

Item No.: 12

Date: 05 2024 AUG



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Province of Leyte
Leyte Office
Jan Aguir
7.26.24
SANGGUNIANG PANLALAWIGAN
RECEIVED
JUL 29 2024
PROVINCE OF LEYTE

2nd INDORSEMENT
June 21 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No.03 Series of 2024 of the Sangguniang Bayan of Merida, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 03 Series of 2024 entitled: "An Ordinance Amending Municipal Ordinance No. 03, Series of 2005, Prescribing Thereto the New Tariff Rates on Tricycad/Potpot Units in the Municipality of Merida, Leyte, and Imposing a Daily Terminal Fee Thereof."

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the Subject Ordinance is in accordance to its power under Section 447 (1)(iii)¹ and (3)(vi)² of the Local Government Code of 1991(R.A 7160).

Likewise as settled in the case of Constantino v. Desierto 288 SCRA 654, it is within the power of the Local Council to repeal or amend its prior acts either expressly, or by the passage of an essentially inconsistent resolution.

Said ordinance is consistent with the authority devolved by LTO to the Local Government to determine, fix, prescribe or periodically adjust fares or rates for the service provided in a zone after public hearing. Hence, recommending the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

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

¹ (1)(iii) Approve Ordinances imposing a fine not exceeding Two Thousand Pesos Five Hundred Pesos (2,500.00)xxx

² (3)(vi) xxxxx regulate the operation of tricycles and grant franchises for the operation thereof within territorial jurisdiction of the municipality.

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
13 June 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 03, series of 2024 of the MUNICIPALITY OF MERIDA, LEYTE**, entitled: **An Ordinance Amending Municipal Ordinance No. 03, series of 2005, Prescribing Thereto the New Tariff Rates on Tricycad/Potpot Units in the Municipality of Merida, Leyte, and Imposing a Daily Terminal Fee thereof.**

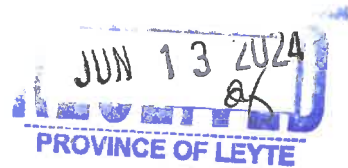

FLORINDA JILL S. UYVICO
Secretary to the Board



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

OFFICE OF THE SANGGUNIANG BAYAN

13 JUNE 2024



THE SANGGUNIANG PANLALAWIGAN OF LEYTE
CAPITOL BUILDING
PALO LEYTE

DEAR HONORABLE MEMBERS;

I have the honor to submit to the Sangguniang Panlalawigan of Leyte copies of **MUNICIPAL ORDINANCE NO. 03, SERIES OF 2024 - "AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 03, SERIES OF 2005, PRESCRIBING THERETO THE NEW TARIFF RATES ON TRICYCAD/POTPOT UNITS IN THE MUNICIPALITY OF MERIDA, LEYTE, AND IMPOSING A DAILY TERMINAL FEE THEREOF"** enacted by the 18th Council of this Municipality, for review and consideration.

Hoping everything is in order.

Thank you.

Respectfully,


JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 79TH REGULAR SESSION OF THE SANGGUNIANG BAYAN (18TH COUNCIL), MERIDA, LEYTE HELD ON FEBRUARY 19, 2024 AT THE LEGISLATIVE BUILDING SESSION HALL.

SANGGUNIANG PANLALAWIGAN



-RESOLUTION NO. 18-24-023-

A RESOLUTION APPROVING MUNICIPAL ORDINANCE NO. 03, SERIES OF 2024 "AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 03, SERIES OF 2005, PRESCRIBING THERETO THE NEW TARIFF RATES ON TRICYCAD/POTPOT UNITS IN THE MUNICIPALITY OF MERIDA, LEYTE AND IMPOSING A DAILY TERMINAL FEE THEREOF."

NOW, WHEREFORE, ON MOTION of Hon. Felipe H. Perez, Jr., Chairman Committee on Public Utilities, Transportation, Communication and Energy, duly seconded by MASS, BE IT RESOLVED TO ENACT;

**-MUNICIPAL ORDINANCE NO. 03-
-Series of 2024-**

"AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 03, SERIES OF 2005, PRESCRIBING THERETO THE NEW TARIFF RATES ON TRICYCAD/POTPOT UNITS IN THE MUNICIPALITY OF MERIDA, LEYTE, AND IMPOSING A DAILY TERMINAL FEE THEREOF."

Be it Ordained by the Sangguniang Bayan (18th Council), Merida, Leyte, in its regular session assembled and by authority of the same that:

SECTION 1. Definition of Terms – the terms used in this Ordinance shall be defined as follows:

- 1. Taripa – the official tariff rates for passenger and cargo issued by the Municipal Treasurer's Office**
- 2. Duly Licensed Operator/Driver – those person/s who are qualified and has secured necessary permit/license to operate**

SECTION 2. The prescribed tariff rates/fares on tricycad/potpot units in the Municipality of Merida, Leyte shall be as follows:

ROUTE	PASSENGER	
	REGULAR	STUDENTS/SENIOR CITIZENS
ACASIA – HIGHWAY	10.00	5.00
ACASIA - SIAPON	10.00	5.00
ACASIA – LILANG	10.00	5.00
ACASIA – TINAGO	10.00	5.00
ACASIA – LAWIN	10.00	5.00
ACASIA – SAWANG	10.00	5.00
ACASIA – SUBA (Flores Rice Mill)	10.00	5.00
ACASIA - SUBA (Flores Rice Mill)	10.00	5.00
HIGHWAY - LAWIS	10.00	5.00

CARGO	FARE	CARGO	FARE
1 TANK LPG	10.00	1 BAG CEMENT	10.00
1 CASE SOFTDRINKS	10.00	1 PC. GI SHEET	10.00
1 CASE BEER	10.00	1 LENGTH STEEL	10.00
1 SACK RICE	10.00	1 SACK COPRA	10.00
1 SACK FEEDS	10.00	1 BANYERA FISH	20.00

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(CONTINUATION MUNICIPAL ORDINANCE NO. 03, SERIES OF 2024, DATED FEBRUARY 19, 2024 .
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SECTION 3. The duly licensed potpot operator shall secure the “taripa” and shall pay a corresponding fee of Twenty-Five Pesos (Php25.00) and imposing a daily Terminal Fee of Five Pesos (Php5.00) only.

SECTION 4. Failure to secure the TARIPA will cause the impoundment of the respective tricycad/potpot unit.

SECTION 5. Penalty – Violation of Section 2 in this Ordinance is subject to a fine of Three Hundred Pesos (Php300.00) each for the duly licensed driver and operator for first offense; Five Hundred Pesos (Php500.00) each for second offense; and Six Hundred Pesos (Php600.00) and cancellation of permit to drive and operate on the third offense.

SECTION 6. Effectivity – This Ordinance shall take effect upon its approval.

ENACTED: 12 FEBRUARY 2024

APPROVED UNANIMOUSLY.

ENACTED BY THE SANGGUNIANG BAYAN (18TH COUNCIL) OF MERIDA, LEYTE AT ITS REGULAR SESSION HELD ON THE 12TH DAY OF FEBRUARY 2024.

APPROVED UNANIMOUSLY.

SANGGUNIANG BAYAN MEMBERS

CHENIL C. CALDERON
Municipal Councilor
Assistant Floor Leader

JOEL A. MARSON
Municipal Councilor

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

NENFA C. OYAO
Municipal Councilor
(Forced Leave)

STEPHANIE M. MIRALLES
Municipal Councilor

RONILLO G. LABANG
Ex-Officio (L&B President)

ASHLEY NOREEN J. DIAZ
Ex-Officio (Mun. Sk. Federation President)

APPROVED BY HIS HONOR, THE MUNICIPAL MAYOR ON March 26, 2024.

APPROVED BY:

ENGR. ROLANDO M. VILLASENCIO
Municipal Mayor

CERTIFIED BY:

RODRIGO M. WENCESLAO
Municipal Vice Mayor / Presiding Officer

ATTESTED BY:

JOSELITO T. DELLOS ANGELES
Secretary to the Sangguniang Bayan



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

OFFICE OF THE SANGGUNIANG BAYAN

C E R T I F I C A T I O N

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that MUNICIPAL ORDINANCE NO. 03, SERIES OF 2024 – “AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 03, SERIES OF 2005, PRESCRIBING THERETO THE NEW TARIFF RATES ON TRICYCAD/POTPOT UNITS IN THE MUNICIPALITY OF MERIDA, LEYTE, AND IMPOSING A DAILY TERMINAL FEE THEREOF” had been posted in three (3) conspicuous places in the locality within three (3) consecutive weeks from FEBRUARY 23, 2024 to MARCH 15, 2024.

THIS CERTIFICATION has been issued in compliance to Section 511 (1), Title One, book IV of RA 7160, otherwise known as the Local Government Code of 1991.

DONE AND ISSUED this 22nd of May 2024 at Merida, Leyte, Philippines.


JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan