



Republic of the Philippines
PROVINCE OF LEYTE
 Provincial Capitol
 Tacloban City

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PROVINCIAL LEGAL OFFICE

Item No.: 6
 Date: 19 2024 NOV

Province of Leyte
 Legal Office
 Released: [Signature]
 Time: [Signature]
 Date: 11.11.24

SANGGUNIANG PANLALAWIGAN
RECEIVED
NOV 12 2024
PROVINCE OF LEYTE

2nd INDORSEMENT
 November 4, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 18 series of 2024 of the Sangguniang Bayan of Capoocan, Leyte.

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

- Ordinance No. 18 series of 2024 entitled: **“An Ordinance creating the Capoocan Municipal Traffic Management and Development Authority and its component units and providing funds therefor.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 447(a)(5)(vi)¹ of the Local Government Code of 1991 (R.A 7160). Hence, we recommend for 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 the 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 [Signature]

¹;(a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:
 (5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall:

(vi) Regulate traffic on all streets and bridges, prohibit the putting up of encroachments or obstacles thereon, and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places;

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
23 October 2024

Province of Leyte
Legal Office
Received
Date: 10.24.24

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 18, Series of 2024 of the Municipality of Capoocan, Leyte, entitled: An Ordinance Creating the Capoocan Municipal Traffic Management and Development Authority and its component units and providing funds thereof.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Capoocan
Office of the Sangguniang Bayan

✉ sbcapoocan@gmail.com / sbcapoocan@yahoo.com

☎ 09976874138

SANGGUNIANG PANLALAWIGAN



PROVINCE OF LEYTE

October 18, 2024

THE HONORABLE BODY

Sangguniang Panlalawigan

Legislative Building

Capitol Grounds

Tacloban City

Dear Gentlemen / Mesdames:

Good Day!

Submitting **ORDINANCE No. 18, Series of 2024** of the Sangguniang Bayan of Capoocan, Leyte entitled, **"ORDINANCE CREATING THE CAPOOCAN MUNICIPAL TRAFFIC MANAGEMENT AND DEVELOPMENT AUTHORITY AND ITS COMPONENT UNITS AND PROVIDING FUNDS THEREOF"**, for review of the Honorable Body.

Earliest and favorable action shall be gratefully acknowledged.

Respectfully yours,

JUDE R. DELA TORRE

Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Capoocan
Office of the Sangguniang Bayan
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SANGGUNIANG BAYAN OF THE MUNICIPAL GOVERNMENT OF CAPOOCAN, LEYTE IN ITS 119th REGULAR SESSION
HELD ON OCTOBER 1, 2024 AT THE MUNICIPAL SESSION HALL LEGISLATIVE BUILDING

ORDINANCE NO. 18 SERIES OF 2024

**ORDINANCE CREATING THE CAPOOCAN MUNICIPAL TRAFFIC
MANAGEMENT AND DEVELOPMENT AUTHORITY AND ITS
COMPONENT UNITS AND PROVIDING FUNDS THEREOF**

SPONSOR: HONORABLE FEDERICO P. CAROLINO, JR.
CO-SPONSOR: HONORABLE JOJO N. NEPOMUCENO

Be it ORDAINED as it is hereby ORDAINED by the Sangguniang Bayan of Capoocan, Leyte in session duly assembled the following:

SECTION 1. SHORT TITLE. This Ordinance shall be known as the "CAPOOCAN MUNICIPAL TRAFFIC MANAGEMENT AND DEVELOPMENT AUTHORITY OF 2024".

SECTION 2. DEFINITION OF TERMS:

- a. **Traffic** – refers to the movement of vehicles, motor-driven, man-driven or animal- drawn, as well as, movement of pedestrians on the streets, roadways and highways of the Municipality of Capoocan, Leyte.
- b. **Traffic Enforcers** – uniformed civilian agents hired by the Municipal Government of Capoocan, Leyte and duly deputized by the Local Chief Executive charged with the duty of regulating and directing traffic and implementing all Municipal Traffic Laws and Ordinances.
- c. **Traffic Violator** – for purposes of this Ordinance shall mean any person who violates any traffic law or ordinance of the Municipality of Capoocan, Leyte.
- d. **Authority** – as used in this Ordinance shall mean the Capoocan Municipal Traffic Management Authority.
- e. **Volunteer Traffic Enforcement Group** – refers to civilians who render voluntary under the Traffic Management Authority to direct and control traffic and assist in the enforcement of traffic laws and ordinances without remuneration.
- f. **LTO** – Land Transportation Office.

SECTION 3. ORGANIZATION OF THE CAPOOCAN MUNICIPAL TRAFFIC MANAGEMENT AND DEVELOPMENT AUTHORITY. A special body known as the Capoocan Municipal Traffic Management and Development Authority that shall manage control oversee the implementation of the Traffic Laws and Ordinances of the Municipality of Capoocan and which shall be under the Office of Municipal mayor, is hereby created.

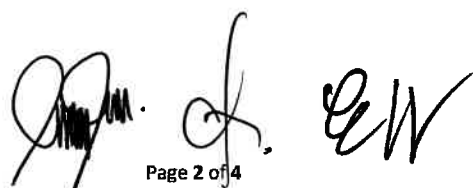
SECTION 4. POWERS, DUTIES AND RESPONSIBILITIES OF THE CAPOOCAN MUNICIPAL TRAFFIC MANAGEMENT AND DEVELOPMENT AUTHORITY. The primary role of the Capoocan Municipal Traffic Management and Development Authority shall be to supervise, manage, control and coordinate with all government instrumentalities whose functions are related to the implementation and enforcement of all Municipal Traffic Laws and Ordinances, Rules and Regulations. Its power, duties and functions are as follows:

- a. Formulate the Traffic Management and Development Plan of the Municipality of Capoocan;
- b. Recommend to Local Chief Executive (LCE) the hiring of personnel for Traffic Enforcement particularly in directing and regulating traffic, implementing the Municipal Traffic Ordinance, Rules and Regulation in order to ensure a smooth, safe and orderly flow of traffic;
- c. Serve as the Oversight committee of the Traffic Management Office in the implementation of local laws and ordinances related to traffic management;
- d. Monitor and evaluate the implementation of Local Public Transport Route Plan (LPTRP) and other transport programs in coordination with other line agencies in the Municipality of Capoocan;
- e. Formulate, review and submit the proposed traffic engineering and management schemes to the Sangguniang Bayan for approval;
- f. Formulate implementing guidelines, rules and regulations for the implementation of the provisions of this ordinance;
- g. Prepare traffic management studies and researches relative to the use of roadways, streets and highways;
- h. To perform such other related functions as may be necessary to ensure the effective implementation of traffic management schemes;
- i. In fulfillment of their functions, the authority may organize committees among themselves as the need arises;
- j. Formulate implementing guidelines for the selection and hiring of Traffic Enforcers subject to the approval of the LCE;
- k. Capacitate the Municipal Traffic Management and Development Authority and its Traffic Enforcers including IEC campaign for the community;
- l. The CAPOOCAN MUNICIPAL TRAFFIC MANAGEMENT AND DEVELOPMENT AUTHORITY may, through the Local Chief Executive, hire technical personnel on contract basis as the exigencies of the service may require;



SECTION 5. COMPOSITION OF THE CAPOOCAN MUNICIPAL TRAFFIC MANAGEMENT AND DEVELOPMENT AUTHORITY. The Capoocan Municipal Traffic Management and Development Authority shall be composed of the Municipal Mayor as Chairperson, SB Committee on Transportation as Co-Chairperson, and Thirteen (13) members as follows:

- a. Chairperson, SB Committee on Finance, Budget and Appropriations
- b. Chairperson, SB Committee on Human Rights, Peace and Order and Public Safety
- c. Chief of Police
- d. Municipal Planning and Development Coordinator
- e. Municipal Engineer
- f. Municipal Disaster Risk Reduction Management Officer
- g. Municipal Budget Officer
- h. Fire Marshall
- i. Representative from DepEd
- j. Liga ng mga Barangay President
- k. SK Federation President
- l. PWD Representative
- m. CSO Representative



SECTION 6. TRAFFIC MANAGEMENT OFFICE. The Traffic Management Office (TMO) will serve as the implementing arm of the LGU in traffic management and other public safety services. It is composed of the Traffic Enforcement Unit, Traffic Engineering and Inspection Unit, Education and Deputation Unit, and Administration Unit. The Disaster Risk Reduction and Management Office shall be temporarily TMO of the LGU pending the appointment of personnel. The Traffic Management Office is tasked to:

- a. Provide public security relevant to public transportation services;
- b. Augment auxiliary services on traffic management;
- c. Formulate plans and programs that improve public safety;
- d. Issue Temporary Terminal Permits for jeepneys and tricycles, traffic clearances for business establishments;
- e. Clearing of sidewalks of illegal vendors and obstructions;
- f. Supervision and control over the Traffic Enforcers and Volunteer Traffic Enforcement Group that are assigned as components of the traffic Management Authority;
- g. Recommend to the Municipal Mayor the deputation of volunteer Traffic Enforcement Group for additional manpower during regular activities and special events.

