



Republic of the Philippines
PROVINCE OF SORSOGON
MUNICIPALITY OF GUBAT

Office of the Sangguniang Bayan

EXCERPTS FROM THE MINUTES OF THE 22nd REGULAR SESSION OF THE SANGGUNIANG BAYAN OF GUBAT, SORSOGON HELD ON MONDAY, JULY 20, 2020 AT THE SANGGUNIANG BAYAN SESSION HALL, MUNICIPAL COMPOUND.

PRESENT:

Honorable Sixto F. Estareja	- Municipal Vice Mayor, P. O.
Honorable Aiza E. Encinares	- Member, Sanggunian Bayan
Honorable Alvin E. Rosales	- Member, Sanggunian Bayan
Honorable Danilo J. Pura	- Member, Sanggunian Bayan
Honorable Danilo E. Enaje	- Member, Sanggunian Bayan
Honorable Kenneth D. Escandor	- Member, Sanggunian Bayan
Honorable Noe L. Endaya	- Member, Sanggunian Bayan
Honorable Anthony C. Callos	- Member, Sanggunian Bayan
Honorable Valentin A. Pura IV	- Member, Sanggunian Bayan
Honorable Ramilo S. Fajardo	- LNB Acting President
Honorable Norven E. Ariola	- SKMF Acting President

ABSENT: N O N E

MUNICIPAL ORDINANCE NO. 2020 - 005

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Hon. Noe L. Endaya, Hon. Anthony C. Callos, Hon. Kenneth D. Escandor,
Hon. Valentin A. Pura IV, Hon. Ramilo S. Fajardo and Hon. Norven E. Ariola*

AN ORDINANCE ENACTING THE TRAFFIC AND TRANSPORTATION CODE OF THE MUNICIPALITY OF GUBAT, PROVINCE OF SORSOGON, PROVIDING POLICIES CONCERNING ROAD SAFETY AND REGULATIONS FOR THE PROPER UTILIZATION OF ROADS AND BRIDGES AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF GUBAT L IN SESSION THAT;

CHAPTER I - GENERAL PROVISIONS

Section 1. TITLE - This ordinance shall be known as Municipal Traffic and Transportation Code of the Municipality of Gubat, Province of Sorsogon.

Section 2. SCOPE AND APPLICATION - This Code shall apply to all types of motor vehicle within the jurisdiction of Gubat, Sorsogon insofar as its operation and to some extent the granting of franchise for the operation of Motorized Tricycle is concerned. It shall complement the provisions of existing laws, its rules and regulations and related issuances on the matter.

Specifically, the definitions of some terms are made in order to suit the concepts and practices prevailing in the locality. Provided, these are not in contravention of Republic Act No. 4136 and other applicable laws, as well, as its rules and regulations. At any rate, should there be any controversy that may arise, the provisions of said national laws as well as the rules and regulations and related issuances pertaining thereto shall prevail.

This Code shall also provide policies concerning road safety and regulations regarding the utilization of roads and bridges.

Section 3. DECLARATION OF POLICY. It is hereby declared the policy of the local government of Gubat to provide unobstructed roads in the municipality to ensure safety of motorists, passengers, and pedestrians at all times by providing rules and regulation in the utilization of roads, alleys, parks, thoroughfares, and the like, in this jurisdiction.

Section 4. LEGAL BASIS.

1. REPUBLIC ACT 7160 (Local Government Code of 1991)

- a.) *Section 16, General Welfare Clause*
- b.) *Section 447 (3) (vi) stating: "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".*
- c.) *Section 447 (5) (vi) stating: " Regulate traffic on all streets and bridges, prohibit the putting up of encroachments or obstacles thereon, and, in the interest of public welfare, authorize removal of encroachments and illegal constructions in public places."*

2. Republic Act No. 4136, The Transportation and Traffic Code of the Philippines
3. Memorandum Circular No. 2007 - 01 issued by the Department of the Interior and Local Government (DILG).
4. Memorandum Circular 2019-121 issued by the Department of Interior and Local Government was likewise used as basis of this measure as well as the applicability of Section 21 of Republic Act 7160 on the Temporary Closure of Roads provision, as supplemented by DILG MC No. 2019 -167.

Section 5. WORDS AND PHRASES NOT HEREIN EXPRESSLY DEFINED. - Words and phrases embodied in this ordinance not herein specifically defined shall have the same definitions as found in R.A. 4136 and other applicable laws, its rules and regulations and related issuances as well as existing municipal ordinances relating thereto, if any.

Section 6. RULES OF CONSTRUCTION - In construing the provisions of this ordinance, the following rules of construction shall be observed unless inconsistent with the manifest intent of the provisions.

1. General Rule - All words and phrases shall be construed and understood according to their common and approved usage of the language, but the technical words and phrases and such other words in this ordinance which may have acquired a peculiar or appropriate meaning shall be construed and understood according to such technical, peculiar or appropriate meaning.
2. Gender and Number - Every word in this ordinance importing the singular number shall apply to several persons or things as well, and every word importing plural number shall extend and be applied to one person or thing as well.

Section 7. DEFINITION OF TERMS- As used in this Ordinance, the following terms shall mean:

1. Attachment - Refers to an iron or steel structure, be it a sidecar or cab fitted to a motorcycle.
2. Automatic dropping - refers to the mandatory cancellation of the franchise to operate a motorized tricycle in the municipality of Gubat, for failure to renew the same on a prescribed period.
3. Big vehicle - refers to all types and kinds of four (4) or more wheeled passenger and cargo transport vehicles.
4. Canopy - A top covering of a tricycle, including its siding, made of iron or steel.

5. Certificate of Public Convenience (CPC) - is an authorization issued by the Sangguniang Bayan for the operation of tricycles for public use as required by law.
6. Colorum - is a motorized tricycle, whether for hire or utility service, operating without the appropriate franchise issued by the Municipality.
7. Driver - is a duly licensed person assigned by the owner to drive a specific tricycle.
8. Franchise - is defined as a special privilege granted by the municipality of Gubat, Sorsogon to an individual or corporation, to engage in the business of public transportation with the use of a tricycle for-hire or pedicab.
9. Garage - A building, structure, building, extension, or a mere site where a tricycle-for-hire or pedicab is placed for safekeeping at night or for some other reason/s, not necessarily be a residence of the operator/driver thereof nor it be a street stands, public service stations, other public places designed by proper authority as parking spaces for motor vehicles while waiting or soliciting business.
10. Grace period - refers to the privilege within which the operator is given a prescribed period to settle and/or renew his franchise to operate.
11. Gubat Franchising and Regulatory Board (GFRB) - refers to a body created pursuant to Municipal Ordinance No. 2007 - 004. Its primary responsibility is to process and recommend to the latter the approval or disapproval of applications for the issuance, amendment, revision, renewal, suspension, cancellation or revocation of MTOP and POP.
12. Highway - Refers to a public road constructed and maintained by the national government which is cemented having a width of more or less thirty (30) meters including its shoulder.
13. ID's ISSUED BY THE GPSO - are those ID's issued by the GPSO to official drivers of tricycles issued with franchise/MTOP.
14. Illegal Terminal - is a space and/or area where tricycles queue but have not been officially designated by the Municipality as tricycle terminals, and those officially designated as such but terminal permit for which have not been renewed on time.
15. Lane Markings - are the marking to be made by the GPSO where tricycles can queue while waiting for their passengers.
16. Marked Crosswalk - Refers to any portion of a roadway at an intersection or elsewhere distinctly indicated by lines or other marking on the surface for the pedestrians to cross on it.
17. Motorized Tricycle - is a motor vehicle duly registered with the LTO composed of motorcycle fitted with a single wheeled side car or two wheeled cab, close van or open cart whether powered by gasoline or electricity.
18. Motorized Tricycle Operator's Permit (MTOP) - A document granting permit or license to operate issued to a person natural or juridical, allowing the same to operate tricycle-for-hire over zones specified therein.

19. Motor vehicle - Any vehicle pneumatics tires propelled by any power other than muscular power using the public road with exception as defined under R.A. 4136 as amended.
20. Municipality - Refers to the town of Gubat, Sorsogon.
21. New applicants - refers to motorized tricycle owners who desire to obtain a Motorized Tricycle Operators Permit (MTOP).
22. Owner - Actual legal owner of a motor vehicle, in whose name such motor vehicle is duly registered with the Land Transportation Office (LTO).
23. Owner/Operator - is the registered of a tricycle as shown by the Certificate of Registration or other document.
24. Out of Route/Line - tricycles operating beyond their designated zone or authorized area of operation.
25. Parking or Parked - a situation wherein a motor vehicle is brought to a stop on any side of a street or road with or without blinking lights on but without a driver, or is being left unattended.
26. Pedestrian - Any person who is supposed to follow the cross walk when crossing the highway or any public roads or walking along the shoulder of the highway.
27. Permanent Tricycle Identification Number (PIN) - refers to a number assigned to particular tricycle/pedicab unit as a means of identification. This number shall be reflected on the face of the franchise bearing the Zone Code, Route Code and Membership Code.
28. Professional Driver - Any person who is a holder of a professional driver's license paid for driving or operating a motor vehicle owned by another person for private use or for hire to the public. It shall also refer to any person driving his own motor vehicle whether for private use or for hire to the public.
29. Public Road - Refers to a highway, road, alley or passage owned by the national, provincial, municipal or barangay government or even if it is owned by private person/s but the same is used for public use.
30. Repair Shop - A building or place where the motor vehicle, engine electric motor and others are being fixed.
31. Resident - refers to a natural person who is a registered voter of the municipality of Gubat and residing in the Municipality for at least six (6) months.
32. Road shoulder - is outer portion of both sides of the public road used as pedestrian lane and where drivers of all motor vehicles big and small temporarily stop for brief rest or personal necessity.
33. Route Measured Capacity (RMC) - is the number of tricycle for hire units allowed in each route/Zone as set by the Sangguniang Bayan.
34. Shoulder - The outermost portion of the highway.
35. Terminal - is the temporary space designated and duly approved by the Sangguniang Bayan where the tricycles may be allowed to queue while waiting for passengers.

