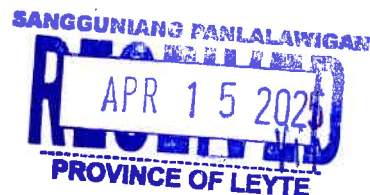




Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE



Province of Leyte

Legal Office

Item No.: 19

Date: 22 2025 AJ

Time: 4:15 PM

2nd INDORSEMENT
March 27, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 31 series of 2024 of the Sangguniang Bayan of Barugo, Leyte.

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

- Ordinance No. 31 series of 2024 entitled: "An Ordinance further amending Municipal Ordinance No. 04, series of 2017, etc."

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power for it is within the powers of the Local Council to repeal/amend its prior acts either expressly or by the passage of an essentially inconsistent resolution ¹. 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.

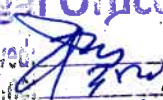

ATTY. JOSE RAYMUND A. ACOL
Provincial Legal Officer

¹ (Constantino vs. Desierto, 288 SCRA 654) April 13, 1998

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
24 March 2025

Province of Leyte
Legal Office
Received: 
Date: 3.24.25

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 31, series of 2024** of the **Municipality of Barugo, Leyte**, entitled: **An Ordinance further amending Municipal Ordinance No. 04, series of 2017, as amended, titled: The Comprehensive Traffic Ordinance of the Municipality of Barugo, Leyte.**


FLORINDA JILI S. UYVICO
Secretary to the Sanggunian



OFFICE OF THE SANGGUNIANG BAYAN

March 19, 2025

HON. LEONARDO "SANDY" JAVIER, JR.

Vice-Governor/Presiding Officer

Sanggunian Panlalawigan

Province of Leyte



THRU:

FLORINDA JILL S. UYVICO

Secretary to the Sanggunian

Province of Leyte

Sir:

Respectfully submitted to your good office for review the herein ORDINANCE NO. 20, 2024 ENTITLED "AN ORDINANCE ADOPTING THE AMENDMENTS OF ORDINANCE NO. 04, S. 2017, TITLED: THE COMPREHENSIVE TRAFFIC ORDINANCE OF THE MUNICIPALITY OF BARUGO, LEYTE, and ORDINANCE NO. 31, 2024 ENTITLED "AN ORDINANCE FURTHER AMENDING MUNICIPAL ORDINANCE NO. 04, SERIES OF 2017, AS AMENDED, TITLED: THE COMPREHENSIVE TRAFFIC ORDINANCE OF THE MUNICIPALITY OF BARUGO, LEYTE.

Anticipating your favorable action on this matter.

Very respectfully yours,

DANILO V. AVORQUE
SB Secretary

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte

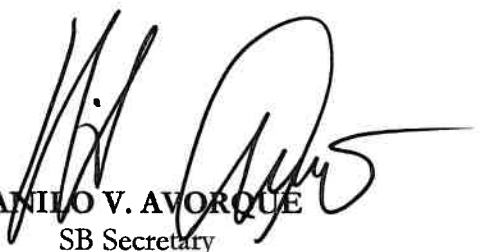


OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION OF PUBLIC HEARING

THIS IS TO CERTIFY a Public Hearing was conducted relative to the proposal to pass an Ordinance **“ENTITLED “ORDINANCE NO. 20, 2024 ENTITLED “AN ORDINANCE ADOPTING THE AMENDMENTS OF ORDINANCE NO. 04, S. 2017, TITLED: THE COMPREHENSIVE TRAFFIC ORDINANCE OF THE MUNICIPALITY OF BARUGO, LEYTE, and ORDINANCE NO. 31, 2024 ENTITLED “AN ORDINANCE FURTHER AMENDING MUNICIPAL ORDINANCE NO. 04, SERIES OF 2017, AS AMENDED, TITLED: THE COMPREHENSIVE TRAFFIC ORDINANCE OF THE MUNICIPALITY OF BARUGO, LEYTE.”**

This certification is issued this 19TH day of March, 2025 for whatever legal purpose it may serve.


DANILO V. AVORQUE
SB Secretary



OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION OF POSTING

THIS IS TO CERTIFY that Ordinance No. 20, S. 2024, ENTITLED “AN ORDINANCE ADOPTING THE AMENDMENTS OF ORDINANCE NO. 04, S. 2017, TITLED: THE COMPREHENSIVE TRAFFIC ORDINANCE OF THE MUNICIPALITY OF BARUGO, LEYTE, and ORDINANCE NO. 31, 2024 ENTITLED “AN ORDINANCE FURTHER AMENDING MUNICIPAL ORDINANCE NO. 04, SERIES OF 2017, AS AMENDED, TITLED: THE COMPREHENSIVE TRAFFIC ORDINANCE OF THE MUNICIPALITY OF BARUGO, LEYTE. was posted in three (3) conspicuous places in the Municipality of Barugo, Leyte in compliance with the provisions of RA 7160, otherwise known as Local Government Code of 1991.

This certification is issued this 19th day of March, 2025, for whatever legal purpose this may serve.

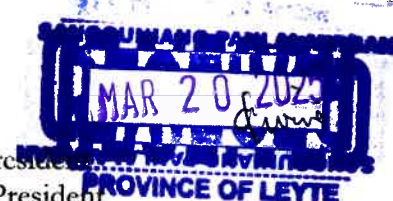

DANILO V. AVOROUÉ
SB Secretary



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE MEETING OF THE 11TH SANGGUNIANG BAYAN OF BARUGO, LEYTE ON ITS 119TH REGULAR SESSION HELD ON THE 17TH DAY OF DECEMBER 2024, AT THE MUNICIPAL SESSION HALL, LEGISLATIVE BUILDING, BARUGO, LEYTE.

