Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

Date: JUN 2 7 2023

Item No.:

PROVINCIAL LEGAL OFFICE
2 2nd INDORSEMENT

June 13, 2023

Released Province
Released Province
Date: 6.14.23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2023-02 of the Municipality of Albuera, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160.

The Provincial Legal Office is of the opinion that the regulation of the said vehicles and their franchise grants, including their fees and penalty impositions thereof are supported by Section 447 (3) (viii) and Section 186 of the Local Government Code respectively.

ATTY. LOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT 08 June 2023

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 2023-02** of the **MUNICIPALITY OF ALBUERA**, LEYTE, ENTITLED: An Ordinance Regulating The Operation Of Motorized Tricycles, Electric Tricycles, Pedicabs (Potpot) And Habal-Habal Operating Within The Jurisdiction Of Albuera, Leyte, Imposing Fees And Penalizing Violations Thereof.

FLORINDA JILLS UNVICO Secretary to the Sangguniang



OFFICE OF THE SANGGUNIANG BAYAN SECRETARIAT

TRANSMITTAL

SANGGUNIANG PANLALAWIGAN

June 7, 2023

Hon. Leonardo Javier, Jr.Vice-Governor
Province of Leyte
Palo, Leyte

Thru: Florinda Jill S. Uyvico

Secretary of the Sanggunian

Province of Leyte



Respectfully transmitting herein the following Ordinances of this municipality, to wit:

- Municipal Ordinance No. 2023-02, "An Ordinance Regulating the Operation of Motorized Tricycles, Electric Tricycles, Pedicabs (Potpot) and Habal-Habal Operating Within the Territorial Jurisdiction of Albuera, Leyte, Imposing Fees and Penalizing Violations Thereof."
- 2. **Ordinance No. 2023-03**, "An Ordinance Abolishing the Position of Administrative Officer II (Environmental Management Specialist I), with Salary Grade II, under the Municipal Environment and Natural Resources Office, Plantilla Item No. MENRO-01."
- 3. **Ordinance No. 2023-04**, "An Ordinance Establishing the Public Employment Service Office (PESO) of Albuera, Leyte, Appropriating Funds Therefor and Creating for this Purpose the Initial Position of Senior Labor and Employment Officer, with Salary Grade 19, which is Essential to the Operation of the Same."
- 4. Ordinance No. 2023-05, "An Ordinance Authorizing the Municipal Mayor or the Municipal Vice-Mayor, as the case may be, Pursuant to Sect. 336 of R.A. 7160, to Augment Funds in any Item in the 2023 General Fund Annual Budget of Albuera, Leyte in case the Allocation of Other Item/s of the same Expense Class is Depleted During Unforeseen Events."
- 5. **Ordinance No. 2023-06**, An Ordinance Amending Section 7 of Municipal Ordinance No. 2018-03, entitled "An Ordinance Implementing the Maternal Care Incentive Program (MCIP) of Albuera, Leyte."

Please acknowledge receipt hereof.

Very truly yours,

Secretary to the Sangguniang Bayan I



Republic of the Philippines PROVINCE OF LEYTE Municipality of Albuera

OFFICE OF THE SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE 47TH REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD AT THE SB SESSION HALL OF ALBUERA, LEYTE ON MAY 29, 2023

MUNICIPAL ORDINANCE NO. 2023-02

AN ORDINANCE REGULATING THE OPERATION OF MOTORIZED TRICYCLES, ELECTRIC TRICYCLES, PEDICABS (POTPOT) AND HABAL-HABAL OPERATING WITHIN THE JURISDICTION OF ALBUERA, LEYTE, IMPOSING FEES AND PENALIZING VIOLATIONS THEREOF

INTRODUCED BY: HON. PROTACIO RIZALITO M. CENIZA

WHEREAS, Section 447, (3) (vi) of the RA 7160 or the Local Government Code of 1991 authorizes the Sangguniang Bayan, subject to the guidelines prescribed by the Department of Transportation and Communications, regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the municipality;

WHEREAS, in order to promote public welfare through the regulation of the operation of tricycle for hire in the municipality, the Sanggunian deem it imperative to establish a tricycle operation policy that will guide the enhance its transport and traffic concerns; thus, the need to enact an ordinance that will provide for the rules, regulations and operating conditions pertaining to Motorized Tricycles for Hire plying the Municipality of Albuera, Leyte;

NOW THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF ALBUERA, LEYTE IN A REGULAR SESSION DULY ASSEMBLED:

SECTION 1. TITLE. This Ordinance shall be referred to as AN ORDINANCE REGULATING THE OPERATION OF MOTORIZED TRICYCLES, ELECTRIC TRICYCLES, PEDICABS (POTPOT) AND HABAL-HABAL OPERATING WITHIN THE JURISDICTION OF ALBUERA, LEYTE, IMPOSING FEES AND PENALIZING VIOLATIONS THEREOF.

SECTION 2. DEFINITION OF TERMS.

- a) **Tricycle for Hire** is a motor vehicle composed of a motorcycle fitted with a single wheeled sidecar or a motorcycle with a two-wheeled cab operated to render transport services to the general public for a fee.
- b) **Pedicab for Hire** is a three-wheeled light passenger vehicle that the driver propel by pedaling and usually with the cab attached to the right side for a bicycle. Also locally known as "potpot" and operate to render transport services to the general public for a fee.
- c) **Electric Tricycle-for-Hire** is a three wheeled cab powered by an electric motor operated to render transport services to the general public for a fee.
- d) Motorized/Electric Tricycle Operator's Permit (MTOP/ETOP) is the document granting a franchise or license to operate issued to a person, natural or juridical, allowing him/her to operate a tricycle-for-hire over a specified route.
- e) **Pedi-cab Operator's Permit(POP)** is the document granting a franchise or license to operate issued to a person, natural or juridical, allowing him/her to operate a Pedi-cab-for-hire over a specified route.
- f) **Habal-Habal** a highly improved two-wheeled single motorcycle usually ridden beyond its passenger capacity. Since it is used a public transportation especially in areas with narrow roads, steeper, rougher terrain, it possibly carry up to two passenger.
- g) "Colorum" a private tricycle/pedicab operated for public utility purposes without the benefit of a valid and existing special permit, or franchise.

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PAMELA M. BOHOLS

SECTION 2. SCOPE OF APPLICATION. The provisions of this Ordinance shall apply to all Tricycles, Pedi-cabs (potpot) and Habal-habal operating within the territorial jurisdiction of the municipality of Albuera, Leyte.

SECTION 3. CREATION OF THE MUNICIPAL FRANCHISING AND REGULATORY BOARD. There is hereby created the Municipal Franchising and Regulatory Board herein after referred to as the "BOARD."

SECTION 4. COMPOSITION: The board shall be composed of three (3), as follows:

a) Chairman

: Vice-Mayor

b) Member

: Chairman, Committee on Transportation;

c) Member

: Chairman, Committee on Barangay Affairs.

SECTION 5. POWERS AND FUNCTIONS OF THE MUNICIPAL FRANCHISING AND REGULATORY BOARD.

THE BOARD SHALL HAVE THE FOLLOWING POWERS AND FUNCTIONS:

a) To prescribe and regulate routes of service of tricycles for hire;

- b) To issue, amend, revise, suspend and / or cancel Motorized/ Electric Operators Permit and to prescribe appropriate terms and conditions;
- c) To determine, prescribe and approve periodically review and adjust tricycle, habal-habal and pedicab (potpot) fares and other related charges in relation to the operation of the said transport service for hire;
- d) To summon through subpoena witnesses to appear in any proceedings of the board;
- e) To conduct investigation and hearings of complaint for violation of Board's rules and regulations and other existing laws on land public transport service and to impose penalties for violations;
- f) To promulgate and enforce rules and regulations on the standards of measurement and/ or design of motorized tricycles for hire operating within the municipality;
- g) To perform such other functions and duties inherent or incidental to the purposes of existing laws governing land transportation.