36. Terminal Permit - a permit issued annually by the GPSO to a TODA authorizing the said association to manage the terminals in their zone of operation subject to the terms and conditions specified therein.
37. TODA - refers to the Tricycle Operators and Drivers Association.
38. Traffic - encompasses all pedestrians, ridden or herded animals, all motor vehicles and other conveyances, either singly or together, while using any street road or road for purposes of travel.
39. Traffic Enforcer - refers to municipal paid employees designated as aids to the regular members of the PNP in maintaining the smooth flow of traffic and enforcing traffic laws, rules and regulations and ordinances.
40. Trailer - A conveyance having two wheels when propelled or intended to be propelled by joining it to a hand tractor or jeep classified a separate motor vehicle with no power rating.
41. Tricycle-For-Hire - A motor vehicle composed of motorcycle fitted with a single - wheeled sidecar, or a pedicab fitted with a two-center cab or a pedicab fitted with three wheels and a center cab and powered by motorcycle; or a pedicab fitted with three wheels and a center cab and powered by two cylinder internal combustion engine, or by a four - cylinder internal combustion engine, or operated to render transport services to the general public for a fee. The passenger seating capacity shall depend upon the size of the tricycle unit which ranges from two adult persons but not more than five (5) adult person. The definition also applies to ordinary bicycle or any other similar conveyance or vehicle that is fitted with a one stroke internal combustion engine, or a motorcycle with attachment but without canopy, operated to render transport service to the general public for a fee, either for passengers and/or goods.
42. Un-renewed MTOP - refers to Motorized Tricycle Operators Permit (MTOP) which had not been renewed after its expiration.
43. Utility Motorized Tricycle - is a tricycle rendering transport services for legitimate and registered business entity and other private purposes.
44. Valid Registration Papers - refers to unexpired documents issued by the Land Transportation Office (LTO) showing payments of Certificate of Registration and/or Official Receipt.
45. Voluntary withdrawal - refers to the voluntary act of an operator, before expiration, which constitute as a waiver of his right and privileges previously granted upon him as a legitimate franchise holder.
46. Zone - is a contiguous land area or block, such as subdivision or a barangay, where a tricycle-for-hire may operate without a fixed origin and destination.
47. Width of public road depends upon its kind:

National Road - 30 meters

Provincial Road - 15 meters

Municipal Road - 10 meters

Barangay Road - 8 meters

CHAPTER 2

GUBAT PUBLIC SAFETY OFFICE (GPSO)

Section 1. The Gubat Public Safety Office is created to enhance the effectiveness of the various protective and emergency services in the Municipality of Gubat, Sorsogon.

- a) Coordinated planning activities;
- b) Clear delineation of roles and functions;
- c) Improved allocation of resources;
- d) Rationalized distribution of manpower and assets;

Section 2. FUNCTIONS AND SCOPE. – The Gubat Public Safety Office shall:

- 1) Coordinate with national and local law enforcement agencies and affiliate organizations, and with related offices of the municipal government on the proper implementation of laws and ordinances;
- 2) Coordinate the mobilization of manpower and resources in the implementation of contingency plans to limit effects of disasters and other calamities;
- 3) Supervise the registration and regulation of public utility vehicles and litigation of violators of traffic ordinances thereof;
- 4) Secure public facilities and provide civil security assistance;
- 5) Coordinate the formulation of the Municipal public safety plan for submission to the Municipal Peace and Order Council;
- 6) Submit recommendations to the Municipal Peace and Order Council on matters affecting public safety and order;
- 7) Conduct trainings for members of the various units operating in the municipality performing public safety functions;
- 8) Undertake advocacy activities to raise community awareness on specific issues affecting public safety and order as well as engage them in specific activities intended to promote public safety and order.
- 9) Recommend to the municipal mayor other measures for the improvement of public safety, peace and order in the Municipality.

SECTION 3. THE GUBAT PUBLIC SAFETY OFFICE shall be:

- 1) A coordinative body responsible for coordinating the programs and activities of existing units, offices, and organizations in Gubat, Sorsogon involved in public safety and
- 2) An operational unit responsible for functions and services not presently performed or not adequately performed by existing units, offices and organizations. As such, the GPSO shall have coordinative powers with the following offices, units, or organizations:

- 1. Gubat PNP

2. Bureau of Fire Protection
3. Municipal Peace and Order Council
4. Municipal Disaster Risk Reduction and Management Council
5. Municipal Anti-Drug Abuse Council
6. Barangay Captains/Tanods and Chairman, Committee on Peace and Order

Similarly, the GPSO shall have the following organic units under its direct supervision and control:

1. Transport Regulations Unit
2. Public Facilities Unit
3. Administrative, Training and Information Unit
4. Disaster Mitigation and Emergency and Rescue Services Unit

Section 4. EXECUTIVE BOARD. There is herein created a Gubat Public Safety Office Board which shall pass upon policy matters for guidance, action and/or information of the GPSO.

The GPSO Board shall be composed of the following:

1. Municipal Mayor/Representative
2. Chief of the Gubat PNP
3. Chief of the Bureau of Fire Protection
4. Head/Representative Philippine Drug Enforcement Agency
5. President, Liga ng mga Barangay
6. Chairperson, SB Committee on Public Order, Safety and Human Rights
7. Chairperson, SB Committee on Transportation and Communication
8. Public Safety Officer
9. Municipal Health Officer

The Board may request head of office of the local government as a resource person on matters concerning his/her office or department, and to clarify any issue that may require his/her expertise. The Municipal Mayor/appointed representative or in their absence the Public Safety Officer, shall convene and preside the meetings of the Executive Board.

Section 5. QUASI-JUDICIAL POWER OF THE EXECUTIVE BOARD. The board shall exercise the following quasi-judicial functions:

1. Accept complaint against erring GPSO personnel, including traffic enforcers, on non-permanent status, for any abuse committed in relation to the performance of their duties and responsibilities;
2. Conduct hearing and investigation;
3. Recommend to the Local Chief Executive administrative sanctions against respondent found to be guilty of any act complained of.

Section 6. COORDINATING BODIES – The following entities shall constitute the GPSO coordinate bodies which shall ensure consistency of GPSO policies and programs with their own policies and programs:

- 1) SB Committee on Public Order, Safety and Human Rights
- 2) SB Committee on Transportation and Communication
- 3) Municipal Peace and Order Council
- 4) Municipal Disaster Risk Reduction and Management Council
- 5) Municipal Anti-Drug Abuse Council

Section 7. PUBLIC SAFETY OFFICER. The Public Safety Office shall be headed by the Public Safety Officer with the following functions:

1. Ensure that an annual public safety plan be prepared by each of the following agencies:

- a. Gubat Municipal Police Station - Philippine National Police
- b. Municipal Peace and Order Council
- c. Municipal Disaster Risk Reduction and Management Council
- d. Municipal Anti-Drug Abuse Council
- e. Bureau of Fire Protection
- f. Barangay Captains/Tanods and Chairman, Committee on Peace and Order

2. From the public safety plans of the above units, prepare a consolidated Gubat Public Safety Plan for consideration and approval by the Gubat Peace and Order Council.

3. Ensure that resources are made available to implement the Gubat Public Safety Plan by sourcing funds from local and external sources.

4. Execute in a most efficient and effective manner the Gubat Public Safety Plan

5. Recommend public safety policies for evaluation and adoption by the peace and order council and the sangguniang bayan which, if approved, shall be integrated into the Gubat Public Safety Plan.

6. Undertake a public information campaign to generate awareness and support for the major components of the Gubat public safety plan.

7. Supervise the Transport Regulation Unit, the Public Facilities Unit, the Disaster Mitigation and Emergency Services Unit and the Administrative, Training and Information Unit.

Section 8. OTHER OFFICERS OF GPSO. The following officers, with their attendant functions, shall report directly to the public safety officer:

1. Head, Transport Regulations Unit which shall be in charge of enforcing registration requirements for bicycles, motorcycle (habal-habal), pedicabs, trimobles, and other vehicles under the purview of the municipal government, whether for private use or as public utility; in charge of enforcing regulatory requirements for terminals and the routing of public utility vehicles; in charge of transport planning and other matters relating to traffic management and regulations;

2. Head, Public Facilities Unit which shall be responsible for the safety of public facilities owned by the Municipal Government.

3. Head, Disaster Mitigation and Emergency Services Unit, which shall be responsible for mitigating the impact to vulnerable sectors of natural and man-made hazards and for undertaking appropriate response before, during and after such hazards or disasters in coordination with other units and entities;

4. Head, Administrative, Training and Information Unit, which shall be responsible for personnel and office matters of the PSO, including training and public information programs.

CHAPTER 3 - ADMINISTRATION

Article 1

TRAFFIC ENFORCEMENT

Section 7. - AUTHORITY TO HIRE TRAFFIC ENFORCERS - The Municipal Mayor through the Gubat Public Safety Office (GPSO), is hereby authorized to hire traffic enforcers as the need arises and depending upon the availability of funds.

Section 2. - FUNCTION OF TRAFFIC ENFORCERS - With proper order of the Municipal Mayor and in close coordination with the Chief of Police, the traffic enforcers shall assist the Local PNP in the enforcement of traffic laws, rules and regulations and ordinances.

Section 3. - THE GUBAT MUNICIPAL POLICE STATION - The Members of the Gubat Municipal Police Station shall be primarily responsible in the enforcement of this Code and all applicable laws, and rules and regulations on the matter.

Section 4. - AUTHORITY OF THE MUNICIPAL MAYOR TO ISSUE EXECUTIVE ORDER - The Municipal Mayor shall in the exercise of executive function, and in relation to the enforcement of traffic rules and regulations, and other municipal ordinances, shall have the authority to order the following:

1. Specify the assignment and conduct of local policemen, GPSO personnel and traffic enforcers;
2. Impose disciplinary action against traffic enforcers as per recommendation of the Executive Board;
3. Order temporary closure of roads, re-routing of vehicles and other traffic rules in accordance with Republic Act No. 7160.

Section 5. - AUTHORITY TO ISSUE CITATION TICKETS - The traffic enforcers as assistants to the local PNP are hereby authorized to issue citation tickets to traffic violators. In addition thereto, they shall also assist in the implementation and enforcement of the anti-littering, anti-illegal parking, anti-smoking and other provisions

of this ordinance, applicable laws and regulations whose violations take place in public roads, shoulders and others.

Section 6. - DATA BASE OF VIOLATORS. The PNP and the GPSO shall maintain a data base of violators for records and reference purposes.

Article 2 CITATIONS, ARRESTS AND CLEARANCE

Section 1. CITATION OF TICKETS - For every traffic violation, the offender is issued a citation ticket by a traffic enforcer or any member of the local PNP directing said offender to personally report and appear before the Chief of Police of the Gubat Municipal Police Station.

The violator shall be required to appear before the Police Station within Three (3) working days from the date issue of said citation ticket for the purpose of recording in the log book the name of said offender and the traffic violation and further directing said offender to pay a fine at the Municipal Treasurer's Office.

However, if the violator reports to the office of the Chief of Police of the Gubat Municipal Police Station within the period of Three (3) working days, he shall be entitled to a compromise payment of less twenty percent (20%) of the fine. After the lapse of the period, the violator shall not be entitled to the said compromise payment.

Unsettled fine for traffic violations shall be a ground for non-renewal of Driver's ID, non-renewal of Mayor's Permit and/or Non-issuance of Police Clearance.

Section 2. PROCEDURE UPON APPREHENSION:

- a. Except when authorized or directed by law to immediately take a person arrested for violation of the traffic laws before a court of jurisdiction, any authorized police officer or any traffic enforcer upon making an arrest for violation of this ordinance and other ordinances of the municipality shall take the name, address and driver's license number of the violator/s, the registered plate number of the motor vehicle involved, its brand name or make and color and shall issue to violator a citation ticket warning him to answer to the charges against him at a place and time within Three (3) working days after such arrest.
- b. In every case when a citation ticket is issued the original copy thereof shall be given to the violator, or in the case of an unattended motor vehicles the original thereof shall be affixed to the said motor vehicle.

Section 3. FAILURE TO OBEY SUMMONS - Any person who fails to appear at the place and within time specified in the summons or citation ticket issued to him by an officer upon his arrest for traffic violation is guilty of misdemeanor.

However, in the event the required fine or compromise payment thereof shall have been paid, any liability arising from the violation of this ordinance shall be deemed extinguished.

Section 4. INCENTIVES IN CASE OF APPREHENSIONS: The office or agency who having actual participation in the apprehension of violator of this Code shall be entitled to incentive based on the following sharing scheme:

Municipality	-	60%
GPSO	-	20%
PNP	-	20%

CHAPTER 4 - TRAFFIC RULES

Section 1. - LICENSE TO DRIVE MOTOR VEHICLE - No person shall drive any motor vehicle without possessing a valid license to drive a motor vehicle. Those operating motor vehicles for hire shall possess a valid professional driver's license. The license shall be carried by the driver at all times when operating a motor vehicle and shall be shown and/or surrendered for cause and upon demand to any person with authority to confiscate the same.

Section 2. - RIGHT SIDE DRIVING - As far as practicable and for the safety and security of life or property, every person operating a motor vehicle or an animal drawn vehicle on a public road shall pass to the right when meeting persons or other vehicles coming toward him.

Section 3. SPEED RESTRICTIONS - For safety of those concerned and the security of their properties, the following rules are hereby promulgated:

- a. Any person driving a motor vehicle on a public road shall drive the same at a careful and prudent speed, not greater nor less than what is reasonable and proper, having due regard for the traffic, the width and topography of the public road and of any other condition then and there existing and no person shall drive any motor vehicle upon a public road at such a speed as to endanger the life, limb and property of another person, nor, at a speed greater than will permit him to bring the vehicle to a stop within the assured clear distance ahead.
- b. Subject to the provisions of the preceding paragraph, the rate of speed of any motor vehicle shall not exceed the following:

Maximum Allowable Speed		
Places	Motorcycles, Cars And Jeepneys	Trucks and Buses

- | | | |
|---|-----------------|-----------------|
| 1. On open highways
with no blind corners
and not closely bordered
by habitations | 80 km. per hour | 50 km. per hour |
| 2. On 'though street" or boulevard
clear or traffic with no blind
corners when not designated | 40 km. per hour | 30 km. per hour |
| 3. On municipal street and
roads with light traffic
when not designated
"though street" | 30 km. per hour | 30 km. per hour |
| 4. Through crowded or
narrow streets, approaching
Intersection at blind corners
passing other parked vehicles
when approaching and
passing any bridge, or for
similar dangerous circumstances | 20 km. per hour | 20 km. per hour |

c. Exceptions - The above prescribed speed limit shall not apply to the following:

1. A physician or his driver who is responding to emergency calls.
2. The driver of a hospital or LGU ambulance on the way to and from the place of accidents or other emergency.
3. Any driver bringing a wounded or sick person for emergency treatment to a hospital, clinic or any other similar place.
4. The driver of a motor vehicle when he or his passenger is in pursuit of a criminal.
5. The driver of motor vehicle belonging to the Armed Forces of the Philippines while in use for official purposes in riot, insurrection or invasion.
6. A law enforcement officer who is trying to overtake a violator of traffic laws.
7. The driver of any fire department whose fire truck is responding to a fire or conflagration call.
8. Provided that, the above exemption shall not be construed to allow useless or unnecessary fast driving.

Section 4. OVERTAKING VEHICLES - 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 side of the public road until

safely clear of such overtaken vehicle, except that, on the highway within a business or residential district having two or more lanes for the movement of traffic in one direction, the driver of the vehicle on the right. Nothing in this section shall be construed to prohibit a driver overtaking and passing upon the right of another vehicle which is making or about to make a left turn.

Section 5. GIVING WAY TO AN OVERTAKING VEHICLE. The driver of the motor vehicle about to be overtaken by another vehicle approaching from the rear shall give way to the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle and shall not increase the speed of his vehicle until completely passed by overtaking vehicle.

Section 6. RESTRICTIONS ON OVERTAKING AND PASSING:

- a. No person shall drive his motor vehicle to the left side of the center of the public road in overtaking a running vehicle proceeding in the same direction or passing a park or stationary vehicle, unless such left side is clearly visible and is free of incoming traffic for sufficient distance ahead to permit such overtaking or passing to be made in safety.
- b. The driver of a motor vehicle shall not overtake another vehicle when approaching the crest of a grade, nor upon a curve in a public road, where a driver view along the public road is obstructed within a distance of five hundred feet (500) ahead, except on a highway having two or more lanes for movement of traffic in one direction where a driver of a vehicle may overtake another vehicle, provided that on a highway within a business or residential district having two or more lanes for movement of traffic in one direction, the driver of a motor vehicle may overtake another vehicle on the right.
- c. The driver of a motor vehicle shall not overtake any other vehicle at any intersection of highway unless the highway is clear of traffic or permitted to do so by a watchman or peace officer, except on a highway with two or more lanes for movement of traffic in one direction where the driver of a motor vehicle may overtake or pass another vehicle on the right. Nothing in this section shall be construed to prohibit a driver overtaking upon the right of another vehicle which is making or about to make left turn.
- d. The driver of a vehicle shall not overtake or attempt to overtake any other vehicle proceeding in the same direction between any points indicated by placing of official temporary warning or caution signs indicating that men are working on the highway or public road.
- e. The driver of the vehicle shall not overtake or attempt to overtake any other vehicle proceeding in the same direction in any "no overtaking zone or lane".

Section 7. CROSSING AND TURNING AT INTERSECTION OR ANY POINT OF THE HIGHWAY/PUBLIC ROAD:

- a. The driver of a motor vehicle shall stop or goes slow at an intersection or any point of the highway or public road and or see to it that no motor vehicle at a

safe distance is coming in either direction, before crossing or making a left/right turn in a highway in the public road.

- b. Any person driving a motor vehicle in the highway or any public road and before making left turn in an intersection or any point thereof shall first stop or go slow and make a signal and see to it that the highway or any public road is clear of incoming or rear vehicles or the same are at safe distance to him.
- c. The signal herein required shall be given by means of extending the hand beyond the left side of the vehicle or by any approved mechanical or electrical signal device.

Section 8 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIC PLACES - No person shall stop, stand or park a motor vehicle except when necessary to avoid conflict with other traffic in compliance with law or direction of a traffic officer or traffic control device in any of the following places in the territorial jurisdiction of the municipality.

- a. Within six (6) feet of either a public or private driveway.
- b. Within an intersection
- c. Within ten (10) meters of intersection of curb lines
- d. Within six (6) meters of fire hydrant
- e. On a crosswalk, and
- f. In any other places designated by the Local Chief Executive.

Section 9. OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES - The driver of any motor vehicle shall obey the instructions of any traffic control device applicable thereto, placed or erected in accordance with the provisions of the ordinance.

Section 10. YIELDING RIGHTS OF WAY TO POLICE AND OTHER EMERGENCY MOTOR VEHICLES - A driver of motor vehicle shall yield the right of way to all fire trucks, ambulance, police and military vehicles which are on emergency or official missions. The driver of motor vehicle cruising ahead of these motor vehicles shall immediately pull to the right, slow down or stop as soon as he hears the sirens of these vehicles to allow easy and safe passage.

Section 11. INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES SIGNS OR SIGNAL - No person shall without lawful authority attempt to, or in fact, alter, deface, injure, knock down or remove any official traffic control device, sign or signal or any inscription, shield or insignia thereon or any other part thereof.

Section 12. RECKLESS DRIVING - No person shall operate a motor vehicle on any public road recklessly or without reasonable caution considering the width, traffic, grades, crossing, curvatures, visibility and other conditions of the public road and condition of the atmosphere and weather, or so as to endanger the property or safety or rights of any person, or so as to cause the excessive unreasonable damage to the public road.

Section 13. HITCHING TO A MOTOR VEHICLE - No person shall hang on or to ride on, the outside or rear end of any motor vehicle and no person on a bicycle roller skates or other similar device, shall hold fast to or hitch on to any moving vehicle, and no driver shall knowingly permit any person to hang on to ride on the outside or rear end of his vehicle, or allow any person on a bicycle roller or skates or other similar device to hold fast to his vehicle.

Section 14. PROHIBITION ON TAIL-TAILING. Motorized Tricycle for Hire are prohibited from tail-tailing to Public Utility Buses, Public Utility Jeepneys or Trucks Unloading Passengers or cargoes.

Section 15. DRIVING WHILE UNDER THE INFLUENCE OF LIQUOR OR NARCOTIC DRUGS - No person shall drive a motor vehicle while under the influence of alcohol or narcotic drugs.