Present:	Hon. Josephine C. Tiu	Municipal Vice Mayor Presiding Officer
	Hon. Eduardo C. Calzita	SB Member
	Hon. Nikkos Rhet V. Astorga	SB Member
	Hon. Clinio A. Balais	SB Member
	Hon. Jeffrey P. Cañezal	SB Member
	Hon. Jesus B. Cabanacan	SB Member
	Hon. Jocmar Q. Acebo	Liga Ng Mga Barangay President
	Hon. Eric C. Hingpis	Pederasyon Ng Mga SK President
Absent:	Hon. Don A. Dehayco	SB Member (FL)
	Hon. Wayne B. Avestruz	SB Member (FL)
	Hon. Domingo E. Adrales	SB Member (FL)



ORDINANCE NO. 31, S. 2024

AN ORDINANCE FURTHER AMENDING MUNICIPAL ORDINANCE NO. 04, SERIES OF 2017, AS AMENDED, TITLED: THE COMPREHENSIVE TRAFFIC ORDINANCE OF THE MUNICIPALITY OF BARUGO, LEYTE.

Sponsor/Author: Atty. Jesus B. Cabanacan, SB Member

WHEREAS, safety concerns require clarification relative to speed and safe operation of emergency vehicles such as ambulances, rescue vehicles, police patrol vehicles and fire department vehicles; and

WHEREAS, the transfer from the designated public transportation terminal to a temporary location for public utility vehicles has rendered impractical and unnecessarily restrictive some provisions of Municipal Ordinance No. 04, Series of 2017, as amended.

NOW THEREFORE, on motion of Atty. Jesus B. Cabanacan, duly seconded by Hon. Nikkos Rhet V. Astorga.

Be it ordained by the Sangguniang Bayan in session assembled, That:

Section 1. Section 6 is hereby amended to add Section 6 (d):

“Section 6. Speed Limit and Keeping to the Right.

X X X

d) Drivers of motor vehicles enumerated in sub-section (c) above, shall not operate such motor vehicle on any highway or roads recklessly or without reasonable caution considering the width, traffic, grades, crossing, curvatures, visibility and other conditions of the highway and the conditions of the atmosphere and weather, or so as to endanger the life, limb, safety and property or rights of any person or so as to cause excessive or unreasonable damage to the highway.

Section 2. Section 9 is hereby amended as follows:



OFFICE OF THE SANGGUNIANG BAYAN

Page 2, Ordinance No. 31, 2024
Amendment Traffic

“Section 9. FLOW OF VEHICULAR TRAFFIC. – All motorists, whether private or public, passing through municipal streets of Barugo, Leyte must observe, in strict compliance, the following traffic schemes and regulations:

9.1 All PUVs coming from the temporary terminal en route to San Miguel must turn left on Burgos Street, turn right on Peñaranda Street and turn left on Delgado Avenue.

9.2 All PUVs coming from the temporary terminal en route to Carigara must turn left on Burgos Street, turn right on Peñaranda Street and turn right on Delgado Avenue.

9.3 All PUVs coming from San Miguel must turn right on San Roque Street and turn left on Burgos Street.

9.4 All PUVs coming from Carigara must turn left at the foot of Himanglos Bridge to Poferrada Street and turn right on Burgos Street.

9.5 One-Way Traffic Scheme. The following streets or portions thereof are designated One-Way traffic. Counter-flow and U-Turns are not allowed for all private or public motor vehicles, tricycles, motorcycles and pedicabs on streets designated for One-Way traffic.

9.5.1 Deleted.

9.5.2 Deleted.

9.5.3 The portion of Ponferrada Street between the intersection of Delgado Avenue and the intersection of Mabini Street is designated “One Way” to the northern direction.

9.5.4 Deleted.

9.5.5 Deleted.

9.6 “No Parking” Zones. The Local Chief Executive may upon recommendation of the Traffic Management Council designate by executive order streets or portions thereof as “No Parking” zones.

9.7 Deleted.

9.8 Parking Areas for Pedicabs. The Local Chief Executive may upon recommendation of the Traffic Management Council designate parking areas for pedicabs. **A five-meter set back from the corner must be provided in all designated parking areas for pedicabs that are located near the corner of streets.”**

Section 2. Effectivity. This amendment shall take effect upon approval.

UNANIMOUSLY APPROVED, this 17th day of December 2024, in Barugo, Leyte.


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

Barugo Padayon An Gugma!
Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte



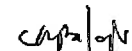
OFFICE OF THE SANGGUNIANG BAYAN

Page 3, Ordinance No. 31, 2024
Amendment Traffic


DANILO W. AVOROUÉ
SB Secretary

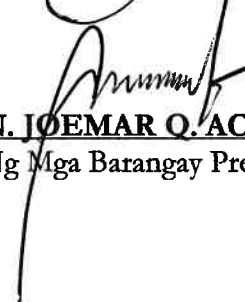

HON. EDUARDO C. CALZITA
SB Member


HON. NIKKOS RHET V. ASTORGA
SB Member


HON. CLINIO A. BALAIS
SB Member



HON. JEFFEREY P. CAÑEZAL
SB Member


HON. JESUS B. CABANACAN
SB Member


HON. JOEMAR Q. ACEBO
Liga Ng Mga Barangay President


HON. ERIC O. HINGPIS
Pederasyon Ng Mga SK President

ATTESTED BY:


HON. JOSEPHINE C. TIU
Municipal Vice Mayor
Presiding Officer

APPROVED BY:


HON. ARON C. BALAIS, MD, FPCem
Municipal Mayor



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE MEETING OF THE 11TH SANGGUNIANG BAYAN OF BARUGO, LEYTE ON ITS 109th REGULAR SESSION HELD ON THE 1st DAY OF OCTOBER 2024, AT THE MUNICIPAL SESSION HALL, LEGISLATIVE BUILDING, BARUGO, LEYTE.

Present:	Hon. Josephine C. Tiu	Municipal Vice Mayor
		Presiding Officer
	Hon. Eduardo C. Calzita	SB Member
	Hon. Nikkos Rhet V. Astorga	SB Member
	Hon. Clinio A. Balais	SB Member
	Hon. Jeffrey P. Cañezal	SB Member
	Atty. Jesus B. Cabanacan	SB Member
Absent:	Atty. Don A. Dehayco	SB Member (FL)
	Hon. Wayne B. Avestruz	SB Member (FL)
	Hon. Domingo E. Adrales	SB Member (FL)
	Hon. Joemar Q. Acebo	Liga Ng Mga Barangay President (FL)
	Hon. Eric C. Hingpis	Pederasyon Ng Mga SK President (SL.)

ORDINANCE NO. 20, S. 2024

AN ORDINANCE ADOPTING THE AMENDMENTS OF ORDINANCE NO. 04, S. 2017, TITLED: THE COMPREHENSIVE TRAFFIC ORDINANCE OF THE MUNICIPALITY OF BARUGO, LEYTE,
(Author: Atty. Jesus B. Cabanacan)

ON MOTION of Atty. Jesus B. Cabanacan, jointly seconded by Hon. Jeffrey P. Cañezal and Hon. Nikkos Rhet V. Astorga, resolved, to adopt, as it is hereby adopted, the amendments of certain provisions of Ordinance No. 04, s. 2017, Titled: The Comprehensive Traffic Ordinance of the Municipality of Barugo, Leyte.

Be it ORDAINED by the Sangguniang Bayan of Barugo, Leyte on its Regular session Assembled to wit:

Section 1. Section 5 is hereby amended to add Sub-section 5-A, as follows:

“Sub-section 5-A. Traffic Management Council. There shall be created a Traffic Management Council with the following composition:

Chairman: Municipal Mayor
Co-Vice-Chairmen: Chairman, Committee on Police and Fire Protection Matters, Public Safety and Human Rights, Sangguniang Bayan

Chairman, Committee on Tourism, Transportation and Communication, Sangguniang Bayan

Members: Municipal Planning and Development Officer
President, Liga ng mga Barangay
Chief, Municipal Police Station
Chief, Municipal Fire Protection Office
Representative of the Senior Citizen organization
Representative of the Persons With Disability organization
Representative of the Business Sector
Representative of the Public Market Organization
Representative of the Public Transportation organization
Representative of the MCH organizations
Representative of any drivers' organization

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

The Traffic Management Council shall provide oversight over the implementation of this Ordinance and shall make recommendations on the necessary changes to the same in order to ensure compliance and proper traffic management.

Section 2. Section 11 is hereby amended to add Sub-section 11.5, as follows:

“11.5 In the exigency of providing basic services, the Local Chief Executive may, from time to time, transfer from the designated public transportation terminal to a temporary location some or all public utility vehicles. Such transfer shall be temporary in nature and shall be subject to the concurrence of the Sangguniang Bayan.


Section 3. REPEALING CLAUSE. – All ordinances, rules and regulations, or part thereof, inconsistent or in conflict with the provisions of this ordinance, shall be deemed repealed or amended accordingly.

Section 4. SEPARABILITY CLAUSE. – Should any provision of this ordinance be declared by a court of competent jurisdiction to be illegal, unconstitutional or invalid the other provisions not so affected shall remain valid and effective.

Section 5. EFFECTIVITY. – This ordinance shall take effect upon its approval.

UNANIMOUSLY ENACTED this 1st day of October 2024, in Barugo, Leyte

I HEREBY certify to the correctness of this foregoing ordinance

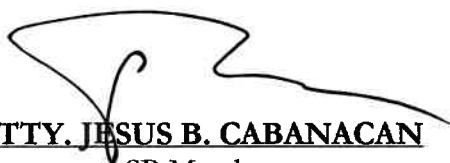

DANILO V. AVOROUÉ
SB Secretary


HON. EDUARDO C. CALZITA
SB Member


HON. NIKKOS RHET V. ASTORGA
SB Member


HON. CLINIO A. BALAIS
SB Member

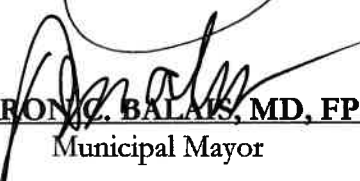

HON. JEFFREY P. CAÑEZAL
SB Member


ATTY. JESUS B. CABANACAN
SB Member

ATTESTED BY:


HON. JOSEPHINE C. TIU
Municipal Vice Mayor
Presiding Officer

APPROVED BY:


HON. ARON C. BALAIS, MD, FPCEM
Municipal Mayor

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte



Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City



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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 38th REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEGISLATIVE BUILDING, CAPITOL GROUNDS, TACLOBAN CITY, ON 16 MAY 2017.

RESOLUTION NO. 2017-285

A RESOLUTION APPROVING ORDINANCE NO. 04, S. 2017 OF THE SANGGUNIANG BAYAN OF BARUGO, LEYTE.

WHEREAS, pursuant to Section 468 1(i) of Republic Act 7160 otherwise known as The Local Government Code of 1991, among the powers and duties of the Sangguniang Panlalawigan is "to review all ordinances approved by the sanggunians of component cities and municipalities;"

WHEREAS, Ordinance No. 04, S. 2017 of the Sangguniang Bayan of Barugo, Leyte, entitled: "An Ordinance Amending Sections 4, 9, 10 and 11 of Ordinance No. 05-A, S. 2011, the Comprehensive Traffic Ordinance of the Municipality of Barugo, Leyte, Otherwise Known as the "Barugo Traffic Code of 2011," was submitted to the Sangguniang Panlalawigan for approval;

WHEREAS, the Provincial Legal Office was requested to review and submit recommendations on the Subject Ordinance pursuant to Section 481 (3) (vii) of R.A. 7160;

WHEREAS, the Provincial Legal Office through Atty. Faye Gladys M. Tebrero, Acting Assistant Provincial Legal Officer, in an Indorsement dated May 9, 2017, recommended to declare the validity of Ordinance No. 02, S. 2017 pursuant to Section 56 (c) of R.A. 7160, for it is within the power of the local council to repeal or amend its prior acts, either expressly or by the enactment of an essentially inconsistent resolution (Constantino v. Desierto, 288 SCRA 654), provided that the penalty of "Community Service" is UNCONSTITUTIONAL, and it is contrary to the mandate of Section 18 (b), Article III, 1987 Philippine Constitution;

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Page 2/2 – Res. No. 2017-285 dated
May 16, 2017 on BARUGO Ordinance
No. 04, S. 2017


WHEREAS, the August Body, upon review and recommendation of the Provincial Legal Office, finds the subject Ordinance in conformity with existing laws, rules and regulations;

NOW, THEREFORE, on motion presented by Honorable Trinidad G. Apostol, duly seconded by Honorable Wilson S. Uy, Honorable Mesias P. Arevalo and Honorable Nolie C. Caña, be it


RESOLVED, as it is hereby resolved, to approve Ordinance No. 04, s. 2017 of the Sangguniang Bayan of Barugo, Leyte.

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

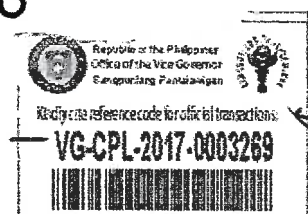

ATTY. MARNI ROSE D. ZATARAIN
Provl. Govt. Dept. Head
Secretary to the Sanggunian

ATTESTED:


ATTY. CARLO P. LORETO
Vice-Governor
Presiding Officer

Copy Furnished:

LCE and the Sangguniang Bayan
Of Barugo, Leyte



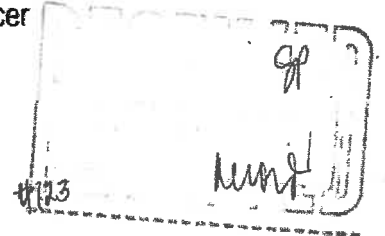


Republic of the Philippine
Province of Leyte
MUNICIPALITY OF BARUGO

OFFICE OF THE SANGGUNIANG BAYAN

MINUTES OF THE MEETING OF THE SANGGUNIANG BAYAN OF BARUGO, LEYTE, ON ITS REGULAR SESSION HELD ON THE 13th DAY OF MARCH 2017, AT THE MUNICIPAL SESSION HALL, LEGISLATIVE BUILDING, BARUGO, LEYTE.

Present:	Hon. Efren A. Avestruz	SB Member
	Hon. Josephine C. Tiu	Temporary Presiding Officer
	Hon. Rodolfo P. Badiable	Mun. Vice-Mayor – OIC
	Hon. Jesus B. Cabanacan	SB Member
	Hon. Jeffrey P. Cañezal	-do-
	Hon. Oscar L. Apostol	-do-
	Hon. Antonio C. Arpon	-do-
	Hon. Federico A. Ayes, Jr.	-do-
	Hon. Marl Oscar A. de Guzman	
	ABC President	
Absent:	Hon. Marilyn A. Astorga	SB Member (On leave)



RESOLUTION NO. 63, S. 2017

A RESOLUTION PASSED ENACTING AN ORDINANCE AMENDING SECTIONS 4, 9, 10 AND 11 OF ORDINANCE NO. 05-A, S. 2011, THE COMPREHENSIVE TRAFFIC ORDINANCE OF THE MUNICIPALITY OF BARUGO, LEYTE, OTHERWISE KNOWN AS THE "BARUGO TRAFFIC CODE OF 2011".
(Author: SBM Jesus B. Cabanacan)

ORDINANCE NO. 04, S. 2017

ON MOTION of SBM Jesus B. Cabanacan, duly seconded by SBM Jeffrey P. Cañezal, resolved, as it is hereby resolved, to pass this resolution enacting an ordinance amending certain provisions of ordinance No. 05-A, s. 2017, The Comprehensive Traffic Ordinance of the Municipality of Barugo, Leyte, otherwise known as the "Barugo Traffic Code of 2011".

Be it ORDAINED by the Honorable members of the Sanggunian Bayan of Barugo, Leyte on its Regular session Assembled to wit:

Article I
TITLE, POLICY, SCOPE AND DEFINITIONS

Section 1. SECTIONS 4, 9, 10 and 11 of Ordinance No. 05-A, series of 2011, entitled "Barugo Traffic Code of 2011" are hereby amended to read as follows:"

Section 2. DECLARATION OF POLICY. – It is hereby declared the policy of the Municipality of Barugo, Leyte to make the traffic operations orderly and more efficient as a tool for economic development and for the progress of Barugo in general.

Section 3. SCOPE. – The provisions of the ordinance shall control as far as they apply, the operation of motor vehicles, including pedicabs, bicycles and all other vehicles as well as the, parking loading and at the same time to promote awareness on public safety.

