Republic of the Philippines
PROVINCE OF LEYTE
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
Palo, Leyte
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COMMITTEE ON RULES, LAWS and PRIVILEGES
COMMITTEE REPORT
No. 32 S. 2026

Date: November 12, 2026

SUBJECT: MUNICIPAL ORDINANCE NO. 2026-137 OF THE MUNICIPALITY OF MAYORGA, LEYTE - "AN ORDINANCE INSTITUTIONALIZING A UNIFIED TRAFFIC CITATION TICKET SYSTEM FOR VIOLATIONS OF MUNICIPAL TRAFFIC ORDINANCES IN THE MUNICIPALITY OF MAYORGA, LEYTE, PROVIDING GUIDELINES FOR APPREHENSION, IMPOUNDMENT, PAYMENT OF FINES, RECORD-KEEPING, AND FOR OTHER PURPOSES."

Date of Referral:	Sept. 29, 2026
Prepared by:	Committee on Rules, Laws and Privileges
Chairperson:	Atty. Ronnan Chiristian "Bolingling" Reposar
Vice-Chairperson:	Atty. Carlo P. Loreto
Members:	Hon. Wilson Uy, Hon. Michael L. Cari, Hon. Ma. Martina L. Gimenez.

I. COMMITTEE FINDINGS

Upon examination of the Ordinance and the observations raised during plenary deliberations, the Committee finds that the establishment of a Unified Traffic Citation Ticket System generally falls within the police power and regulatory authority of local government units to regulate traffic and promote public safety.

However, the Committee finds substantial legal concerns regarding certain provisions that directly affect the legality, enforceability, and implementation of the Ordinance.

1. Vehicle Impoundment Provision

The Committee notes that Section 7 reportedly imposes mandatory impoundment of vehicles for one (1), two (2), or three (3) days in cases involving violations relating to modified mufflers.

The Committee finds that the provision raises issues beyond the mere existence of authority under the underlying traffic ordinances.

Specifically, the Committee notes that:

a. The Ordinance appears principally intended to establish a unified citation and enforcement mechanism rather than create new substantive penalties;
b. Vehicle impoundment constitutes a restriction upon the owner's possession and use of private property and therefore implicates constitutional due process considerations;
c. The legal basis authorizing the imposition of impoundment as a sanction is not apparent from the records transmitted for review;
d. The Ordinance does not clearly establish whether the impoundment is intended as a regulatory measure necessary to secure compliance or as an additional punitive sanction;

e. The fixed periods of impoundment appear to operate as penalties, yet the standards justifying the duration thereof are not sufficiently stated.

2. Absence of Due Process Safeguards

The Committee further finds that the impoundment provision is stated in broad and general terms and does not appear to establish sufficient procedural safeguards necessary to prevent arbitrary implementation.

The Ordinance does not clearly provide for:

- Notice requirements;
- Documentation and inventory procedures;
- Custody standards;
- Owner notification procedures;
- Administrative review mechanisms;
- Contest or appeal procedures;
- Release procedures;
- Remedies for wrongful impoundment; and
- Other due process safeguards ordinarily attendant to temporary deprivation of property rights.

The absence of such safeguards may expose the Ordinance to constitutional and statutory challenges and may result in arbitrary or confiscatory implementation.

3. Potential Ultra Vires Exercise of Municipal Power

The Committee is likewise constrained to determine whether the imposition of mandatory impoundment for a predetermined period exceeds the regulatory authority granted to municipalities under the Local Government Code.

While temporary custody of vehicles may be justifiable under certain enforcement situations, the retention of a vehicle for a fixed number of days because of a violation may effectively operate as an additional penalty not expressly authorized by the Local Government Code or the underlying ordinances sought to be enforced.

Accordingly, the Committee finds that clarification of the legal basis for such impoundment is indispensable before a declaration of validity may be considered.

4. Surcharge Provision

Section 8 appears to provide for surcharges without specifying the rate or computation. Subject to verification of its complete text and any applicable municipal enactment, the Municipality should identify the legal authority, enacted rate, computation base, and point at which the surcharge becomes due. The ceilings under Section 168 of Republic Act No. 7160[1] do not automatically establish a local surcharge

[1] Republic Act No. 7160 (Local Government Code of 1991), Section 168, Surcharges and Penalties on Unpaid Taxes, Fees, or Charges: "The sanggunian may impose a surcharge not exceeding twenty-five percent (25%) of the amount of taxes, fees or charges not paid on time and an interest at the rate not exceeding two percent (2%) per month of the unpaid taxes, fees or charges including surcharges, until such amount is fully paid but in no case shall the total interest on the unpaid amount or portion thereof exceed thirty-six (36) months."

rate or its applicability to traffic fines. Section 169[2] separately addresses interest on other unpaid revenues, not a corresponding surcharge. Collection should therefore rest on an applicable legislative standard, not a rate selected by implementing officials.

The Municipality should also clarify notice, itemized assessment, review of disputed charges, and the effect of a timely contest of the citation on accrual. The concern is not that every surcharge is unlawful, but that its authority, computation, and safeguards must be established, or the provision amended, before enforcement can be endorsed.

II. COMMITTEE ASSESSMENT

The Committee finds that the concerns affecting Section 7 are substantial relative to the legality and enforceability of the Ordinance.

The issue is not merely whether impoundment is already authorized under existing municipal ordinances but whether the Ordinance itself possesses a sufficient legal basis to authorize a temporary deprivation of possession of private property and whether adequate procedural safeguards have been incorporated to satisfy due process requirements.

Until these matters are clarified and appropriate standards are established, the Committee is unable to recommend declaration of validity.

III. RECOMMENDATION

WHEREFORE, premises considered, the Committee on Rules recommends:

1. That action on the declaration of validity of Municipal Ordinance No. 2026-137 be DEFERRED;

2. That the Municipality of Mayorga be required to clarify and, if necessary, amend the questioned provisions, particularly regarding:

    - the legal basis for vehicle impoundment;
    - the nature of impoundment as a regulatory or punitive measure;
    - the duration and standards governing impoundment;
    - due process safeguards;
    - release procedures;
    - administrative remedies and appeal mechanisms; and
    - the computation of surcharges under Section 8;

3. That the Municipality be requested to submit the underlying traffic ordinances intended to be enforced through the Unified Traffic Citation Ticket System for determination of consistency and authority; and,

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[2] Republic Act No. 7160 (Local Government Code of 1991), Section 169, Interests on Other Unpaid Revenues: "Where the amount of any other revenue due a local government unit, except voluntary contributions or donations, is not paid on the date fixed in the ordinance, or in the contract, expressed or implied, or upon the occurrence of the event which has given rise to its collection, there shall be collected as part of that amount an interest thereon at the rate not exceeding two percent (2%) per month from the date it is due until it is paid, but in no case shall the total interest on the unpaid amount or a portion thereof exceed thirty-six (36) months."

4. That the Ordinance be returned to the Sangguniang Panlalawigan for final review upon compliance with the foregoing recommendations.

Respectfully submitted

Prepared by: **Committee on Rules, Laws and Privileges**

HON. ATTY. RONNAN CHRISTIAN M. REPOSAR
Chairperson

HON. ATTY. CARLO P. LORETO
Vice Chairperson

HON. WILSON S. UY
Member

HON. MICHAEL L. CARI
Member

HON. MA. MARTINA L. GIMENEZ
Member

Attested by:

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian