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Item Flo.: 12
Date: 14 MAR 2023

Province of Levis

SP Records MAR 09 2023 Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte

SANGGUNIANG PONLALAUTICPROVINCIAL LEGAL OFFICE

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PROVINCE OF LEYTE

2<sup>ND</sup> INDORSEMENT February 27, 2022

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2023-03 of the SB of Dagami, Leyte, recommending for the declaration 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 (R.A 7160). Provided, That, pursuant to Section 186 thereof, "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 Republic of the Philippines PROVINCE OF LEYTE Tacloban City

# OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1<sup>st</sup> INDORSEMENT 22 February 2023 Province of Leyte
Legal Spiice
Reserved 220

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **ORDINANCE NO. 2023-03** of the **MUNICIPALITY OF DAGAMI, LEYTE**, ENTITLED: AN ORDINANCE REGULATING THE OPERATION OF "HABAL-HABAL" AND PEDICAB "POT-POT" OPERATING WITHIN THE JURISDICTION OF THE MUNICIPALITY OF DAGAMI, LEYTE, IMPOSING FEES, AND PENALIZING VIOLATORS THEREOF.

FLORINDA JILLS. VYVICO Secretary to the Sanggunian

#### Republic of the Philippines Province of Leyte MUNICIPALITY OF DAGAMI

# Office of the Secretary to the Sanggunian

PROVINCE OF LEYTE

21 FEBRUARY 2023

Sangguniang Panlalawigan, Leyte Legislative Building Capitol Grounds Tacloban City

**Thru:** The Secretary to the Sangguniang Panlalawigan

#### Madam:

Respectfully submitted herewith Seventeen (17) sets of Ordinance No. 2023-01 "AN ORDINANCE CREATING AND ESTABLISHING THE DAGAMI AUXILIARY TRAFFIC UNIT (DATU) IN THE MUNICIPALITY OF DAGAMI, LEYTE AND APPROPRIATING FUNDS FOR ITS PURPOSE" and Ordinance No. 2023-03 "AN ORDINANCE REGULATING THE OPERATION OF "HABAL-HABAL" AND PEDICAB "POT-POT" OPERATING WITHIN THE JURISDICTION OF THE MUNICIPALITY OF DAGAMI, LEYTE, IMPOSING FEES, FARE RATES, AND PENALIZING VIOLATOR for review and approval.

Please acknowledge receipt hereof.

Thank you and more power.

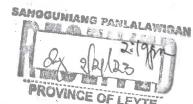
Very truly yours,

Secretary to the Sanggunian



# Republic of the Philippines Province of Leyte MUNICIPALITY OF DAGAMI

# Office of the Sangguniang Bayan



EXCERPT FROM THE MINUTES OF THE 3RD REGULAR SESSION OF THE SANGGUNIANG BAYAN OF DAGAMI, LEYTE, HELD AT THE MUNICIPAL SESSION HALL ON 23 JANUARY, 2023 AT 9:00 O'CLOCK IN THE MORNING.

#### Present:

Hon. Homobono U. Bardillon Hon. Judy M. Dumduma, Jr. Hon. Rolando A. Bud-oy Hon. Andres Bryan M. Bayona Hon. Jose Jingle N. Sudario Hon. Caridad B. Cabidog Hon. Jetromus Jose S. Bardillon Hon. Susan O. Mendoza	- Mun. Vi - Sanggu - - - -	ice-Mayor/Presiding Officer niang Bayan Member -do- -do- -do- -do- -do-
	-	-do-
Hon. Reynaldo O. Treceñe	-	-do-
Hon. Reo O. Gabriente	ARC D	

Hon. Mary Ahlyssa Ashley A. Gerona

- ABC President/Ex-Officio Member

- SK Fed. Pres./Ex-Officio Member

Absent:

NONE

#### ORDINANCE NO. 2023-03

AN ORDINANCE REGULATING THE OPERATION OF "HABAL-HABAL" AND PEDICAB "POT-POT" OPERATING WITHIN THE JURISDICTION OF THE MUNICIPALITY OF DAGAMI, LEYTE, IMPOSING FEES, AND PENALIZING VIOLATORS THEREOF.