Section 4. DEFINITION OF TERMS. – The following terms shall mean, apply and construed as follows:

[Handwritten signatures and initials of the Sanggunian Bayan members]

- a) "Motor Vehicles" shall mean any vehicles propelled by any power using the public streets and highways.
- b) "Passenger Automobiles" shall mean all pneumatic tire vehicles of types similar to those usually known under the following terms: touring car, command car, speedster, sports car, roadster, jeep, cycles, motorcycles, coups, landaulet, closed car, limousine, cabriolet, and sedan.
- c) "Articulated Vehicle" shall mean any motor vehicles with a trailer having no front axle and so attached that part of the trailer rests upon motor vehicles and a substantial part of the weight of the trailer and of its load is borne by the motor vehicles. Such a trailer shall be called as "Semi-trailer"
- d) "Driver" shall mean every and any licensed or permitted operator of a vehicle using muscular, electricity, combustible fuel which runs only on the streets or highways.
- e) "Owner" shall mean the actual legal owner of vehicle or motorized vehicles, in whose name such vehicle is duly registered with the MTO-LGU Barugo and LTO.
- f) "Garage" shall mean any building in which two or more motor vehicles, either with or without driver are kept ready for hire to the public, but shall not include street stands, public service station, or other public places designated by proper authority as parking space for motor vehicles for hire while waiting or soliciting business.
- g) "Parking or Parked" shall mean that a motor vehicle is "parked" or "parking" if it has been brought to stop on the shoulder or proper edge of a highway and remains inactive in that place or close thereto for an appreciable period of time. A motor vehicles which properly stops merely to discharge a passenger, as to load or unload a small quantity of freight with reasonable dispatch shall not be considered as "parked" if the motor vehicle again moves away without delay however the motor vehicle is considered parked while awaiting for its turn to file / line up at the designated public terminal.
- h) "Highway" shall mean the main road or any public road for public use.
- i) "Public Utility Vehicle (PUV)" shall mean any motor vehicle for hire as a mode of public land transportation.
- j) "Through street" shall mean a street along which the traffic has the right of way over vehicles entering or crossing at intersections.
- k) "Stop Street" shall mean a street on which vehicles must come to a complete top at an intersection with a through street.
- l) "Private Transportation Terminal" shall refer to any building or facility constructed or designated by a private transport operator primarily for the purpose of loading and unloading of passengers and cargoes by the different modes of public transportation and for the necessary repair and maintenance of equipment to ensure public safety.
- m) "Public Transportation Terminal" shall refer to any building or facility constructed or designated by the local government unit primarily for the purpose of loading and unloading of passengers and cargoes by the different modes of public transportation and for the necessary repair and maintenance of equipment to ensure public safety.

Article II

ADMINISTRATION OF THE ORDINANCE

Section 5. The LCE shall be responsible for the administration of this ordinance and shall have in connection herewith the following powers and duties:

- 1) To assign his deputies and employees authorize to make arrest for violation of the provisions of this ordinance in so far as vehicle and motor vehicles are concerned, to issue subpoena and subpoena duces tecum to compel the appearance of motor vehicle operators and driver and/or other persons and to use all reasonable means within his power to secure enforcement of this ordinance.
- 2) All cases involving violation of this ordinance shall be endorsed immediately by the apprehending officer to the LTO, thus subscribe to the provisions of RA 4136, Article III, Chapter I.

ARTICLE III TRAFFIC RULES

Section 6. Speed Limit & keeping to the Right

- a) Any person driving a motor vehicle on a highway shall drive the same at a careful & prudent speed, not greater nor less than is reasonable & proper, having due regard for the traffic, the width of the highway, and of any other condition then and there existing; and no person shall drive any motor vehicle upon a highway at such speed as to endanger the life, limb and property of any person, nor a speed greater than that will permit him to bring the vehicle to a stop within the assured distance ahead.
- b) Inside the municipal streets with light traffic, when designated through street shall drive a maximum speed of 30 km per hour for passenger cars, motorcycles, motor trucks and buses while the same streets with light traffic when designated "thru stop street" shall drive a maximum speed of 20 km per hour specifically through crowded streets, approaching intersection at "blind corners" passing school zones passing other vehicles which are stationery, or for similar dangerous circumstances.
- c) The rate of speed hereinabove prescribed shall not apply to the following:
 1. A physician or with his driver responds to emergency calls;
 2. The driver of an ambulance on the way to and from the place of accident or other emergency;
 3. Any driver bringing a wounded or seriously sick person for emergency treatment to a hospital, clinic, or any other similar place;
 4. The driver of a motor vehicle belonging to the AFP while enroute for official purposes in times of riot, rebellion, insurrection or invasion;
 5. The driver of a prowler car, when he or his passengers are in pursuit of a criminal;
 6. A law-enforcer who is trying to overtake a violator of traffic law;
 7. The driver officially operating any fire department truck provided that exemption shall not be construed to allow unless or unnecessary fast driving of drivers aforementioned.

Section 7. DRIVING ON THE RIGHT SIDE OF HIGHWAY. – Unless on different course of action is required in the interest of the safety and the security of life, person or property, or because of unreasonable difficulty of operation in compliance herewith, every person operating a motor vehicle or an animal drawn vehicle on a highway shall pass to the right when meeting persons or vehicles coming towards him, and to the left when overtaking persons or vehicles going the same direction, and when turning to the left in going from one highway to another, every vehicle shall be conducted to the right of the center of the intersection of the highway.

Section 8. OVERTAKING A VEHICLE. – The driver of any motor vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not again drive to the right of the highway until safety clear of such overtaken vehicle.

Section 9. FLOW OF VEHICULAR TRAFFIC. – All motorists, whether private or public passing through municipal streets of Barugo, Leyte must observe, in strict compliance, the following traffic schemes and regulations.

- 9.1. All PUVs coming from the New Integrated Bus Terminal in route for San Miguel must turn left on Simeona Apostol Street, turn right on Sta. Elena Street, turn left on Burgos Street, turn right on Peñaranda Street and turn left on Delgado Avenue,
- 9.2. All PUVs coming from the New Integrated Bus Terminal en route for Carigara must turn left on Simeona Apostol Street, turn right on Sta. Elena Street, turn left on Burgos Street, turn right on Peñaranda Street, and turn right on Delgado Avenue.
- 9.3. All PUVs coming from San Miguel must turn right on San Roque Street, turn left on Burgos Street, turn right on Ponferrada Street, turn left on Sto. Rosario Street, turn right on Abanilla Street, and turn left at the entrance of the New Integrated Bus Terminal.

9.4 All PUVs coming from Carigara must turn left at the foot of Himanglos Bridge to Ponferrada Street, turn left on Sto. Rosario Street, turn right on Abanilla Street, and turn left at the entrance of the New Integrated Bus Terminal.

9.5 One-Way Traffic Scheme. The following streets or portions thereof are designated One-Way traffic. Counter-flow and U-Turns are not allowed for all private or public motor vehicles, tricycles, motorcycles and pedicabs on streets designated for One-Way traffic.

- 9.5.1 The entire track of Simeona Apostol Street is designated One-Way to the eastern direction.
- 9.5.2 The portion of Sta. Elena Street, between the intersection of Simeona Apostol Street and the intersection of Sto. Rosario Street, is designated "One Way" to the southern direction.
- 9.5.3 The portion of Ponferrada Street between the intersection of Delgado Avenue and the intersection of Mabini Street is designated "One Way" to the northern direction.
- 9.5.4 The portion of Sto. Rosario Street between the intersection of Ponferrada Street and the intersection of Abanilla Street is designated "One Way" to the western direction.
- 9.5.5 The portion of Abanilla Street between the intersections of Sto. Rosario Street and the intersection of Simeona Apostol Street is designated "One Way" to the northern direction.

9.6 "No Parking" Zones. The following streets or portions thereof are designated "No Parking" zones.

- 9.6.1 The entire track of Simeona Apostol Street, except the portion fronting the Barugo Public Market (wet section) building.
- 9.6.2 The portion of Sta. Elena Street between the intersection of Simeona Apostol Street and the intersection of Burgos Street.
- 9.6.3 The portion of Burgos Street between the intersection of Ponferrada Street and the intersection of San Roque Street.
- 9.6.4 The portion of San Roque Street between the intersection of Burgos Street and the intersection of Delgado Avenue.
- 9.6.5 The portion of Peñafranda Street between the intersection of Burgos Street and the intersection Delgado Avenue.
- 9.6.6 The portion of Ponferrada Street between the intersection of Delgado Avenue and the intersection of Sto. Rosario Street.
- 9.6.7 The portion of Sto. Rosario Street between the intersection of Ponferrada Street and the intersection of Abanilla Street.
- 9.6.8 The portion of Abanilla Street between the intersection of Sto. Rosario Street and the intersection of Simeona Apostol Street.

9.7 All vehicles are NOT ALLOWED TO STOP ANYTIME along Sta. Elena Street between the intersection of Simeona Apostol Street and the intersection of Sto. Rosario Street.

9.8 Parking Areas for Pedicabs. The following are designated parking areas for pedicabs:

- 9.8.1 Inside the Dry Market Compound beside the old transport terminal.
- 9.8.2 In front of the Barugo Gymnasium beside the Waiting Shed.
- 9.8.3 Along the northern side of Burgos Street six (6) meters away from the east corner of Ponferrada Street.

9.9 Through Streets. The following streets or portions thereof are designated "Through Street" along which the traffic has the right of way over vehicles entering or crossing at intersections:

- 9.9.1 The entire track of Delgado Avenue.
- 9.9.2 The portion of San Roque Street from the intersection of Mabini Street through the intersection of Rizal Street.
- 9.9.3 The portion of Burgos Street from the intersection of San Roque Street through the intersection of Arellano Street.
- 9.9.4 The entire track of Ponferrada Street.
- 9.9.5 The entire track of Simeona Apostol Street.
- 9.9.6 The portion of Santa Elena Street at the intersection of Sto. Rosario Street.
- 9.9.7 The portion of Sto. Rosario Street from the intersection of Holasca Street through the intersection of San Francisco Street.

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9.9.8 The portion of Peñaranda Street from the intersection of Rizal Street through the intersection of Mabini Street.

9.10 All vehicles approaching a Through Street intersection must slow down and come to a complete stop at the intersection, and proceed only when the intersection is safely free of traffic.

9.11 All vehicles traveling along a Through Street and making a left turn at an intersection must slow down, and come to complete stop to yield to oncoming traffic if any, before making the left turn.

9.12 All intersections of streets not designated as either a Through Street or a Stop Street are designated Four-Way Stop. All vehicles approaching such an intersection must slow down and must yield to the vehicle that first arrived at the intersection. When two or more vehicles arrive at the intersection at the same time, the driver must yield to the vehicle to his right of the intersection. The vehicle that is furthest to the right is allowed to go first.

9.13 The driver of a motor vehicle upon a highway within a business, school or residential district shall yield the right of way to a pedestrian crossing such highway within a crosswalk.

9.14 The driver of a motor vehicle upon a highway shall yield the right of way to emergency vehicles (police patrol, fire trucks and ambulances) when such vehicles are operating in an emergency as indicated by their lights and sirens.