Section 16. MOTORCYCLE DRIVING REGULATIONS. All motorcycle riders must wear standard protective motorcycle helmet while driving within the territorial jurisdiction of the municipality of Gubat.

CHAPTER 5 - MISCELLANEOUS TRAFFIC RULES

Article 1 OBSTRUCTIONS

Section 1. No person shall be allowed to use any part or section of the streets in this jurisdiction except as provided by law. Obstructions, such as school barriers, advertisements, traffic signs, drying of palay, copra, and other agriculture, forest and other by-products. Quarantine signs/barriers, encroachments to road right of way, illegal structures on top of sidewalks, roads, alleys, thoroughfares and drainage canals, parking of trucks and other vehicles, and other forms of obstruction within the existing lanes, except when allowed or authorized by law, ordinance or local executive order. Finally, there shall be no herding, tending and tying of animals along the periphery of roads.

Check point barriers of competent authorities shall only be used in times of red alert or by order of competent authority.

School Administrations shall coordinate with the Barangay Council for the detailment of a Barangay Tanod who will man the pedestrian crossing near school zone to ensure safety of the pedestrians, especially children. In the event that school traffic barriers will be used in front of the school campus, the same shall only be used only within a reasonable period of time prior to and after flag ceremonies. Provided, that it shall be placed on the outermost part of the road to limit obstruction in the street.

Section 2. No Obstruction of the Passage of all Types of Vehicles - No person shall drive the motor vehicle in such a manner as to obstruct or impede the passage of

other vehicle nor while discharging or taking passengers or loading or unloading freight or cargoes obstruct the free passage of other vehicles on the public road.

Section 3. PROHIBITED ACTS. All forms of obstructions are hereby prohibited in the roads of this municipality, except:

1. When authorized by law
2. When authorized by ordinance or executive order or other competent authority
3. Vehicles during inclement weather
4. Stranded or parked vehicles on account of an accident; and
5. Any broken down or malfunctioning vehicle with appropriate early warning device.

Section 4. NO PARKING OR DOUBLE PARKING AREA:

- a. Public Motorized Tricycle -for-hire shall not be allowed to park or wait for passenger in front of the public market, along or in any point of the highway.
- b. No panel cars, delivery trucks, dump trucks, other heavy equipment, buses and trailers are allowed to park in any place and at any time, except in designated parking areas and at a given time.
- c. No double parking is allowed in any point of the highway within the jurisdiction of the municipality.

Section 5. REGULATING THE USE OF ANY PORTION OF PUBLIC ROAD OR SHOULDER - No person shall use any portion of public road or shoulder for the following:

1. Drying of apparels, buri palms, firewood, lumber, corn, copra, palay or other agricultural products, coconut (bagol) and such other materials.
2. Repairing and washing of motor vehicles and home appliances.
3. Bathing or laundering or other similar acts.
4. Placing of construction materials or waste, materials of demolished/renovated buildings.
5. Installation of business stalls, advertisements or other similar objects.
6. Placing junk or unused vehicles.
7. Parking Areas for motorcycle and tricycles including big and small vehicles except in designated parking area.
8. And other activities that causes obstruction in public roads.

Section 6. REGULATING THE USE OF BRIDGES. No person shall use any portion of bridge for the following:

1. Installation of business stalls, advertisements or other similar objects;
2. Construction of any kind utilized for dwelling;
3. Such other acts that may impede the free flow of traffic and pedestrians.

Section 7. LOADING AND UNLOADING OF STOCKS BY BUSINESS ESTABLISHMENTS OUTSIDE OF THE MARKET PREMISES:

- a. Notwithstanding the provision of this ordinance to the contrary, loading and unloading of stocks along the highway or the narrow municipal streets may be done provided that, the drivers of the cargo/delivery trucks or vans observe right side loading/unloading and provided further that, no double parking is done in order not to congest the streets.
- b. The drivers of the cargo/delivery trucks or vans shall be prohibited to leave their vehicles during the course of loading/unloading of cargoes.

Section 8. DESIGNATED PARKING/WAITING AREAS - when waiting for passengers coming from the Public Markets/Supermarkets/Departments Stores, Churches, Schools, offices and other public establishments, all drivers/operators shall place their passenger vehicles, tricycles-for-hire on their designated parking areas and see to it that the same shall not obstruct the traffic of the place.

Section 9. OBSERVANCE OF "TURNO SYSTEM" - All passenger vehicles, Public Motorized Tricycles-for-Hire shall observe a "turno system" the scheme of which shall be agreed upon by the respective TODA's.

Section 10. UNAUTHORIZED SOLICITATION OF PASSENGERS - No Driver of tricycle-for-hire shall solicit passengers who are already waiting in the motor vehicle which is the first one to go under the "turno system". Provided that, this provision shall not apply to passing passenger jeepneys, vans or buses.

Section 11. PROHIBITION ON MINORS TO DRIVE MOTOR VEHICLES. Minors are prohibited from driving motor vehicles within the municipality of Gubat.

Section 12. USE OF FAKE LICENSE PLATE OR STICKER. All persons are prohibited from fabricating, copying, selling or using fake license plates for bicycles, tricycles or any other plate issued by the municipal government.

Section 13. ILLEGAL OPERATION. No Public Motorized Tricycle for Hire, either for passenger or for cargo or both, shall be operated in this municipality without a franchise from the Sanggunian Bayan and corresponding permit from the Office of the Mayor under the Municipal Revenue Code and/or Revenue Ordinance.

Article 2 REFUSAL TO CONVEY PASSENGERS

Section 1. REFUSAL TO CONVEY STUDENTS, SENIOR CITIZENS AND PERSON WITH DISABILITY: It shall be unlawful for any driver of public utility tricycle to refuse to convey a passenger, be it a student, senior citizen or a person with disabilities together with his/her orthopedic devices or personal effects by a reason of his / her disability.

Article 3 OBLIGATION OF THE DRIVER IN CASES OF ACCIDENTS

Section 1. In cases accidents caused through Reckless Imprudence of the driver of the Public Motorized tricycle-for-hire or any passenger vehicle; or negligence of the operator hereof resulting to injury or death of passenger, the provisions of the New Civil Code of the Philippines pertaining to the degree of their liability shall apply.

Section 2. OBLIGATION OF THE DRIVER.

1. The driver of the vehicle shall stop immediately without obstructing the traffic.
2. No driver of the motor vehicle involved in a vehicular accident shall leave the scene of the accident without aiding the victim except any of the following circumstances:
 - a. If he is in imminent danger of being seriously harmed by any person or persons by reason of the accident.
 - b. If he reports the accident to the Gubat Municipal Police Station.
 - c. If he has to summon any physician or rescue team to aid the victim.

**Article 4
APPROPRIATE TRASH CANS**

Section 1. All public utility vehicles including buses, jeepneys and Public Motorized Tricycle for Hire plying the Gubat route and within the Municipality of Gubat are required to provide appropriate trash cans inside their units.

Section 2. RULES AND REGULATIONS:

- a) Public utility jeepneys and buses which do not have trash cans shall not be allowed to use the Public Terminals.
- b) Tricycles for hire which do not have trash cans shall not be issued a Mayor's Permit and Municipal Plate by the Office of the Mayor, nor be allowed to use the tricycles' parking areas.
- c. Cleaning of public utility vehicles, including buses, jeepneys and tricycles in the parking area where dirt and wastes are just left behind is hereby prohibited.

**Article 5
LIGHTING PROVISIONS FOR THE VEHICLES**

Section 1. LIGHTING SYSTEM All Drivers of vehicles, motorized or not, hereby required to provide the necessary lighting provisions for their vehicles mentioned in the preceding section of this ordinance.

- a) All bicycles shall bear one headlight and must always be lighted while traveling during nighttime.
- b) All motorcycles and tricycles shall bear one headlight and at least a taillight and must be lighted while traveling during nighttime.

- c) All other motor vehicles hereto referred shall bear not less than two headlights, one on each side in front, and at least two tail lights also one on each side in the rear. All these must be lighted while traveling during nighttime.
- d) All vehicles parking lights or flares visible one hundred meters away whenever parked on highways or in places that are not well lighted or are placed in such manner as to endanger passing traffic.

Article 6

DESIGNATION OF PARKING AREAS AND OTHER TRAFFIC REGULATIONS

Section 1. PARKING AREAS FOR PUBLIC MOTORIZED TRICYCLE FOR-HIRE

- There is hereby designated as parking areas for Public Motorized Tricycle-for-Hire at the different zones, to wit:

- a. Southern portion of Luna Street, from corners of Manook and Luna Streets to corners of Luna and Zulueta Streets;
- b. Western portion of Zulueta Street, from corners of Luna and Zulueta Streets to corners of Zulueta and Roxas Streets;
- c. Western portion of Zulueta Street, from corners of Roxas and Zulueta Streets to corners of Zulueta and Diaz Streets;
- d. Western portion of Zulueta Street, from corners of Mabini and Zulueta Streets to corners of Zulueta and Luna Streets.
- e. Southern portion of Roxas Street, from corners of Manook and Roxas Streets to corners Roxas and Zulueta Streets;
- f. Southern portion of Dias Street, from corners of Manook and Diaz Streets to corners of Diaz and Zulueta Streets;
- g. Southern portion of Diaz Street, from corners of Zulueta and Diaz Streets to corners to Zulueta and Quezon Streets.

Section 2. **PARKING AREAS FOR PRIVATE VEHICLES.** The following are hereby designated as parking areas for private vehicles:

- a. **FOR MOTORCYCLE, BICYCLE AND UTILITY/PRIVATE MOTORIZED TRICYCLE.**
 - Eastern portion of Manook Street, from corners of Diaz and Manook Streets to corners of Manook and Roxas Streets;
- b. **FOR FOURS WHEEL AND SIX WHEELS VEHICLES EXCEPT FOR CARGO VEHICLES.** - Eastern portion of Manook Street to corners of Luna and Manook Streets to corners of Manook and Roxas Streets;

Section 3. **LOADING AND UNLOADING AREAS FOR DELIVERY VEHICLES.**

- a. Southern portion of Roxas Street, from corners of Zulueta and Roxas Streets to corners of Roxas and Quezon Streets, ANYTIME.
- b. Southern portion of Luna Street, from corners of Zulueta and Luna Streets to corners of Luna and Manook Streets from 7:00 PM to 5:00 AM ONLY.
- c. Southern portion of Luna Streets, from corners of Manook and Luna Streets to corners of Luna and Bonifacio Streets from 7:00 PM to 5:00 AM ONLY
- d. Western portion of Zulueta Street, from corners of Diaz and Zulueta Streets to corners of Zulueta and Herrera Streets from 7:00 PM to 5:00 AM ONLY..

