION THEREOF, AND FOR OTHER PURPOSE.**


FLORINDA JILL S. UYVICO
Secretary to the Board



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

SANGGUNIANG PANLALAWIGAN



OFFICE OF THE SANGGUNIANG BAYAN

January 11, 2023

THE SANGGUNIANG PANLALAWIGAN OF LEYTE
SP LEGISLATIVE BUILDING
CAPITOL GROUNDS
TACLOBAN CITY

DEAR HONORABLE SP MEMBERS;

I HAVE THE HONOR TO SUBMIT TO THE SANGGUNIANG PANLALAWIGAN OF LEYTE COPIES OF **MUNICIPAL ORDINANCE NO. 14, SERIES OF 2022 – “AN ORDINANCE FOR THE FRANCHISE AND REGULATION OF MOTORPOT VEHICLES IN THE MUNICIPALITY OF MERIDA, LEYTE, TO LEVY FEES AND CHARGES FOR THE OPERATION THEREOF, AND FOR OTHER PURPOSES”** ENACTED BY THE 18TH COUNCIL OF MERIDA, LEYTE FOR REVIEW AND CONSIDERATION.

HOPING EVERYTHING IS IN ORDER.

THANK YOU.

RESPECTFULLY,


JOSEITO T. DE LOS ANGELES
Secretary to the Sangguniang Bayan



SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 02ND SPECIAL SESSION OF THE SANGGUNIANG BAYAN (18TH COUNCIL), MERIDA, LEYTE HELD ON DECEMBER 16, 2022 AT THE LEGISLATIVE BUILDING SESSION HALL.

8:45 AM
1-17-23
SANGGUNIANG BAYAN
PROVINCE OF LEYTE

- RESOLUTION NO. 18-22-273 -

A RESOLUTION APPROVING MUNICIPAL ORDINANCE NO. 14, SERIES OF 2022 "AN ORDINANCE FOR THE FRANCHISE AND REGULATION OF MOTORPOT VEHICLES IN THE MUNICIPALITY OF MERIDA, LEYTE, TO LEVY FEES AND CHARGES FOR THE OPERATION THEREOF, AND FOR OTHER PURPOSE."

NOW, WHEREFORE, ON MOTION OF Hon. Felipe H. Perez, Jr., Chairman Committee on Public Utilities, Transportation, Communication and Energy, duly seconded by Hon. Amelita R. Galam and Hon. Camilo L. Dejon, BE IT RESOLVED TO ENACT;

EXPLANATORY NOTE

The growing number of Motorpot plying the major through fares in the Poblacion of Merida has raised concerns over traffic safety. The recent turn-out of events indicates a parallel growth in the rate of road accidents which, most often than not, involve this type of vehicle. There is a common perception that the problem could be the result of the lack of strict regulations on the operation of Motorpot vehicles in the Municipality.

Hence, the following measure. . .

- MUNICIPAL ORDINANCE NO. 14 -
(Series of 2022)

"AN ORDINANCE FOR THE FRANCHISE AND REGULATION OF MOTORPOT VEHICLES IN THE MUNICIPALITY OF MERIDA, LEYTE, TO LEVY FEES AND CHARGES FOR THE OPERATION THEREOF, AND FOR OTHER PURPOSE."

BE IT ORDAINES, by the 18th Sangguniang Bayan of the Municipality of Merida, Province of Leyte, in session assembled, that:

SECTION 1. TITLE - This Ordinance shall be entitled "MOTORPOT FRANCHISE AND REGULATION ORDINANCE OF MERIDA, LEYTE, 2022"

SECTION 2. PURPOSE - The main purpose of this Ordinance is to establish franchising and regulatory system which will contain the total number of motorpot vehicles in the Municipality and to have control in the limit of such vehicles that are allowed to operate within Barangay Poblacion.

SECTION 3. SCOPE OF APPLICATION - The provisions of this Ordinance shall apply to all motorpot vehicles operating or operated with the territorial jurisdiction of the Municipality of Merida.

- a. Motorpot are those vehicles which have a body of a pedaled tricycle and is run by a motorcycle.
- b. **MOTORPOT VEHICLE-FOR-HIRE OPERATION PERMIT (OR MVOP)** - shall refer to a document granting franchise or license to operate which is issued by the LGU of Merida to a person, natural or juridical, allowing him/it to operate MV-for-hire over zones/routes specified herein.
- c. **ZONE / ROUTE** - shall refer to a contiguous area or block, say a subdivision, or a barangay, or a route where an EV-for-hire may operate without fix origin or destination but within the poblacion of the municipality only.

SECTION 4. ISSUNCE OF MVOP - Terms and Conditions therefor:

- a. The total number of MVOP issuances for the entire municipality shall be up to maximum of One Hundred (100) units only.
- b. Only Filipino citizens, and partnerships or corporations with sixty (60%) Filipino equity, are qualified to be operators of MVOP. However, no MVOP shall be granted unless the applicant is in possession of units with valid registration papers from the Land Transportation Office (LTO).
- c. The grantee of MVOP must carry a common carrier's insurance sufficient to answer for any liability it may incur to passengers and third parties in case of accidents.



(CONTINUATION OF MUNICIPAL ORDINANCE NO. 14, SERIES OF 2022, DATED DECEMBER 16, 2022. // PAGE 02)

- d. In relation to the preceding paragraph, any application for MVOP must be supported with the following documents:
1. Proof of citizenship or proof of 60% Filipino equity in the case of partnership/corporation;
 2. Valid registration papers of the unit from the LTO; and
 3. Common carrier's insurance policy.
- e. The above-mentioned documents shall be inspected by the Chairman of the Committee on Transportation and Communication or in the absence thereof, the Chairman of the Committee on Trade and Industry, together with any police officer assigned to the traffic section of the Local PNP unit, to verify their authenticity and validity. If found authentic and valid, a certification to that effect shall be issued by the committee chairman concerned.
- f. Before a motorpot for hire can operate, there must be an inspection to be made on the unit by the persons above-mentioned in order to determine its suitability for transport services and, in like manner, a certification shall be issued concerning thereto.
- g. After all the requirements have been complied with, the MVOP shall then be issued duly signed by the Chairman of the Committee on Transportation.

SECTION 5. SCHEDULE OF FARES — a) The following shall be the rate of fares for Vs-for-hire and motorpot from any point to any destination within the poblacion of the municipality.

| | | |
|-------------------------------------|-------|--------------|
| a. Senior Citizen, PWD, and Student | ----- | 15% discount |
| b. Within town Proper | ----- | 5.00 |
| c. Town Proper-Hiway/Lawis/Sto Niño | ----- | 10.00 |

SECTION 6. OPERATING CONDITIONS —

- (a) No operator shall be allowed to operate more than two (2) units motorpot for hire in the municipality.
- (b) Each motorpot unit shall be assigned and bear an identification number issued by the LGU, aside from its LTO license plate number, if available.
- (c) For safety reasons, the operation of motorpot for hire shall be confined only within Barangay Poblacion of Merida.
- (d) An operator wishing to stop service completely, or to suspend service for more than which (1) month, should report in writing such service stoppage to the Sangguniang Bayan which originally granted the MVOP prior thereto.
- (e) The MVOP shall be valid for one (1) year, renewable every January each year thereafter. Change of ownership of a unit or transfer of MVOP shall be constructed as an amendment to MVOP and shall require appropriate approval of the Sangguniang Bayan through the Chairman of the Committee on Transportation.
- (f) Drivers of motorpot for hire shall hold a Professional Driver's license issued by the Land Transportation Office (LTO) and must have Driver's ID issued by the LGU and shall always follow traffic rules and regulations.
- (g) Each motorpot vehicle shall carry only up to 4 passengers.
- (h) A motorpot vehicle shall be allowed to operate like a taxi service, i.e., service rendered upon demand and without a fixed route but within the above-mentioned routes.
- (i) During night time operation, motorpot units should always switch "on" their head lights, for safety reasons.

SECTION 7. FEES AND CHARGES — (a) The following fees and charges shall be imposed by the Local Treasury Office:

| | |
|--|-------------|
| 1. Annual Mayor's Permit | - Php200.00 |
| 2. Annual Application Fee for Registration | - Php 50.00 |

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(CONTINUATION OF MUNICIPAL ORDINANCE NO. 14, SERIES OF 2022, DATED DECEMBER 16, 2022.// PAGE 03)

- | | |
|--|--------------|
| 3. Annual Registration Fee | - Php 50.00 |
| 4. Annual Secretary's Fee Inspection | - Php 50.00 |
| 5. Filing Fee for amendment of EVOP/MVOP | - Php 150.00 |
| 6. Transfer of Ownership | - Php 50.00 |
| 7. Drivers ID | - Php 50.00 |
| 8. Police Clearance | - Php 50.00 |
| 9. Plate Number | - Php 50.00 |

SECTION 8. ENFORCEMENT - It shall be the responsibility of the local PNP unit to enforce the provisions of this Ordinance.

SECTION 9. PENAL PROVISIONS /PENALTIES — (a) The following penalties shall be imposed for violations of this Ordinance

1. For late filing - 25% of the Filing fee if the unit is not operating. If it is operating, it will be fined Php1,000.00 and the unit shall be impounded. From the anniversary date of MVOP, the operator is given a 60-day grace period within which to make a renewal of the same, beyond of which warrants its cancellation.
2. For driving without license duly issued by the LTO- PhP500.00 fine.
3. For charging fares more than those prescribed under the Ordinance — PhP500.00 fine
4. For overloading — PhP200.00 fine
5. For operating more than two (2) units — PhP2,500.00 fine plus cancellation of MVOP.
6. For operating unit without an identification number — PhP500.00 fine.
7. For failure to post the schedule of fares on a conspicuous part of the unit — PhP200.00 fine.
8. For operating a unit in violation of sec. 7 (c) of the Ordinance — PhP500.00 fine plus suspension of MVOP for three (3) months.
9. For change of ownership of unit or transfer of MVOP without appropriate approval of the SB Committee on Transportation Chairman — cancellation of MVOP.
10. For non-observance of "switch -on headlight during night time' — PhP1000.00
11. For non-compliance of side mirrors installed at left and right frontal side of the motorpot unit - PhP200.00
12. For non-compliance of reflectorized stickers stuck on conspicuous spot/s of the unit — PhP200.00
13. For non-observance of Color coding color policy -PhP1,000.00
14. Driving without proper driving attire and shoes — PhP200.00

(b) Violation of Item no.2 to item no. 7, except item no. 5, for the third time or more shall warrant the suspension of MVOP for three (3) months. Violation made for the 6th time shall warrant the indefinite cancellation of MVOP.

(c) Violation of Section 7 (c) of this Ordinance for the third time shall warrant the indefinite cancellation of MVOP.

(d) Any person who shall violate any of the provisions of this Ordinance shall be meted the above-mentioned fines, whichever is applicable, or an imprisonment of Five (5) days, or both such fine and imprisonment at the discretion of the court.

SECTION 10. REPEALING CLAUSE — All other Ordinances or any parts thereof which are inconsistent herewith are deemed repealed or modified accordingly.

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

J. Cayton R. Mags

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(CONTINUATION OF MUNICIPAL ORDINANCE NO. 14, SERIES OF 2022, DATED DECEMBER 05, 2022.// PAGE 04)

SECTION 12. EFFECTIVITY—This Ordinance shall take effect after the lapse of ten (10) days from the date a copy hereof is posted in a bulletin board at the lobby of the Municipal Hall and in at least three (3) conspicuous places of the Local Government Unit.

ENACTED BY THE SANGGUNIANG BAYAN OF MERIDA, LEYTE AT ITS REGULAR SESSION HELD ON THE 16TH DAY OF DECEMBER 2022.

APPROVED UNANIMOUSLY.

I HEREBY CERTIFY to the veracity of the foregoing Ordinance.


JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan

SANGGUNIANG BAYAN MEMBERS

CHENIL C. CALDERON
Municipal Councilor
Assistant Floor Leader
(Forced Leave)



JESUS ANTONIO R. MARTINEZ
Municipal Councilor



EMARITO A. LUZARES
Municipal Councilor
Majority Floor Leader


CAMILO L. DEJON
Municipal Councilor

FELIPE H. PEREZ, JR.
Municipal Councilor
(Forced Leave)

NENFA C. OYAO
Municipal Councilor
(Forced Leave)


STEPHANIE M. MIRALLES
Municipal Councilor


AMELITA R. GALAM
Ex-Officio (LnB President)


RALPH STEVE M. MIRALLES
Ex-Officio (Mun. SK. Fed. President)

ATTESTED :


JOEL A. MARSON
Municipal Councilor / Presiding Pro-tempore

RODRIGO M. WENCESLAO
Municipal Vice Mayor (Forced Leave)

APPROVED:


ENGR. ROLANDO M. VILLASENCIO
Municipal Mayor