9.15 Stopping, parking, loading or unloading of passengers and cargoes is strictly prohibited on a bridge and at the foot of a bridge within the Municipality of Barugo. This applies to all motor vehicles, tricycles, motorcycles, pedicabs and bicycles. Pedestrians must keep within the pedestrian walkway when crossing a bridge. Loitering on a bridge is not allowed.

9.16 For traffic safety reasons, installation of basketball boards and playing basketball and other games or sports in public roads within the Municipality of Barugo are strictly prohibited.

SECTION 10. TRAFFIC SIGNS. Standard traffic directional and command signs shall be installed at appropriate places.

- 10.1 Directions to the New Integrated Bus Terminal at strategic junctions
- 10.2 **STOP** signs on both corners of a Stop Street intersecting a Through Street
- 10.3 **DO NOT ENTER / ONE WAY** signs on designated one-way streets
- 10.4 **NO STOPPING ANYTIME** signs at designated no-stopping portions of a street
- 10.5 **NO PARKING** signs at designated no-parking zones
- 10.6 **NO LOADING / UNLOADING** signs at designated places
- 10.7 **YIELD TO ONCOMING TRAFFIC** signs near the foot of Himanglos Bridge on Delgado Avenue at the intersection of Ponferrada Street and at other appropriate junctions
- 10.8 **NO LOITERING** signs at designated places
- 10.9 Speed limit signs at strategic places
- 10.10 Other traffic signs as may be necessary for public order and safety

Section 11. TRANSPORT TERMINAL FOR PUBLIC UTILITY VEHICLES – The New Integrated Bus Terminal located near the corner of Simeona Apostol and Abanilla Streets is the designated public transportation terminal for all public utility vehicles. The LGU is hereby authorized to collect from all PUVs using the terminal the corresponding fees imposed by the Barugo Revenue Code.

Department of the Interior and Local Government (DILG) and Department of Transportation and Communications (DOTC) Joint Memorandum Circular No. 01, Series of 2008, provides for the guidelines governing the establishment and operation of public transport terminals.

11.1 Land Transportation Franchising and Regulatory Board (LTFRB) Memorandum Circular No. 2008-013 dated 4 June 2008 sets the standards that must be complied with by all public and private transport terminals, to wit:

- 11.1.1 Adequate and comfortable benches or sets with backrests for waiting passengers;
- 11.1.2 Roofing that would provide sufficient shade to passengers from heat of the sun and rain;
- 11.1.3 Information and Passenger Assistance Counters;
- 11.1.4 Appropriate and adequate signages;
- 11.1.5 Sufficient number of security personnel for the protection of passengers from abusive vendors, pickpockets and other lawless elements and for the proper inspection of baggage; and
- 11.1.6 Diaper changing table inside the female restrooms for female passengers traveling with infant or babies.

11.2 In addition, the following standards for inter-modal transport terminal or one which can simultaneously accommodate or serve at least three types of land transport public utility vehicles, such as PUBs, PUJs, Multi-Cabs, Vans/AUVs, etc., and for bus terminal or terminal which caters to less than three types, one of which is public utility buses, to wit:

- 11.2.1 Concrete pavement and flooring;
- 11.2.2 Wide entrances and exits for wide mobility to and from the terminal;
- 11.2.3 Provision for communication facilities (such as telephone, fax machine, Internet, etc.);
- 11.2.4 Installation of Public Address System Facilities and CCTV cameras or monitors;
- 11.2.5 Separate rest rooms for male and female disabled passengers which must at all times be clean, sufficiently lighted, foul odor-free, ventilated with clean running water, flush system, toilet seat with cover, lavatory, waste bin, toilet paper, mirror, dispenser with soap, hand dryer, dry flooring, functional door lock, and janitorial maintenance personnel;
- 11.2.6 Provision for separate and sufficient parking lots or spaces for each mode of transport, for inter-modal transport terminal only; and
- 11.2.7 Priority lane for persons with special needs specifically pregnant women, mother travelling with infants or small children and those with physical disabilities, for inter-modal transport terminal only.

11.3 The minimum location standards provided under the HLURB's Locational Guidelines and Standards for Land Transportation Terminal and Garages pursuant to Board Resolution no. R-408, series of 1988, or any amendment thereto, must be fully satisfied, to wit:

11.3.1 Terminals should be more than 100 meters away from institutional establishment particularly schools and hospitals.

11.3.2 The terminal must be accessible to commuters, i.e. transfer routes are available or within its service radius. However, direct access to major thoroughfares especially high speed highways and expressways should be discouraged for safety and smooth traffic flow purposes.

11.3.3 The approved zoning ordinance should indicate the location of bus stations/terminals, freight/truck terminals which should be at the periphery of a commercial zone.

11.3.4 If the municipality has no approved zoning ordinance, the location of bus stations/terminals, freight/truck terminals should be outside the center of commercial activities to reduce and minimize street congestion.

11.3.5 Jeepney/taxi terminal may be located within the central business district or commercial zone provided it should not be major road intersection.

11.3.6 Garage must be located at the outskirt of the business center or commercial zone.

11.4 The standards set by the Department of Health as provided under Chapter IX Section 54 of the Sanitation Code of the Philippines or any subsequent amendment thereto, must be duly observed, to wit:

11.4.1 Rest areas, bus terminals, bus stops and service stations shall be established with ample area to prevent overcrowding of motor vehicles and travelers.

11.4.2 They shall be provided with adequate ventilation and lighting away from sources of nuisance.

11.4.3 Safe and adequate water supply shall be provided in accordance with the provisions of Chapter II of this Code.

11.4.4 Refuse collection and disposal shall be in accordance with the provisions of Chapter XVII of the Sanitation Code of the Philippines.

11.4.5 Adequate numbers of comfort rooms shall be provided as well auxiliary facilities therein in accordance with the provisions on Chapter XVII of the Sanitation Code of the Philippines.