SECTION 6. ISSUANCE OF MTOP/ETOP TERMS AND CONDITIONS. The following are the terms and conditions prior to the issuance of MTOP:

- a. The driver and operator of motorized/electric tricycles shall operate and maintain a roadworthy, dependable and highly reliable tricycle unit as to insure the passenger's safety to their destination.
- b. In order to establish a uniform identity for all motorized tricycles in the municipality for security reasons, GREEN shall be adopted as a common body color with Body Number from the Tricycle Operating Permit.
- c. The applicant must be a Filipino citizen, bonafide resident and registered voter of Albuera, Leyte;
- d. Must have a garage/space for parking area when the unit is not in actual operation;
- e. The following are the supporting documents required for application of MTOP/ETOP;
 - 1. The driver must be a duly licensed or in possession of professional driver's license to drive a motorized tricycle issued by the LTO.
 - 2. Proof of Registration/Ownership of unit such as Original of updated Certificate of Registration CR) and current Official Receipt (OR) issued by the Land Transportation Office (LTO).
 - 3. Valid Common Carrier Insurance Policy for protection of passengers and third parties in case of accident.
 - 4. Barangay Certification issued by the Punong Barangay where operator actually resides
- f. The above- mentioned documents shall be inspected by the Chairman of the Committee on Transportation and Communication, or the duly authorized personnel of the SB secretariat staff, to verify the authenticity and validity. If found valid, a certification to that effect shall be issued by the Committee Chairman concerned.
- g. An inspection shall likewise be made on the unit, and photographs of the same be taken by the persons above-mentioned for filing purposes and in order to determine its road-worthiness, suitability for transport services and, in like manner, a certification shall be issued concerning thereto:
- h. After all the requirements have been complied with, the MTOP/ETOP shall then be issued duly signed by the Local Chief Executive.



MANUEL E. BANTASAN

SECTION 7. ALBUERA TRAFFIC ENFORCER.

- a. Creation there is hereby created the team of Albuera Traffic Aid to be known as the Albuera Traffic Enforcers which shall be deputized by the Land Transportation Office (LTO) and Municipal Mayor to assist specifically in the implementation of all traffic rules and regulations.
- **b. Supervision** the Albuera Traffic Aides shall be under the supervision of the PNP and shall report on duty when called by the PNP.
- **c.** Qualifications a traffic aide shall be a physically and psychologically fit, of good moral character, 20 to 55 years of age, at least 5'2" tall, at least a high school graduate, a natural born Filipino, and a resident of this municipality.
- **d. Screening Committee** the applicant for traffic aide must present himself personally to the Municipal Mayor before he shall be allowed to undergo screening by the Municipal Traffic Management Board (MTMB).
- e. Uniforms the traffic aides shall be provided with appropriate uniforms, equipment, and other devices to ensure efficiency in the fulfillment of their duties and responsibilities in the service.
- **f.** Authority to Issue Citation Tickets in the enforcement of traffic rules and regulations, the traffic aides shall be authorized to issue citation tickets for traffic violators. In addition thereto, they will assist in the implementation of anti-littering, anti-car washing and repair and other existing ordinances and laws whose violations take place in the streets and other public places.

