



Republic of the Philippines
PROVINCE OF LEYTE

SANGGUNIANG PANLALAWIGAN

COMMITTEE ON RULES, LAWS and PRIVILEGES

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COMMITTEE REPORT

No. ____ S. 2023

This is with reference to Municipal Ordinance No. 2019-07 of the Sangguniang Bayan of Sta. Fe, Leyte, entitled "AN ORDINANCE ON THE COMPREHENSIVE TRAFFIC CODE OF THE MUNICIPALITY OF SANTE FE, LEYTE" which was referred to the Committee on Rules, Laws and Privileges.

The said ordinance was already referred to the Provincial Legal Office, and in its indorsement, through Atty. Rhea Lina U. Enage, dated March 2, 2020, the said office rendered the following observation and opinion:

Observation of the Provincial Legal Office

1. That ordinance No. 2019-07, S. 2019 of the Municipality of Sta. Fe, Leyte is an exercise of the power authorized under Section 447 (5), (vi) of the Code (R.A. 7160);
2. That Section 65 of the subject Ordinance requires ALL MOTOR VEHICLES to secure a LICENSE from the LGU concerned. Hence, Section 66 thereof, a LICENSE FEE shall be paid to the Municipal Treasurer;
3. That Section 92 of the Ordinance provides for the NON-LIABILITY of the LGU, "for any loss or damage that may be incurred upon any vehicle that maybe TOWED or while under IMPOUNDMENT";
4. That Section 94 of the subject ordinance provides for APPREHENDING OFFICERS, who are authorized to demand the presentation of Driver's License, for the drivers who may violate said ordinance, and are likewise authorized to issue citation tickets;

Opinion of the Provincial Legal Office

1. That for the LGU concerned to require ALL MOTOR VEHICLES TO OBTAIN A LOCAL LICENSE AND PAY THE CONCOMITANT LICENSE FEE is without legal basis as these motor vehicles are already licensed by the LTFRB or the LTO;
2. That the Non-liability of the LGU should only be applied if clearly proven that the damage of towed and impounded vehicles is WITHOUT THE FAULT of the LGU concerned;
3. That ALL APPREHENDING OFFICERS must be deputized by the PNP or the LTO.

The committee's opinion and recommendations:

The committee agrees with the opinion of the PLO that Section 65 the subject ordinance, which requires ALL MOTOR VEHICLES TO OBTAIN A LOCAL LICENSE AND PAY THE CONCOMITANT LICENSE FEE (section 66) is without sufficient legal basis on the ground that these motor vehicles are already required by existing laws to obtain licenses before the LTO and/or the LTFRB.

It is worth to note that section 65 in relation to section 66 of the subject ordinance requires ALL VEHICLES to obtain a license from the concerned local government unit, without distinction or qualification. Whether a vehicle is just passing through, delivering goods or used as a private transportation, the said sections apparently require both for hire/business and for private use vehicles entering and operating in the Sta. Fe, Leyte to obtain a local license from the municipality, which made these sections likewise ambiguous.

On this note, Section 65 and 66 of the subject ordinance are hereby recommended to be declared invalid for being ambiguous and for having no sufficient legal basis.

As to Section 92 and 94 of the ordinance which refers to the Non-liability of the LGU concerned in the towing and impounding of vehicles and the authority of the apprehending officers to demand the presentation of driver's license, the committee also agrees with the opinion of the PLO for both sections. The committee agrees that the non-liability of the LGU should only apply if it is clearly proven that the damage sustained is without the fault of the LGU personnel concerned. In relation to the authority of apprehending officers, the committee also agrees that all appointed traffic officers of the concerned LGU should be deputized either by the Local Chief executive herself and/or the PNP and/or the LTO.

In connection thereto, both sections are still recommended to be declared valid; provided that, for purposes of their application, the local government unit of Sta. Fe, Leyte through its Local Chief Executive executes an implementing rules and regulation to provide for the guidelines in the implementation of sections 92 and 94 of the subject ordinance.

Thus, after consideration of the findings and opinion of the Provincial Legal Office, the committee recommends that Municipal Ordinance No. 2019-07 of the Sangguniang Bayan of Sta. Fe, Leyte, entitled "AN ORDINANCE ON THE COMPREHENSIVE TRAFFIC CODE OF THE MUNICIPALITY OF SANTE FE, LEYTE" be declared VALID, except for Sections 65 and 66 thereof, with the condition that an implementing rules and regulations be enacted through an executive order, particularly for the implementation of Section 92 and 94 of the subject ordinance considering the findings and opinion of the Provincial Legal Office.

Submitted this 1st day of March, 2023, Palo, Leyte


Hon. Atty. Ronnan Christian M. Reposar
Chairperson


Hon. Atty. Carlo P. Loreto
Vice Chairperson


Hon. Wilson S. Uy
Member


Hon. Michael L. Cari
Member

Hon. Nolie C. Caña
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