11.4.6 Waiting sheds for commuters shall be of adequate size to comfortably accommodate a minimum of thirty persons. Floors shall be of smooth concrete finish and adequate sitting facilities provided for.

11.4.7 Sale of foodstuffs in those establishments shall be done in conformity with the provisions of Chapter III of the Sanitation Code of the Philippines.

Section 12. REGISTRATION PERIOD. – Registration / Franchise renewal shall be done every February of the year ensuing and a grace of period of 20 days extended to operators with corresponding penalty of 12%.

Section 13. PERMIT TO DRIVE. – There shall be issued permit to drive, Identification Card to all tricycles drivers of at least 18 years old and above with corresponding Barangay Clearance before permit to drive is issued.

Section 14. WAKES. – No municipal streets, roads, thoroughfares or any part thereof maybe closed and used for wakes or vigil without permit issued by the Mayor, however, a permit maybe granted under the following conditions:

- 14.1. The wake or vigil shall be between 6:00 o'clock P.M. until 6:00 o'clock A.M. the following day.
- 14.2. The area allowed for the said purpose shall not extend beyond the center line of the highway from the residence concerned.
- 14.3. The permit shall be good only on the date granted.

Section 15. Parades. – Any civic and religious parade shall occupy only one line of the road or highway and shall not go beyond the center line to give way to motorists and other motorized vehicles.

Section 16. Random Check. – Traffic enforcer of the PNP on traffic may flag down or stop any vehicle in any of the following circumstances:

- 16.1. When there is a reasonable ground to suspect that the driver is driving without a valid license.
- 16.2. When there is a reasonable ground to suspect that the driver is under the influence of intoxicating liquor or dangerous drug.
- 16.3. When there is a reasonable ground to suspect that the driver is fugitive of the law, involved in the commission of crime or under hot pursuit.
- 16.4. All drivers found violating sub-section 1, 2, 3 of Section 16 of this code, the vehicle driven shall be impounded automatically and shall be released only to the legitimate owner upon presentation of documents and payment of Two Hundred (P200) Pesos to the MTO.

Section 17. OTHER PROHIBITED ACTS. – To ensure public safety and to prevent the occurrence of traffic accident and congestion the following prohibitions are hereby adopted:

- 17.1. No person shall operate a motor vehicle or tricycle without having in his possession a valid license to drive.
- 17.2. No person shall remove, alter, deface and/or allow the removal and alteration of traffic signs.
- 17.3. Obstruction and counter flow of vehicular traffic in any form or kind is prohibited.
- 17.4. Religious procession, public parade, funeral and the like when permitted, shall use the right lane of any public highway or thoroughfares.

Section 18. PENAL PROVISIONS. – Traffic Code violations shall be penalized a follows:

- 18.1 Any driver found violating this Municipal Ordinance for the first time shall be fined in the amount of Two Hundred (P200) Pesos or serve a one (1) day community service under the supervision by a duly designated personnel of the LCE.
- 18.2. Violator for the second time shall be likewise be fined in the amount of Three Hundred (P300) Pesos or serve a two (2) days community service under the supervision of a duly designated personnel of the LCE.
- 18.3. Violator for the third time shall be fined in the amount of Five Hundred (P500.00) pesos or 1 week of community service under the supervision of duly designated personnel of the LCE. Should he/she fail to pay the fine, his/her license/permit shall be confiscated and shall be banned from operating any public utility vehicle within the territorial jurisdiction of the municipality of Barugo and recommendation for revocation of his/her license.

Section 19. AUTHORIZATION. – The LCE is hereby authorize to implement this Municipal Ordinance and/or through delegation of authority may authorize the Local PNP Chief to carry out the purposes of this Municipal Ordinance. Provided further, he may re-route vehicular traffic as he may deem

necessary, relocate market and street vendors and regulate rolling stores to enhance effective implementation of this Municipal Ordinance. He may likewise authorize to use funds under his discretion from appropriations earmarked for public safety in carrying out the purpose of this ordinance.

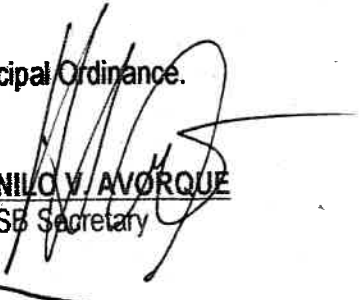
Section 20. REPEALING CLAUSE. – All ordinances, rules and regulations, or part thereof, inconsistent or in conflict with the provisions of this ordinance, shall be deemed repealed or amended accordingly.

Section 21. SEPARABILITY CLAUSE. – Should any provision of this ordinance be declared by a court of competent jurisdiction to be illegal, unconstitutional or invalid the other provisions not so affected shall remain valid and effective.

Section 22. EFFECTIVITY. – This ordinance shall take effect upon its approval.

UNANIMOUSLY ENACTED

I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance.


DANILO V. AVORQUE
SB Secretary



HON. RODOLFO P. BADIABLE
SB Member


HON. JESUS B. CABANACAN
SB Member


HON. EFREN A. AVESTRUZ
SB Member


HON. JEFFREY P. CAÑEZAL
SB Member



HON. OSCAR L. APOSTOL
SB Member


HON. ANTONIO C. ARPON
SB Member


HON. FEDERICO A. AYES, JR.
SB Member


HON. MARL OSCAR A. DE GUZMAN
ABC President

ATTESTED BY:


HON. EFREN A. AVESTRUZ
SB Member
Temporary Presiding Officer

APPROVED BY:


MA. ROSARIO C. AVESTRUZ
Municipal Mayor