Section 4. NO PARKING ZONES.

- a. Western portion of Manook Street, from corners of Calderon and Manook Streets to corners of Manook and Herrera Streets are declared a NO PARKING, NO LOADING and NO UNLOADING Zone for all vehicles.

Section 5. NO ENTRY/ONE WAY TRAFFIC SCHEME. - The following areas are hereby designated as No Entry/ One Way Streets for all vehicles:

- a. The portion of Luna Street, from Manook Street to Zulueta Street (NO ENTRY, EXIT ONLY, NO COUNTERFLOWING)
- b. The portion of Zulueta Street, from Luna Street to Diaz Street (ENTRANCE ONLY, NO COUNTERFLOWING).
- c. The portion of Roxas Street from Manook Street to Zulueta Street (NO ENTRY, EXIT ONLY);
- d. The portion of Diaz Street, from Manook Street to Zulueta Street (NO ENTRY, EXIT ONLY).

Section 6. NO "U" TURN - The area along Manook Street, from corners of Diaz and Manook Streets to corners of Manook and Luna Streets is declared as No "U" Turn area for all vehicles.

Section 7. AUTHORITY TO PADLOCK OR CLAMP. For violations of Section 1, 2, 3 and 4 of this Article, the Gubat PNP, with the assistance of the GPSO personnel or traffic enforcers, are hereby authorized to padlock or clamp unattended vehicles parked in no parking areas.

CHAPTER 6

ESTABLISHMENT OF COMMON PUBLIC LAND TRANSPORTATION TERMINAL

Section 1. The municipality shall, within Ten (10) Years from the effectivity of this Code, establish a Common Public Land Transportation Terminal in area as maybe identified and declared under the Comprehensive Land Use Plan (CLUP).

Section 2. DESIGNATION OF TEMPORARY PUBLIC TRANSPORT TERMINAL.
A municipal owned lot located at Barangay Luna Candol shall be established a temporary Public Transport Terminal herein after called the "PAMANA TERMINAL".

This terminal shall be utilized by Public Utility Jeepneys and pick up area for Public Utility Buses.

Section 3. ROUTE REGULATIONS FOR ALL PUBLIC UTILITY JEEPNEYS (PUJ) ASSIGNED IN THE PAMANA TERMINAL.

a. FROM THE PAMANA TERMINAL -

1. All North Bound PUJ's shall take Calderon Street then turn left and exit through the length of Manook Street.
2. All South Bound PUJ's shall take Calderon Street then turn right and exit through the length of Manook Street;

b. FROM THE DESTINATION.

1. All North Bound PUJ's shall turn right to Padrique Street then turn left to Bonifacio Street and turn left to Calderon Street in going to PAMANA Terminal;
2. All South Bound PUJ's shall turn left to Bonifacio Street then turn right to Calderon Street in going to PAMANA Terminal.

**CHAPTER 7
DECLARED ONE - WAY TRAFFIC OUTSIDE OF MARKET PREMISES**

**Article 1
One - Way Traffic at Calderon Street**

Section 1.-The corner of Calderon and Quezon Streets to intersection of Calderon and Burgos Streets towards the corner of Burgos and Mabini streets, direction north, from Mondays to Fridays at 6:00 o'clock in the morning to 5:30 in the afternoon.

Section 2. REGULATIONS AND PROHIBITIONS:

1. The Calderon Street shall be the entry point.
2. The Burgos Street to Mabini Street, direction North, shall be the exit point.
3. Loading and Unloading shall be permitted provided that the vehicle, in loading and unloading, shall not cause traffic congestion and/or obstruction to the free flow of vehicles.
4. The One-way traffic regulations shall be strictly implemented from 6:00 o'clock in the morning to 5:30 in the afternoon from Mondays to Fridays.
5. It shall be unlawful to a driver of any vehicle to drive against the one-way street as herein provided and further indicated in the attached map hereto attached and made an integral part of this Ordinance.

6. NO PARKING AREAS. Parking is strictly prohibited for all public utility vehicles in areas declared as One-way Street. The corner of Calderon and Burgos to corner of Burgos and Mabini Streets is a NO PARKING area for private vehicles.

7. The place designated as a one-way street is likewise prohibited to be used as a place for drying of palay, copras, pili and other agricultural products.

Section 3. ADMINISTRATIVE PROVISIONS.

a. The Local Chief Executive, through the Municipal Engineers Office, shall cause the putting up of signage and street marks to notify and inform the motorists of the one-way regulations and to establish humps, in accordance with applicable ordinances, and shall maintain signage paint for humps along the area.

b. The Philippine National Police-Gubat Municipal Police Station deputized personnel are hereby authorized to enforce this ordinance and further, authorized to issue citation tickets for any violation and in imposing the penalties herein provided.

c. The PNP-GMPS is required to maintain and kept a record of apprehensions in the enforcement of this Ordinance.

d. The Barangay Council of Pinontingan, through the Barangay Captain, is enjoined to assign and deploy members of the Barangay Tanod to assist in the implementation and enforcement of this Ordinance.

Article 2

One - Way Traffic at Dote Lane

Section 1. Vehicular traffic in Dote Lane by making it one-way traffic from 6:00 a.m. to 5:00 p.m.

Section 2. The Barangay Council of Paradijon, through the Barangay Captain, is enjoined to assign and deploy members of the Barangay Tanod to assist in the implementation and enforcement of this Ordinance.

Section 3. ADMINISTRATIVE PROVISION.

1. All vehicles entering Dote Lane from Manook Street shall proceed to exit in Bonifacio Street either going northwards or southwards.
2. The municipality, through the Office of the Municipal Engineer shall be responsible in putting up the signpost at the corner of Manook Street and Dote Lane.

Article 3

Permanent Closure of portion of Monreal Street

Section 1. Permanent closure of a portion of Monreal Street, from the corner of Rizal Street and Monreal Street towards the seashore, which consists of more or less 200 linear meters.

Section 2. PROHIBITION. This portion of municipal street, declared as closed, shall not be used for any purpose other than those determined by the municipality

Section 3 ADMINISTRATIVE RESPONSIBILITY. The Municipal Mayor shall, through an Executive Order, declare the above-mentioned portion of municipal street as closed and issue the proper procedures for its disposition in accordance with the provisions of this Ordinance.

Section 4. MAINTENANCE OF PUBLIC SAFETY. It is the responsibility of the Engineering Office of the municipality to ensure that the closure of the said road does not in anyway adversely affect the lives of any person.

CHAPTER 8 TRICYCLE-FOR-HIRES FRANCHISING

Article 1 ROUTE RATIONALIZATION OR ROUTE INTEGRATION

Section 1. RMC DETERMINATION. In the determination of the Route Measured Capacity (RMC), the MPDC and the SB Committee on Transportation and Communications shall take into consideration the participation of the Barangays, Homeowners Associations and/or other concerned stakeholders.

Section 2. MAXIMUM NUMBER OF MOTORIZED TRICYCLE ALLOWED TO OPERATE. - The number of motorized tricycles allowed to operate within the municipality shall not exceed the number of tricycles currently registered but maybe reduced when necessary. The number of tricycles may be increased only in an area/zone if there is a clear showing that there is an actual need for such increase or decrease.

Section 3. ROUTE MEASURED CAPACITY. The Municipal Planning and Development Office (MPDO) shall, within Six (6) months from the effectivity of this Code, formulate a standard Route Measured Capacity (RMC) in accordance with existing standards and recommend the same for each zone or area of operations of tricycles indicating among others, the following:

- a. The zone or area where tricycles can operate in consonance with existing laws, rules and regulations.
- b. The name of the Barangay where the zone or area is located.
- c. The present number of authorized tricycle allowed to operate in a zone or area.
- d. Estimated number of population of the zone or area.
- e. Recommended number of tricycles needed by the population.
- f. Difference between the present number of tricycles operating within the zone or area and the recommended number of tricycles needed for the population.
- g. Average level of profitability of tricycle operations of the zone or area.
- h. Socio-economic conditions of the zone or area established through household profiling survey.
- i. Patterns of origin and destination of the zone or area established through tricycle mapping survey.
- j. Justification in case there is a need for an increase in the number of tricycles in a particular zone or area.

Article 3
**COLOR CODING, ZONING AND TRICYCLE BODY
 NUMBERING SPECIFICATION**

Section 1 PUBLIC MOTORIZED TRICYCLE FOR HIRE - The following color and zoning scheme shall be implemented to identify areas of operation of the different tricycle associations. The sidecar must be painted totally and uniformly with only one designated color scheme per zone/area of operation. The tricycle shall bear a Zone code and Route Code to be painted in front, back and inside the sidecar. The size of the number must be at least 6 inches in height and 3 inches in width. The name of the TODA must be printed above the number and "Municipality of Gubat" below the number. Sidecar body made of stainless sheet plate shall not be allowed or permitted.

Section 2. UTILITY MOTORIZED TRICYCLE. The sidecar shall also be painted with uniform color and the numbering scheme shall be assigned depending on the ordinal number of applicants/operators.

Section 3. The following shall be the assigned color and zone code:

<u>NORTH BOUND</u>	Color Code	:	RED
	Zone Code	:	Zone A and (Municipal Plate)
	Route Code	:	Numerical Number and TODA

Poblacion	-	Beriran	:	Zone A - (MP) 1 - (TODA)
Poblacion	-	San Ignacio	:	Zone A - (MP) 2 - (TODA)
Poblacion	-	Carriedo	:	Zone A - (MP) 3 - (TODA)
Poblacion	-	Manapao	:	Zone A - (MP) 4 - (TODA)
Poblacion	-	Jupi	:	Zone A - (MP) 5 - (TODA)
Poblacion	-	Lapinig	:	Zone A - (MP) 6 - (TODA)
Poblacion	-	Dita	:	Zone A - (MP) 7 - (TODA)
Poblacion	-	Payawin	:	Zone A - (MP) 8 - (TODA)
Poblacion	-	Casili	:	Zone A - (MP) 9 - (TODA)
Poblacion	-	Cabiguhan	:	Zone A - (MP) 10 - (TODA)

<u>EAST BOUND -</u>	Color Code	:	SKY BLUE
	Zone Code	:	Zone B and Municipal Plate
	Route Code	:	Numerical Number and TODA

Poblacion	-	Cogon	:	Zone B - (MP) 1 - (TODA)
Poblacion	-	Tiris	:	Zone B - (MP - 2 - (TODA)

Poblacion	_	Ogao	:	Zone B - (MP) 3 - (TODA)
Poblacion	-	Paco	:	Zone B - (MP) 4 - (TODA)
Poblacion	-	Patag	:	Zone B - (MP) 5 - (TODA)
Poblacion	_	Nato	:	Zone B - (MP) 6 - (TODA)
Poblacion	_	Tagaytay	:	Zone B - (MP) 7 - (TODA)
Poblacion	-	Bagacay	:	Zone B - (MP) 8 - (TODA)

SOUTH BOUND Color Code : PURPLE

 Zone Code : Zone C and Municipal Plate

 Route Code : Numerical Number and TODA

Poblacion	-	Ariman	:	Zone C - (MP) 1 - (TODA)
Poblacion	-	Buenavista	:	Zone C - (MP) 2 - (TODA)
Poblacion	-	Villareal	:	Zone C - (MP) 3 - (TODA)
Poblacion	-	Benguet	:	Zone C - (MP) 4 - (TODA)
Poblacion	-	Togawe	:	Zone C - (MP) 5 - (TODA)
Poblacion	-	Rizal	:	Zone C - (MP) 6 - (TODA)
Poblacion	-	Nazareno	:	Zone C - (MP) 7 - (TODA)

WEST BOUND Color Code : ORANGE

 Zone Code : Zone D and Municipal Plate

 Route Code : Numerical Number and TODA

Poblacion	-	Sta Ana	:	Zone D - (MP) 1 - (TODA)
Poblacion	-	Tabi	:	Zone D - (MP) 2 - (TODA)
Poblacion	-	Union	:	Zone D - (MP) 3 - (TODA)
Poblacion	-	Sangat	:	Zone D - (MP) 4 - (TODA)
Poblacion	-	Cabigaan	:	Zone D - (MP) 5 - (TODA)
Poblacion	-	Bulacao	:	Zone D - (MP) 6 - (TODA)
Poblacion	-	Naagtan	:	Zone D - (MP) 7 - (TODA_
Poblacion	-	Bentuco	:	Zone D - (MP) 8 - (TODA)

Poblacion - Tigkiw : Zone D - (MP) 9 - (TODA)

POBLACION Color Code : APPLE GREEN
 Zone Code : Zone E and Municipal Plate
 Association Code : Numerical Number and TODA

Panganiban : Zone E - (MP) 1 - (TODA)

Pinontingan : Zone E - (MP) 2 - (TODA)

Paradijon : Zone E - (MP) 3 - (TODA)

Luna Candol : Zone E - (MP) 4 - (TODA)

Manook : Zone E - (MP) 5 - (TOPDA)

Balud Del Norte : Zone E - (MP) 6 - (TODA)

Balud del Sur : Zone E - (MP) 7 - (TODA)

Cota na Daco : Zone E - (MP) 8 - (TODA)

UTILITY MOTORIZED TRICYCLE Color Code : WHITE
 Numerical Number : _____

Article 4

TRAVELLING OUTSIDE OF ASSIGNED ZONE

Section 1. NO driver of Public Motorized Tricycle shall be allowed to travel outside of his assigned Zone. Except in the following cases:

- When the PMT is used for family purpose;
- When the PMT is used on emergency/ies;
- When the PMT is used on chartered trip, however, the driver shall not be allowed to pick up passengers from or along the way back to his assigned zone/area.

Article 5

INSPECTION BY THE PERMIT AND LICENSING OFFICE (PLO).

Section 1. The PLO personnel shall conduct actual inspection of the Motorized Tricycle in the initial registration of the vehicle of renewal of franchise and the annual registration of the MTOP to determine the following:

- Physical requirement/specification of the Motorized Tricycle;
- Physical condition of the vehicles if roadworthy;
- Test for the smoke belching and noise emitted by the tricycle.

Article 6

PHYSICAL REQUIREMENTS OF TRICYCLE UNIT

Section 1. No motorized tricycle shall be registered unless the following physical requirements are complied with and Certified by the Permit and Licensing Office, to wit:

- a. Durable transparent plastic or any similar contrivance must be used as sidecar windshield and must be free from unauthorized sticker/s and paintings that will obstruct the outside of the passenger;
- b. Garbage receptacles;
- c. Functioning horn (no siren or any sound producing gadget or instrument other than the standard horn);
- d. Two (2) signal lights, front and back for turning right or left or for emergency purposes (no flashing emergency blinkers normally used for emergency vehicles);
- e. Tail light including license plate light;
- f. Top chain extending to rear wheel;
- g. White headlights in front and red tail lights with functioning stop light in the rear visible at least fifty (50) meters from the front and rear of the tricycle and functioning under all-weather condition and lighted starting 6:00 PM until 6:00 AM.
- h. Lights installed inside their sidecars and kept lighted while plying their routes;
- i. Fully operating mufflers and/or anti-noise equipment or silencer;
- j. Driver's roof and windshield for sun and rain protection.

Article 7

TRICYCLE CONFIGURATION AND TYPE

Section 1. CONFIGURATION. A tricycle is a major vehicle composed of a motorcycle with not more than two cylinders or 500cc engine capacity fitted with a single-wheel sidecar designed to accommodate four (4) passengers including the driver provided that the backride of the passenger shall be required to be installed a protective guard and adequate handlers for passengers seated on the back portion of the tricycle.

Section 2. STANDARD MEASUREMENT. The standard measurement of the Tricycle Sidecar Passenger seat should be no less than fifteen (15) inches in width and thirty two (32) inches in length. The ceiling height should be no less than thirty nine (39) inches from the passenger seat to the ceiling/roof. The under chassis ground clearance should not be less than ten (10) inches.

Article 8

NOISE EMISSION TEST

Section 1. NOISE EMISSION TEST. No application for a permit, license or franchise for the use or operation of a motorized tricycle within the territorial jurisdiction of the Municipality of Gubat shall be allowed unless the same is equipped with a muffler or silencer, passed noise pollution testing.

Article 9

GARAGE FOR PUBLIC MOTORIZED TRICYCLE AND UTILITY MOTORIZED TRICYCLE

Section 1. REQUIREMENT FOR RENEWAL OF FRANCHISE. All Public and Utility Motorized Tricycle shall not be allowed to renew their application for renewal

without complying with the provision of a garage or in the absence of any, a parking area, public or private, but not on a side street, nor side walk and public playground, barangay/local, national road, where the tricycle must be parked. A certification to this effect that will include the size of the garage, the site and address, and also a location map of the garage of a proposed garage must be submitted upon application for registration.

Section 2. SIZE OF GARAGE. For each tricycle, the prescribed minimum size of garage is as follows:

WIDTH	-	2.50 meters
LENGTH	-	2.50 meters

Section 3. The barangays within the territorial jurisdiction of the Municipality of Gubat where such TODA member is a resident thereof may designate for an adequate parking area to be determined by the barangay upon conditions that will not be in contravention with existing laws, rules and regulations and shall provide necessary rules for the effective and orderly parking of said tricycles. Said barangay may charge reasonable fees for such permission.

Article 10 DRIVER'S IDENTIFICATION CARD

Section 1. MOTORIZED TRICYCLE'S DRIVERS PERMIT/ID. The Permit and Licensing Office shall issue motorized tricycle drivers ID card which shall contain among others, the following:

1. Name and address of the driver;
2. Picture of the driver;
3. Contact number/s;
4. Name and address of the TODA to which the driver is a member;
5. It shall also contain, in bold and very visible letters, a complaint hotline which shall exclusively use for receiving complaints and suggestions from the public.

Section 2. REQUIREMENTS. All new applicants for Driver's Identification Card shall submit the following documents:

1. Certification of the owner-operator in favor of the applicant as authorized to drive the tricycle unit;
2. Clearance from the Punong Barangay with jurisdiction over his residential address;
3. Copy of the driver's computer validated Professional Driver's License duly issued by the Land Transportation Office (LTO);
4. Medical certificate from any DOH accredited hospital/clinic or from the Municipal Health Office certifying that the driver is not suffering from any contagious disease or ailment which might render such person unfit for the safe operation of the motorized tricycle;
5. An applicant or tricycle driver's permit must undergo a seminar on road courtesy, traffic laws, drivers responsibility and other related topics, to be conducted by a national or local government unit or any accredited private entity authorized to conduct seminars on road safety;

6. TODA Clearance/certificate of membership.

Section 3. PROPER USE. All drivers of motorized tricycles for hire plying within the territorial jurisdiction of the Municipality of Gubat are required to post their driver's identification card at the windshield portion inside the tricycle cab which is easily visible to the passenger/s. the tricycle driver's ID shall be renewable annually.

Article 11
TRICYCLE DRIVER'S UNIFORMS

Section 1. Tricycle drivers are required to wear only the prescribed uniforms for proper identification, neatness and professionalization of the trade by eliciting trust, respect and confidence of passengers, thereby promoting convenience and comfort among the riding public. No driver shall be allowed to operate unless he is wearing a long pants, shoes/sandals and the uniform prescribed by their respective TODA's.

CHAPTER 9
PUBLIC UTILITY FARES

Article 1
Public Motorized Tricycle Fares

Section 1. POBLACION FARE: The new fare for tricycle for hire within the poblacion shall be fixed at TEN PESOS (P10.00), comprising of the Eight (8) poblacion barangays with boundaries on the South at the Gubat South Central School and on the North at the St. Anthony Academy.

Section 2. FARES OUTSIDE OF POBLACION: Two Pesos (P2.00) tricycle fare increase shall be added to the present prescribed and existing tricycle fare matrix with valid issued franchise routes within the municipality.

Article 2
TRICYCLE FARE MATRIX

<u>ROUTES</u>			REGULAR FARE	DISCOUNTED FARE
<u>NORTH BOUND</u>				
Poblacion	-	Beriran	: 11.00	8.80
Poblacion	-	San Ignacio	: 12.00	9.60
Poblacion	-	Maruk-barok	: 13.00	10.40
Poblacion	-	Biyong	: 13.50	10.80
San Ignacio	-	Biyong	: 11.00	8.80
Poblacion	-	Carriedo	: 13.00	10.40

Poblacion	-	Manapao	:	19.00	15.20
Poblacion	-	Jupi	:	16.00	12.80
Jupi	-	Natupasan	:	10.00	8.00
Poblacion	-	Lapinig	:	27.00	21.60
Lapinig	-	Natupasan	:	22.00	17.60
Poblacion	-	Dita	:	22.00	17.60
Dita	-	Natupasan	:	17.00	13.60
Poblacion	-	Payawin	:	14.00	11.20
Poblacion	-	Cabiguhan	:	27.00	21.60
KM 12	-	Cabiguhan	:	15.00	12.00

EAST BOUND -

Poblacion	-	Cogon	:	12.00	9.60
Poblacion	-	Tiris	:	14.00	11.20
Tiris	-	Tagaytay	:	12.00	9.60
Tiris	-	Bagacay	:	12.00	9.60
Poblacion	-	Ogao	:	16.00	12.80
Ogao	-	Bagacay	:	10.00	8.00
Poblacion	-	Ogao Crossing	:	14.00	11.20
Poblacion	-	Paco	:	16.00	12.80
Paco Crossing-		Bagacay	:	10.00	8.00
Poblacion	-	Patag	:	22.00	17.60
Patag	-	Bagacay	:	10.00	8.00
Poblacion	-	Nato	:	22.00	17.60
Nato	-	Bagacay	:	12.00	9.60
Poblacion	-	Tagaytay	:	20.00	16.00
Poblacion	-	Bagacay	:	17.00	13.60

SOUTH BOUND

Poblacion	-	Ariman	:	11.00	8.80
Ariman	-	Tabi Crossing	:	10.00	8.00
Ariman	-	Union	:	14.00	11.20
Ariman	-	Naagtan	:	12.00	9.60
Ariman	-	Rizal	:	12.00	9.60
Poblacion	-	Buenavista	:	13.00	10.40
Poblacion	-	Villareal	:	17.00	13.60
Poblacion	-	Binil-angan	:	22.00	17.60
Poblacion	-	Dam Benguet	:	17.00	13.60
Poblacion	-	Benguet	:	20.00	16.00
Poblacion	-	Togawe	:	27.00	21.60
Poblacion	-	Rizal	:	14.00	11.20
Poblacion	-	Bongsaran	:	15.00	12.00
Poblacion	-	Daling-ding	:	18.00	14.40
Poblacion	-	Nazareno	:	22.00	17.60

WEST BOUND

Poblacion	-	Sta Ana	:	14.00	11.20
Poblacion	-	Tabi	:	12.00	9.60
Tabi Crossing-		Union	:	11.00	8.80
Tabi Crossing-		Bulacao	:	10.00	8.00
Poblacion	-	Arasyang	:	16.00	12.80
Poblacion	-	Union	:	18.00	14.40
Poblacion	-	Sangat	:	27.00	21.60
Poblacion	-	Cabigaan	:	16.00	12.80
Poblacion	-	Bulacao	:	13.00	10.40

Poblacion	-	Naagtan	:	14.00	11.20
Poblacion	-	Bentuco	:	19.00	15.20
Poblacion	-	Kabuluan	:	22.00	17.60
Poblacion	-	Tigkiw	:	27.00	21.60

Section 2. Discounted Fare: Students, Senior Citizens and Persons with Disabilities shall have a minimum of twenty percent (20%) discount on every route.

For students, the 20% discount shall be applicable even during Saturdays, Sundays, Holidays and other non-school days

Section 3. Exemption. The prescribed New fare shall not apply when the public utility-tricycle is chartered or on special trip where the fare is agreed upon by both the driver and the passenger.

CHAPTER 10 LOCAL GOVERNMENT REGULATIONS

Article 1 GUBAT FRANCHISING AND REGULATORY BOARD

Section 1. GUBAT FRANCHISING AND REGULATORY BOARD Composition. In line with the guidelines issued by the Department of Transportation and Communications effective July 1, 1992, the Gubat Franchising and Regulatory Board (GFRB) shall be composed of the following:

- Chairman** - Chairman, SB Committee on Transportation and Communications
- Members** - Vice-Chairman and Members of the SB Committee on Transportation and Communications
- Secretary to the Sanggunian Bayan or representative
 - Employee in-charge in the processing of MTOP
 - COP - GMPS or representative
 - Head of the GPSO or representative
 - TODA Federation President

Section 2. Powers Duties and Functions of the Board. The Board shall exercise the following powers, duties and functions:

- a) Accept, evaluate, process and recommend to the Sanggunian Bayan the approval or disapproval of applications for the issuance, amendment, revision, renewal, suspension, cancellation, or revocation of Municipal Tricycle Operator's Permit (MTOP);
- b) Determine the number of allowable passengers for each tricycle unit.
- c) Identify the different routes within the Municipality of Gubat and to prescribe the appropriate fare rates thereon.

- d) Accept petitions for fare rate increase, conduct public hearings thereon and prescribe appropriate fare rates thereafter subject however, to final approval of the Sanggunian Bayan.
- e) Formulate the proper documentary forms to enable it to execute its mandated functions.
- f) Formulate rules and regulations pertaining to the operation of Motorized tricycles, subject to the approval of the Sanggunian Bayan.
- g) Conduct seminar on road safety and traffic rules and transportation ordinances, rules and regulations
- h) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Section 3. Secretariat. The SB Secretariat/Staff shall serve as the Secretary of the Board and provide the latter with administrative, clerical and technical support services. The Secretariat shall accept all applications for the issuance or renewal of MTOP's, including petitions for the amendment, revision, suspension, revocation or cancellation of the same, and submit them to the Board for deliberation and proper action.

Article 2

REQUIREMENTS FOR THE PERMIT TO OPERATE

Section 1. REQUIREMENTS FOR PUBLIC MOTORIZED TRICYCLE FOR HIRE. The owner/operator of Motorized Tricycle for Hire shall submit the following documentary requirements for public motorized tricycle for hire:

- a) Community Tax Certificate (Cedula)
- b) Barangay Clearance
- c) Proposed Route with corresponding rates
- d) Valid Registration Papers from the LTO for the unit/s to be used in the name of the applicant
- e) 7uA duly certified photocopy of a common carrier's insurance certificate
- f) A picture of the applicant beside his/her tricycle for easy determination of it's usage
- g) Road worthiness certification from the Gubat PNP Station
- h) Certification showing compliance of the required seminar
- i) Affidavit of the applicant stating that his/her tricycle will be driven only by a person with a Professional Driver's License.
- j) Application Letter containing the name of the applicant, address, and the description of the motor vehicle.
- k) TODA Certificate of Membership
- l) Certification issued by the Barangay Captain that the applicant has an available garage.
- m) GPSO Traffic Clearance

Section 2. UTILITY MOTORIZED TRICYCLE. - The owner of Utility Motorized Tricycle shall submit the following requirements for the registration of utility motorized tricycles:

- a. Barangay Clearance.
- b. Land Transportation Office (LTO) Certificate of Registration (CR) and Official Receipt (OR) in the name of the applicant.

- c. Annual safety inspection report.
- d. Business permit issued by the Business Permit and Licensing Office – Office of the Mayor and the Department of trade and Industry (DTI) Business Name.
- e. GPSO Traffic Clearance.

Article 3 OTHER FRANCHISE TERMS AND CONDITIONS

Section 1. MOTORIZED TRICYCLE OR HIRE. – Franchise for motorized tricycle for hire shall be granted by Zone Only, as provided under Chapter 8 of this Code, and shall be valid for FIVE (5) years, renewable for the same period. After a resolution has been issued, the applicant shall apply the same for a mayor's permit within 60 days from such issuance. The said MTOP shall be registered yearly with the LTO. Such MTOP shall indicate that the tricycle was registered as "For-Hire" classification.

Failure of the applicant to file his/her complete franchise application with the Office of the Municipal Mayor within Sixty (60) Days shall invalidate all payment and result in its automatic forfeiture of payments and franchise in favor of the municipality.

Section 2. Upon the determination of the RMC by the MPDC and upon recommendation of the GFRB, the Sangguniang Bayan shall grant the MTOP by Zones Only.

Section 2. UTILITY MOTORIZED TRICYCLE – Franchise for utility motorized tricycle shall be valid for one (1) year, renewable yearly. The Franchise Certificate shall be submitted to the Business Permit and Licensing Office – Office of the Mayor for the corresponding issuance of the Motorized Tricycle Operators Permit.

Section 3. RENEWAL OF FRANCHISE. The franchisee, one (1) month before its expiration, shall apply before the Office of the Sangguniang Bayan for the renewal of Franchise. Failure to renew the same after the lapse of the fifteen (15) days grace period from the date of expiration shall cause its automatic cancellation and all the rights and privileges accorded to the franchise holder shall be revoked.

Section 4. QUALIFICATION OF OPERATORS. Only Filipino citizens, who are resident of the municipality of Gubat and partnership or corporations, doing business in the municipality, with not less than 60% Filipino equity, are qualified for the operation of Motorized Tricycle for Hire covered by this article.

Section 5. APPLICATION FORMS AND VENUE OF FILING. Application forms shall be secured from and filed with the Office of the Secretary to the Sanggunian Bayan together with the required supporting documents. No application shall be entertained unless it has completely satisfied the documentary requirements.

Section 6. SUSPENSION OF OPERATION. An operator wishing to stop service for more than one month should apply, in writing, to the Sangguniang Bayan, through the Board. An operator whose application for suspension of service or operation has

been granted, shall be exempted from paying parking fees during the term of suspension. No suspension, no exemption.

Section 7. SUBSTITUTION OF UNIT/CHANGE MOTOR. When an operator with valid MTOP has dilapidated unit or sold his/her unit, the operator is allowed to apply for a substitution of unit using the same unexpired MTOP.