#### Sponsored by: HON. JETROMUS JOSE S. BARDILLON

#### Co-Sponsored by: HON. JUDY M. DUMDUMA JR.

**WHEREAS**, motorcycle service, locally known as "Habal-habal" is not legalized by the National Government as a public vehicle;

**WHEREAS**, the riding public to avail the service particularly in the far-flung barangays or in the areas wherein there is no available transportation;

**WHEREAS**, the Municipality of Dagami recognize the services of habal-habal as means of transport in helping our people in their travel, especially those living in the mountain barangays;

**WHEREAS,** the Municipality of Dagami believes that there is a need to regulate the operation of the motorcycle service locally known as "habal-habal" to protect the lives of the riding public;

WHEREFORE, be it ordained by the Sangguniang Bayan of Dagami, Leyte, that:

HON. HOMOSONO U. BARDILLON Mun. Vice-Mayor/Presiding Officer



SB Membe

ABC Pres./Ex. office Mem

HON. MARY AHLYSTA

ASHLEY A. GERONA

SK Fed. Pres./Ex-Officia Member

SECTION 1. TITLE - This ordinance shall be known as "HABAL-HABAL AND POT-POT ORDINANCE".

**SECTION 2. DEFINITION OF TERMS** - As used in this ordinance, the following terms are hereby defined as follows:

- a. Motorcycle shall refer to the two-wheeled vehicle powered by an engine.
- Motorcycle-for-hire shall refer to the motorcycle locally known as "habal-habal" privately owned and used to ferry passengers to their respective destinations in the locality.
- c. Reflectorized Stickers refer to any adhesive material, decal, or metal object or device with a polished surface for reflecting light or providing illumination during nighttime.
- d. Zones —a contiguous land area or blocks, like a subdivision or a barangay where a motorcycle service (habal-habal) may operate without a fixed destination.
- Helmet refers to any protective covering of the head used by the driver or motorist.

## SECTION 3. REGISTRATION AND PERMITS.

- All Habal-Habal and Pot-Pot within the jurisdiction of Dagami, Leyte shall be registered in the PNP Office of Dagami, Leyte for record purposes.
- Stickers free of charge shall be issued in color coding upon registration to determine whether the said motorcycle is issued as habal-habal and pot-pot.
- c. The imposed herein shall be due on the first day of January and payable to the Municipal treasurer within the first twenty (20) days of January of every year. For pot-pot and habal-habal acquired after the first twenty (20) days of January, the permit fee shall be paid without penalty within the first twenty (20) days of the quarter following the date of purchase.
- d. There shall be collected from the owner of pot-pot and habal-habal operated within the Municipality, a permit fee of Five Hundred Thirty pesos and 50/100 (P530.50) per annum, exclusive of any other regulatory fees.

# SECTION 4. RULES AND REGULATIONS FOR HABAL-HABAL

- a. The driver must be a holder of a driver's license issued by the LTO.
- The habal-habal must be duly registered with the LTO and must be renewed annually.

HON. HOMOBONO U. BARDILLON Mun. Vice-Mayor/Presiding Officer

Sangguniang Bayan Secretary

JSAN Q. MENDOZA HON. REVIJALDO O. TRECEÑE
SB Member

ABC Pres./Ex-Officio Member

HON. MARY AHLYSSE ASHLEY A. GERONA
SK Fed. Pres./Ex-difficio Member

- c. No person or driver is allowed to drive or operate a motorcycle under the influence of liquor or a drunk driver while driving.
- d. Smoking is strictly prohibited for drivers and back riders while on a ride.
- e. The driver shall be responsible for the back riders.
- f. Carrying cargo must be determined by the driver based on the capacity and roadworthiness of the motorcycles.

# SECTION 5. RULES AND REGULATIONS FOR POT-POT

- a. Drivers/Operators of pedaled tricycles must carry the passengers safely as far as human care and foresight can provide, using the utmost diligence of very cautious persons, with due regard for all the circumstances.
- b. Pot-pot should be equipped with reflectorized stickers for visibility, especially at night.
- Should be painted green for uniformity, and pot-pot numbers should be painted visibly in bold with a yellow color at the front back of the sidecar.

### SECTION 5. LIMITATIONS.

- All motorcycle drivers shall negotiate with the speed of 40 KPH within the jurisdiction of Dagami, Leyte.
- b. The driver/owner shall install a silencer to prevent unnecessary disturbing noise.
- c. All motorcycle services shall bear a registration sticker for motor service to know that the unit is allowed to operate within the Municipality of Dagami.
- d. No child below 10 years old is allowed to board a motorcycle without a companion of either a parent or guardian.
- e. In an emergency, the driver shall determine the capacity of the motorcycle to carry his load.

**SECTION 6. CONDUCT AND DUTIES OF MOTORCYCLE-FOR-HIRE.** All motorcycle service drivers operating within the Municipality of Dagami, Leyte must wear protective riding gear while operating their motorcycles.

**SECTION 7. ZONING AREA FOR OPERATION OF MOTORCYCLE SERVICE.** The following zoning areas of the motorcycle will be determined by the Municipal Treasurer's Office, PNP Dagami, and Mayor's Office upon its implementation.

**SECTION 8. TERMINAL SHED BUILDINGS** - All motorcycle-for-hire service shall park all their motorcycles at the terminal shed building designated for this purpose.

HON. HOMOBONO U. BARDILLON Mun. Vice-Mayor/Presiding Officer Sangguniang Bayan Secretary

ON. RETHALDO O TRECE

HOM. REO O. GARRIENTE

HON. MARY AHLYSS ASHLEY A. GERONA
SK Fed. Pres./EXOfficio Member

SECTION 9. PENAL PROVISIONS - Violations of any of the provisions as provided in this Ordinance shall be penalized as follows:

- a. 1st Offense 300PHP
- b. 2<sup>nd</sup> Offense 500PHP
- c.  $3^{rd}$  Offense 1000PHP plus the impounding of the motorcycle with an impounding fee of PHP 100.00 per day or imprisonment of not more than 30 days or both at the discretion of the court.

SECTION 10. REPEALING CLAUSE - All ordinances, rules, and regulations not consistent herewith are hereby repealed.

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

SECTION 12. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon the approval of the Sangguniang Bayan or the posting of copies in conspicuous places in the Municipality of Dagami, Leyte, and publication in a newspaper of local circulation.

RESOLVED FINALLY, to furnish copies of this resolution to the Honorable Angelita M. Delusa, Municipal Mayor, this Municipality, for the information and basis of appropriate action.

APPROVED by the Sangguniang Bayan of Dagami, Leyte on.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

CONCURRED:

UDY M. DUMDUMA, JR.

SB Member

HON. ANDRES BRYAN M. BAYONA

SB Member

HON. CARIDAD B. CABIDOG

SB Member

HON. SUSAN O. MENDOZA

SB Member

HOW. REO O GABRIENTE

Member

HON. HOMOBONO U. BARDILLON Mun. Vice-Mayor/Presiding Officer HON. ROLANDO'A. BUD-OY

SB Member

HON. JOSE JINGLE N. SUDARIO

SB/Member

HON. JETROMOS JOSE S. BARDILLON

HON, REYMALDO O. TRECEÑE

**⋬**B Member

HON. MARY AHLY A ASHLEY A. GERONA

SK FED. Pres. Ex-Officio Member

LOR G. YAP

Sangguniang Bayan Secretary

I HEREBY CERTIFY, to the correctness of the foregoing ordinance.

Secretary to the Sanggunian

ATTESTED:

HON. HOMEBONO U. BARDILLON Presiding Officer/Vice-Mayor

APPROVED:

ANGELITA M. DELUSA Municipal Mayor

SB Member

B Membe

BC Pres./Ex-Officio Member

HON. MARY AHLYS SK Fed. Pres./EMOfficio Member ASHLEY A. GERONA

SB Member

# **PUBLIC HEARING**

JANUARY 20, 2023 MUNICIPAL GYM DAGAMI, LEYTE

#### AGENDA:

1. AN ORDINANCE REGULATING THE OPERATION OF "HABAL-HABAL" AND PEDICAB "POT-POT". OPERATING WITHIN THE JURISDICTION OF THE MUNICIPALITY OF DAGAMI, LEYTE, IMPOSING FEES, FARE RATES, AND PENALIZING VIOLATORS THEREOF.



# PUBLIC HEARING ATTENDANCE SHEET JANUARY 20, 2023 MUNICIPAL GYMNASIUM DAGAMI, LEYTE

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REPUBLIC OF THE PHILIPPINES) PROVINCE OF LEYTE) S.S. **TACLOBAN CITY)** 

#### **AFFIDAVIT OF PUBLICATION**

I, DANILO N. SILVESTRECE, of legal age, Filipino, married and a resident of Poblacion Zone 3, Mayorga, Leyte, after having duly sworn to in accordance with law, hereby depose and say;

That I am the Publisher of BALITA TIRADOR PUBLICATION, publisher of SUNDAY PUNCH NEWSPAPER and BALITA 8, a weekly newspaper of general circulation of the provinces of Leyte, Biliran, Southern Leyte, Samar, Eastern Samar, Northern Samar, printed and publish in Tacloban

That the Municipal Ordinances of Dagami, Leyte ORDINANCE NO. 2023-01 'AN ORDINANCE CREATING AND ESTABLISHING THE DAGAMI AUXILIARY TRAFFIC UNIT (DATU) IN THE MUNICIPALITY OF DAGAMI, LEYTE, AND APPROPRIATING FUNDS FOR ITS PURPOSE.' And ORDINANCE NO. 2023-03 'AN ORDINANCE REGULATING THE OPERATION OF "HABAL-HABAL" AND PEDICAB "POT-POT" OPERATING WITHIN JURISDICTION OF THE MUNICIPALITY OF DAGAMI, LEYTE, IMPOSING FEES, AND PENALIZING VIOLATORS THEREOF.', has been published in the BALITA 8 in its January 31, February 7, 2023 issue of said publication.

That copy has been circulated to the public in the general circulation and to the readers in the province of Region 8, in particular.

That I am executing this affidavit for the purpose of attesting the veracity of foregoing.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of February 2023 at Tacloban City, Leyte, Philippines.

DANILO N. SILVESTRECE

Affiant

SUBSCRIBED AND SWORN to before me this 8th day of February, 2023 at Tacloban City, Leyte, Philippines, affiant exhibited to me his Company ID No. 1 issued on lanuary 8, 2012 at Tacloban City.

Doc. No. 263 Page No. 74 Book No. YXVII

Series of 2023

ATTY. EDWIN B. JOMADIAO

**Notary Public** Notarial Com. No. 2023-01-02 Until December 31, 2024 PTR No. 8329738/01-04-2023/Tacloban City IBP NO. 188197/12-14-2022/Tacloban City ROA 39792; TIN 136-321-877 TACLOBAN CITY



MAIN OFFICE: Del Pilar St., Poblacion Zone 3, Mayorga, Leyte, EDITORIAL OFFICE: Rm. 217, Melecio Tan Building corner Zamora and Salazar Streets, Tacloban City Contact No. 09193587268/09273859050/09171439337 (Call Only)

HON. HOMOBONO U. BARDILLON Vice Mayor Dagami, Leyte

Thru: MS. FLOR G. YAP

Sangguniang Bayan Secretary

Dagami, Leyte

#### STATEMENT OF ACCOUNT

To payment for the publication of MUNICIPAL ORDINANCES NO. 2023-01 (AN ORDINANCE CREATING AND ESTABLISHING THE DAGAMI AUXILIARY TRAFFIC UNIT (DATU) IN THE MUNICIPALITY OF DAGAMI, LEYTE AND APPROPRIATING FUNDS FOR ITS PURPOSE) and ORDINANCE NO. 2023-03 (AN ORDINANCE REGULATING THE OPERATION OF "HABAL-HABAL" AND PEDICAB "POT-POT" OPERATING WITHIN JURISDICTION OF THE MUNICIPALITY OF DAGAMI, LEYTE, IMPOSING FEES, AND PENALIZING VIOLATORS THEREOF), published by BALITA 8 in its January 31, February 7, 2023 issue.

AMOUNT: EIGHTEEN THOUSAND PESOS (P18,000) ONLY.

Certified correct payment not yet receive.

(Sgd.) **DANILO N. SILVESTRECE**Publisher

Note: All payment in check must be in the name of BALITA TIRADOR publisher of SUNDAY PUNCH NEWSPAPER & BALITA 8.

(Sgd.) ATTY. NIÑO ANTHONY M. SILVESTRECE legal Counsel