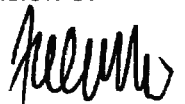
SECTION 7. TRAFFIC ENFORCEMENT UNIT. The Traffic Enforcement Unit shall be responsible for the supervision and control of Traffic Enforcers whose main duties and responsibilities are to conduct traffic direction and control at their respective place of assignments. The traffic enforcers must undergo trainings and seminars conducted by legitimate agencies like the Land Transportation Office, Land Transportation and Franchising Regulatory Board, or any private consultancy agencies accredited by the Department of Transportation. The qualifications of the enforcers shall be as enumerated as follows:

- a. With Good Moral Character
- b. Deputized by Municipal Mayor



Traffic Enforcers shall have the following powers, duties and responsibilities;


- a. To apprehend all violators of the existing Municipal Traffic laws and Ordinances, Rules and Regulations and perform such other traffic-related duties as delegated by the Local Chief Executive and as deputized by the Land Transportation Office (LTO) to act as their deputized agents
- b. To issue Traffic Citation Tickets to the traffic violators of the Municipal Ordinances, Rules and Regulations and in this case shall not confiscate his driver's license. However when duly deputized by the land Transportation Office (LTO) the Traffic Enforcer shall have the power to confiscate the driver's license of the traffic violators of National Traffic Laws and issue to the same a temporary operator's permit issued in an accountable form by the Land Transportation Office (LTO).
- c. To assist Traffic Investigation of all traffic and vehicular accidents under the supervision of the Chief of Police, Chief Traffic Division or their authorized representatives.



SECTION 8. TRAFFIC ENGINEERING AND INSPECTION UNIT. This unit is tasked to conduct inspection of road safety conditions, traffic signages, re-routing of traffic flow and business establishments for traffic clearances.

SECTION 9. EDUCATION AND DEPUTATION UNIT. This unit is responsible for the formulation of guidelines on training /seminars and conferences pertaining to traffic. It monitors and prepares statistics, data and reports on traffic violations; facilitates and coordinates with the proper agencies for the deputation of Traffic Enforcers, barangay officials and non-government organizations. It also prepares the issuance and renewal of Traffic Violation Receipts.

SECTION 10. ADMINISTRATION SECTION. This section is tasked to provide the TMO with economical, efficient and effective services relating to personnel, records, supplies, equipments, budgets and accomplishment reports. In the absence of this section, the duties and functions shall be absorbed by the Office of the MDRRMO.

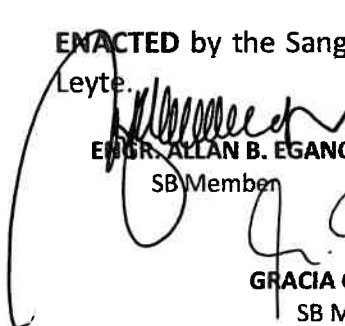


SECTION 11. FUNDING. Funds of the Capoocan Traffic Management and Development Authority as mandated in this ordinance shall be included in the annual or supplemental budget of the Municipal Government.

SECTION 12. REPEALING CLAUSE. All other ordinances other rules and regulation or parts thereof which are inconsistent with any provisions of this ordinance and all other special bodies with functions related to the enforcement and implementation of the Municipal Traffic Laws and Ordinances in the Municipality are hereby deemed repealed, modified or dissolved accordingly.

SECTION 13. EFFECTIVITY. This ordinance shall take effect immediately upon its approval and compliance with the pertinent publication/posting requirements.

ENACTED by the Sangguniang Bayan, in session assembled this 1st day of October, 2024 at Capoocan, Leyte.


ENR. ALLAN B. EGANO
SB Member

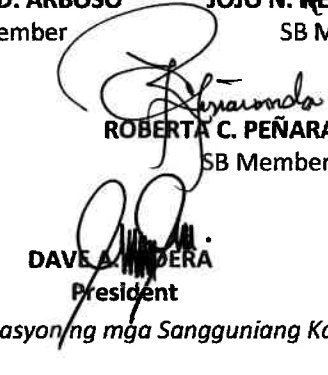

VON LITO O. VALLAR
SB Member

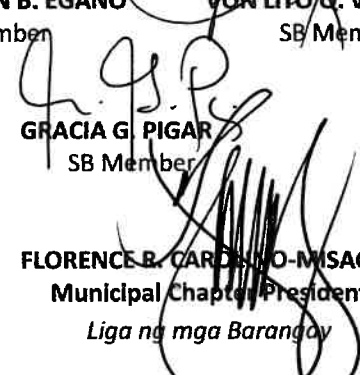

EMMANUEL D. ARBOSO
SB Member



JOJO N. REPOMUCENO
SB Member


GRACIA G. PIGAR
SB Member

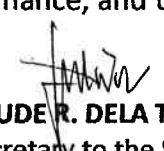

REYNALDO R. NIMO
SB Member


ROBERTA C. PEÑARANDA
SB Member


FLORENCE B. CARDANO-MISAGAL
Municipal Chapter President
Liga ng mga Barangay


DAVE A. DERA
President
Pambayang Pederasyon ng mga Sangguniang Kabataan

I HEREBY CERTIFY to the correctness of this foregoing ordinance, and that the same was enacted on the date above stated.


JUDE R. DELA TORRE
Secretary to the Sanggunian

ATTESTED:


FEDERICO P. CAROLINO, JR.
SB Member/Temporary Presiding Officer

ATTY. FEDERICO H. CAROLINO, SR.
Municipal Vice-Mayor/Presiding Officer
(On Official Travel)

APPROVED:


ATTY. FE CLAIRE P. CAROLINO-PARAGATOS
Municipal Mayor

DATE: 10-17-24