SECTION 8. SCHEDULE OF FARES. Hereunder is the table of fare rates in and around the Municipality of Albuera, Leyte, including the different routes plied by tricycles for hire, to wit:

a. Tricycle for Hire :		Regular Rate:	Students/Senior Citizens/PWDs	
ORIGIN:	DESTINATION - Cayag ang	10.00	8.00	
	San Pedro	10.00	8.00	
	Tabgas	10.00	8.00	
Albuera Publi	c Balugo II	10.00	8.00	
Market	Balugo Centro	12.00	9.00	
	Balugo I	12.00	9.00	
	Crossing Mahayahay	12.00	9.00	
	Palanas	15.00	12.00	
	Wangag	17.00	13.00	
	Damulaan	20.00	16.00	
	Magbangon	20.00	16.00	
	Crossing Antipolo	25.00	20.00	
	Tinag an	25.00	20.00	
	Mahayag	25.00	20.00	
ORIGIN:	DESTINATION - Gungab	10.00	8.00	
	Malitbog	10.00	8.00	
	Talisayan	10.00	8.00	
	Cambalading	12.00	8.00	
Albuera Publi	c Seguinon	15.00	12.00	
Market	Lutao	15.00	12.00	
	Benolho	20.00	16.00	

- 1.) The foregoing table of fares shall be posted prominently in the Tricycle for hire Terminal and in conspicuous part of the unit.
 - 2.) Barangay not mentioned above, fare will be by contract (pakyaw system) due to road condition.
- b. **PEDICAB (POTPOT) FOR HIRE** rate for Pedicab (Potpot) shall be fixed within the Poblacion at Php.10.00. Bonafide students and registered Senior Citizens shall only pay Php5.00 (*discounted rate*).
- c. SINGLE MOTOR (HABAL-HABAL) FOR HIRE rate with minimum fare at Php. 20.00. Bonafide students and registered Senior Citizens shall only pay Php16.00 (discounted rate). However, considering the route going to nearby sitios are quite far and due to road condition, the fare will be by contract (pakyaw system).



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SECTION 9. IMPOSITION OF FEES. There shall be collected the tollowing tees:

(a) FRANCHISE APPLICATION FEE (TO BE PAID UPON FILING OF APPLICATION)

Electric/Motorized Tricycles Operator's Permit
 Pedi-cab Operator's Permit
 Habal-habal
 Php. 800.00/unit
 250.00/unit
 300.00/unit

(b) REGULATED FEES FOR TRICYCLE, PEDI-CAB (POTPOT) AND HABAL-HABAL (TO BE PAID ANNUALLY)

		Tricycles	Potpot	Habal-Habal
1. Mayor's Permit	Php.	200.00	100.00	100.00
2. Supervision Fee	_	100.00		
3. Confirmation Fee		50.00		
4. Plate # or Police #		150.00	100.00	
5. Sticker #				50.00

(c) IMPOUNDING FEES FOR TRICYCLE, HABAL-HABAL AND PEDICAB (POTPOT) (TO BE PAID MONTHLY)

1. Tricycle - 200,00/ month 2. Habal-habal - 150.00/ month 3. Pedicab(Potpot)- 100.00/ month

SECTION 10. TIME AND MANNER OF PAYMENT. The fees imposed under Section 8 shall be paid to the Municipal Treasurer or his/her deputies upon filing of application for the required permit. Except paragraph (c) in this section, No application for MTOP/ETOP/POP shall be given due course without the Official Receipt/s attached to it showing the payment of corresponding fees. Deadline for filing of application is not later than the 20th day of January of every year.

SECTION 11. REGULATORY ACTS. For the purpose of this ordinance, the following regulatory acts shall strictly be followed:

- (a) No operator shall be allowed to operate more than two (2) units of tricycle for-hire. However, operators with existing units beyond maximum number prescribed herein as to the date of effectivity of the Ordinance shall be permitted the same.
- (b) The terms of the MTOP/ETOP and POP is valid for one (1) year, renewable for the same period. Change of ownership of a unit or transfer of MTOP/ETOP/POP shall be construed as an amendment to the MTOP and shall require the approval of the Local Chief Executive;
 - (c) No Tricycle shall be allowed for public conveyances without MTOP/ETOP or" COLORUM";
- (d) Tricycles from neighboring cities and municipalities or out of line tricycles are not allowed to convey passengers with in the municipality of Albuera;
- (e) An operator wishing to stop service completely or suspend service for more than one (1) month should report in writing such termination or suspension to the Sangguniang Bayan which originally granted the MTOP prior thereto;
- (f) No MTOP shall be granted unless the applicant is in possession of unit/s with valid registration papers from the Land Transportation Office (LTO).
- (g) Operators shall only employ drivers for electric/motorized tricycles and habal-habal who are duly in possession of professional driver's licensed issued by LTO.
- (h) No person shall drive an electric/motorized tricycle, Pedi-cab-for-hire (potpot) and Habal-habal unless at least 18 yrs. old.
 - (i) All conveyances enumerated below shall limit their passenger load to the following:

Motorized/Electric tricycle
 Habal habal
 Pedicab (Potpot)
 Six (6) passengers
 Two (2) passengers
 Two (2) passengers

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(j) No person shall be allowed to drive Tricycle, Habal Habal and Potpot for public conveyances who is suffering from any highly contagious diseases such as advance tuberculosis and the like. They shall be required to secure a Medical Certificate or Health Card from the Municipal Health Office, Albuera, Leyte.

- (k) Refusal to convey passenger/s is strictly prohibited.
- (l) Overloading of passengers and farm products and other cargoes are strictly prohibited.
- (m) Drivers for Tricycle and Habal-Habal must wear decent long pants, T- shirt and shoes while driving.
- (n) Habal-Habal motorcycle shall bear a registration sticker for motor service in order to be identified that the unit is allowed to operate within the Municipality of Albuera.

SECTION 12. ENFORCEMENT. It shall be the responsibility of the local PNP unit to enforce the provisions of this Ordinance.

SECTION 13. PENAL PROVISIONS. PENALTIES.

- a) The following penalties shall be imposed for violations of this Ordinance
- 1. Any person operating or driving a tricycle-for-hire without MTOP/ETOP "COLORUM" shall be punished by the following:

FIRST OFFENSE - Fine of Php. 2,500.00 and confiscation of license plate no. with issuance of citation ticket

SECOND OFFENSE - Impounding of Tricycle unit for turn-over to LTO.

2. Any person operating or driving a Pedi-cab-(POTPOT) for-hire without necessary POP shall be punished by the following:

FIRST OFFENSE- 500.00 SECOND OFFENSE- 1,000,00

THIRD OFFENSE- 2,500.00, and forfeiture of privilege to operate.

3. LATE RENEWAL OF MTOP AND POP SHALL PAY A FINE OF 25% OF TOTAL ANNUAL FEES IN THE AMOUNT OF:

(a) For MTOP, per unit Php. 325.00 (b) POP, per unit 112.50 (c) For Habal-Habal, per unit 112.50

- (d) From expiration date of the MTOP, the operator is given a 60-days grace period within which to make renewal of the same, beyond of which warrants its cancellation;
- 4. Tricycle and Habal-habal driver not duly licensed by LTO = Php 500.00 fine.

5. For overloading = Php 500.00 fine.

6. For operating more than two (2) units = Php. 2,000.00 fine plus cancellation of MTOP.

7. For operating a unit without an identification number = Php. 1,000.00

- 8. Failure to post a table of fares on a conspicuous part of the unit=Php 500.00 fine.
- 9. Change of ownership of unit or transfer of MTOP/ETOP without appropriate approval of the Local Chief Executive = Cancellation of MTOP/ETOP.
- 10. For out of line tricycles = Php. 2,500.00 Fine and confiscation of license LTO plate number

11. Failure to secure medical certificate or health card= Php. 300.00 fine.

- 12. Tricycle and Habal-habal driver not wearing long pants, t- shirt and shoes= Php.200.00 fine
- b) Violation of item No. 4 to item No. 11, except Item No. 6, 9 and 10 of this section, for the third time, shall warrant the suspension of Permit for three (3) months.

SECTION 14. REPEALING CLAUSE: All Ordinances or parts inconsistent therewith are hereby repealed/modified accordingly.

SECTION 15. SEPARABILITY CLAUSE: If for any reason(s), any part of this Ordinance shall be unconstitutional or invalid, other parts thereof which are not affected thereby shall remain to be in full force and effect.

SECTION 16. EFFECTIVITY CLAUSE: This ordinance shall take effect upon its publication and approval and after due compliance with all the requirements provided under Republic Act 7160.



MANUEL E. BANTASAN



APPROVED.

ENACTED BY THE SANGGUNIANG BAYAN OF ALBUERA, LEYTE TERM 2022 - 2025 DURING ITS 47^{TH} REGULAR SESSION HELD ON JANUARY 31, 2023 AT THE SB SESSION HALL ALBUERA, LEYTE.

ATTESTED AND CERTIFIED TO BE DULY ADOPTED:

MARY JANE

MARJU **MAGNO**

PROTACIÓ RIZA ITO M. CENIZA

SB/Member

UEL E. BANTASAN

NY S. BILBAO

SB Member

SB Member I/FSMK President/(Ex-Officio Member)

I HEREBY CERTIFY that this is a true and accurate copy of the ordinance duly enacted by the Sangguniang Bayan of Albuera, Leyte Term 2022 - 2025 on its 47th Regular Session on May 29, 2023 at the SB Session Hall, Albuera, Leyte.

> M. BOHOLST, MPA Secretary to the Sangguniang Bayan I

SB Member I/Temporary Presiding Officer

APPROVED:

SIXTO B. DELA VICTORIA

Municipal Mayor

Date: ___ JUN 35 202



Republic of the Philippines PROVINCE OF LEYTE Municipality of Albuera

OFFICE OF THE SANGGUNIANG BAYAN

ATTENDANCE SHEET

47th REGULAR SESSION

SB Session Hall

May 29, 2023

of the Sanggunian	g Bayan Venue	
No.	Name & Designation	Signature
1	Hon. IMELDA A. FADUL Mun. Vice Mayor / Presiding Officer	Leave
2	Hon. ROXANNE R. ZALDIVAR	Short
3	Hon. MARY JANE B. CAGULA SB Member	the
4	Hon. MARJUN P. MAGNO SB Member	À ,
5	Hon. PROTACIO RIZALITO M. CENIZA SB Member	Jan
6	Hon. MANUEL E. BANTASAN SB Member	How
7	Hon, ANTHONY V. BARTE SB Member	Leave
8	Hon. LENY S. BILBAO	Ly 6 Pulls
9	Hon. ANA LIZA E. DELA VICTORIA SB Member	Leave
10	Hon. ALBERTO C. SUMALJAG ABC President, Ex-Officio	Official Travel
11	Hon. JOY S. PATRICIO SK Federation President, Ex-Officio	-South'u

CERTIFICATION

I hereby certify that those who have affixed their signatures above, have actually attended the 47th Regular Session of the Sangguniang Bayan of Albuera, Leyte, held at the SB Session Hall on May 29, 2023.

PAMELA M. BOHOLST

Secretary to the Sanggunian Bayan



OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO THE CONCERNED:

THIS IS TO CERTIFY that Municipal Ordinance No. 2023-02, "An Ordinance Regulating the Operation of Motorized Tricycles, Electric Tricycles, Pedicabs (Potpot) and Habal-Habal Operating Within the Territorial Jurisdiction of Albuera, Leyte, Imposing Fees and Penalizing Violations Thereof," has been posted in the bulletin board of the Sangguniang Bayan of Albuera, Leyte on June 5, 2023 and shall remain posted until a period of two (2) consecutive weeks thereof.

ISSUED this 5th day of June 2023 at Albuera, Leyte, Philippines.

PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I