Section 8. NON-TRANSFERABILITY OF THE FRANCHISE. The Certificate of Public Convenience, Franchise or the Motorized Tricycle Operators Permit (MTOP) for Public Utility Tricycle are hereby declared strictly non-transferable and therefore cannot be the subject of SALE. The transfer of franchise or sale thereof shall be null and void.

Section 9. DROPPING. Operators who intend to stop service completely or voluntary drop the franchise shall report in writing such termination to the Sanggunian Bayan. In the event that the motorized tricycle has been lost, abandoned, totally destroyed, conveyed or for any analogous circumstances with no chance of recovery, the registered franchise holder, shall even before the expiration, surrender the franchise in favor of the municipality. Franchise declared dropped shall be made open to new applicants thru lottery even if there is a suspension or indefinite suspension in granting a MTOP approved by the Sanggunian Bayan.

Section 10. AUTHORITY: The Sanggunian Bayan shall have the authority to approve and grant, revise, renew, suspend, cancel or declare the revocation and dropping of a franchise and prescribed appropriate terms and conditions therefore, determine, fix and prescribe or periodically adjust fares or rates for the service provided after a public hearing; prescribe and regulate zones of service in coordination with the barangays; fix and impose and periodically review and adjust but not oftener than once every three (3) years, reasonable fees and other related charges in the regulation of tricycle-for-hire; and establish and prescribe the conditions and qualifications of service.

Section 11. EXPIRED FRANCHISE. Franchise issued which had expired for more than six (6) months shall be automatically dropped from the service without a need for the notice demand for its renewal. Franchise renewed after its expiration but before six (6) months shall be subject the franchisee to 25 percent surcharge. The rules shall apply with regards to franchise issued to utility motorized tricycle franchise slots which were automatically dropped, subject to the approval of the Sangguniang Bayan upon terms and conditions in the interest of justice and equity, filled up by qualified applicants upon recommendation of the Board with the final approval of the Sangguniang Bayan. Those persons without franchise shall be given priority and preference to the vacant slots heretofore mentioned provided that they possess all the qualifications and none of the disqualifications mentioned in this Code for the issuance of franchise.

The same preference and priority with the same conditions for the same stated in the preceding paragraph shall likewise apply to open-slots in each TODA.

Section 12. DEATH OF FRANCHISEE. - the franchise of the deceased may be transferred to the immediate family member who is qualified under this Code and may apply before the Board within thirty (30) days after the death of the franchisee, for the transfer of franchise ownership under his/her name provided that the same be made on or before the expiration thereof.

The beneficiary/family member who wishes to continue the operation of the franchise in the same zone must apply with the Sangguniang Bayan through the Board for a transfer thereof under his/her name.

In addition to the documentary requirements, the applicant must present the death certificate of the deceased and letter of intent to continue the franchisee operation.

Section 13. ZONE TRANSFER. Transfer to another zone shall be permitted upon written application by the registered owner with the Permit and License Office stating his willingness to surrender/terminate his tricycle franchise, body number of the unit and his intention to apply for a new franchise to another zone. The franchising requirements for new application shall be required. The application shall be given due course only if slots are open for the said route.

Article 4

FEEES AND CHARGES

Section 1. The fees imposed in the Revenue Code and/or Ordinances of the Municipality shall be paid to the Municipal Treasurer's Office upon the issuance of SB resolution. No Sangguniang Bayan resolution for MTOP and/or Fare Rate Increase, Dropping, Substitution of Unit/Change Motor or Temporary Suspension of MTOP shall be released without the Official Receipt/s attached to it showing that the corresponding fees were paid.

CHAPTER 11

DUTIES AND FUNCTIONS OF TRICYCLE OPERATORS AND DRIVERS ASSOCIATIONS AND FEDERATIONS

Section 1. Duties and Functions. - The Tricycle Operators and Drivers Association shall have the following duties and functions:

- a. Monitor, supervise and discipline their respective members.
- b. Oversee authorized terminal/parking area operations and maintain cleanliness, peace and order in their respective zones.
- c. Coordinate and assist the Municipal Government and the Barangay in monitoring and managing traffic within their respective zones.
- d. Require that only duly elected and qualified TODA President shall represent the TODA to the Federation.
- e. Notify the Barangay Council and the GFRB of the date, time and place of election of officers, 15 days prior to the date of election.
- f. Prevent entry and operation of "colorum" tricycle in their local TODA and in their areas of operation.

Section 2. TODA ACCREDITATION. - All bona fide TODA in the Municipality of Gubat may renew their accreditation with the Sangguniang Bayan every three (3) years pursuant to the Local Government Code and DILG Circular requirement for Local

Special Bodies. All TODA are mandated to be accredited as members of the Gubat Municipal TODA Federation.

Section 3. LIMITATION TO THE PAYMENT OF MEMBERSHIP FEES. In no case shall a TODA charge not more than One Thousand Five Hundred Pesos (P1, 500.00) as membership fees.

Section 4. SANCTIONS. The officer/s of any TODA who collect/s any amount in excess of what is prescribed in this Code shall be liable for a fine of Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment of not more than Six (6) months, or both, at the discretion of the court.

ARTICLE 2 TODA FEDERATION

Section 1. PURPOSE. - The Federation of TODA is an organization composed of the various local TODA representing different zones/routes duly organized to protect the interest of their members and oversee the operation of the TODA as a whole. The Sangguniang Bayan shall accredit only one TODA Federation.

The Gubat TODA Federation shall be required to renew their accreditation with the Sangguniang Bayan every three (3) years pursuant to existing laws, rules and regulations.

Section 2. OFFICERS OF THE TODA FEDERATION. - The TODA Federation Officers and Board of Directors shall elect from among the Presidents of the respective local TODA hailing from different zones/routes in the municipality who will serve for a term of two (2) years. The Municipal Mayor should be notified on the date, time and place of the election of officers.

Article 3 TERMINALS FOR MOTORIZED TRICYCLES

Section 1. REQUIREMENTS FOR APPLYING FOR TRICYCLE TERMINAL FOR MOTORIZED TRICYCLES. The following are the requirements for the establishment of terminals for motorized tricycles:

1. The terminal should be established by a legitimate association of tricycle operators and drivers.
2. The association is recognized as legally existing by the Permit and Licensing Office.
3. A proof that the terminal will not hinder the smooth flow of traffic;
4. A proof that the terminal is adequately managed by the association;
5. The management of the terminal shall see to it that the tricycle drivers using the terminal are following all the ordinances, rules and regulations related to the operation of motorized tricycle;

6. The terminal must be clearly identified by a billboard and yellow lanes prescribed by the PLO;
7. The presence of clean restrooms for the general public;
8. Submission of barangay clearance/endorsement for the terminal location/s;
9. Tricycle shall stop engine while on queue;
10. Terminal should not be used for repair work on tricycle units;
11. Gambling and other vices are strictly prohibited within the terminals.
12. The terminal shall be established outside of the poblacion.

Section 2. TERMINAL OPERATING SYSTEM AND STANDARDS. The PLO may prescribe additional requirements for the operating system and standards in the establishments of terminals for tricycles. All tricycle terminals are temporary in nature subject to infrastructure improvements thereon for the benefit of the general public.

Section 3. TERMINAL PERMIT. The PLO shall issue Terminal Permit to the TODA upon compliance with all the requirements provided for by this Code, subject to final approval of the sangguniang bayan.

Section 4. RENEWAL OF TERMINAL PERMIT. The terminal permit shall be renewed before the date of expiration.

Section 5 INSPECTION OF TERMINAL. The terminal shall be subject to regular inspection by the PLO to determine that all requirements for the operation of the terminals are being complied with.

Section 6. CANCELLATION OF TERMINAL PERMIT. The grant of Terminal Permit is not a right but a mere privilege and may be cancelled under any of the following grounds:

1. The management of the terminal is violating any provision of this Code and/or any of the terms and conditions stated in the Terminal Permit;
2. Public interest and welfare demand that the terminal should be abolished;
3. Expiration of the Terminal Permit and failure to renew the permit.

CHAPTER 12. OTHER PROHIBITED ACTS OF DRIVERS

1. Driving without license or with invalid/expired/delinquent license;
2. Driving an unregistered tricycle unit or colorum unit;
3. Driving while under the influence of liquor, drugs or any other intoxicating substance;
4. Failure to observe traffic rules and regulations;
5. Carrying passengers more than that allowed by law (OVERLOADING).
6. Not wearing proper uniform while plying his route;
7. Failure to observe proper respect and courtesy to passenger;
8. Reckless driving;
9. Overcharging of fares;

10. Carrying of firearms, explosives or other deadly weapons while plying his route;
11. Loading baggage on top;
12. Operating outside of his assigned zone or area of operation, except otherwise provided herein;
13. Refusal to convey passengers to their destination within their designated or assigned route or area of operation.
14. Such other acts may be prohibited by law or ordinance;

CHAPTER 13 - PENAL PROVISIONS

Section 1. General Penal Provision - Any person who violate any provision of this ordinance not herein otherwise covered by a specific penalty or of the rules and regulations promulgated under authority of this ordinance, shall be punished of a fine.

Section 2 Specific Penal Provision -Any person found violating the provisions of

A. Violation of Chapter 4 (Traffic Rules)

a. Trucks and Busses

First Offense	-	P 500.00
Second Offense	-	P 1,000.00
Third and Subsequent Offenses of Driver's License	-	P1, 500.00 and confiscation

b. Cars/vans/jeepneys

First Offense	-	P 400.00
Second Offense	-	P 800.00
Third and Subsequent Offenses of Driver's License	-	P1, 200.00 and confiscation

c. Utility and For-Hire Tricycle and Private and For-Hire Motorcycle and Pedicab:

First Offense	-	P 200.00
Second Offense	-	P 500.00
Third and Subsequent Offenses of Driver's License	-	P1, 000.00 and confiscation

B. Violation of Chapter 4, Section 16 - P 200.00

C. Violation of Chapter 5 (Miscellaneous Traffic Rules)

For the first offense	-	P 300.00
For the second offense	-	P 500.00

For the third and subsequent offense - P 1,000.00 and confiscation
of Driver's License

D. Violation of Chapter 5, Article 6, Section 3

For the first offense - P 500.00
For the second offense - P 1,000.00
For the third and subsequent offense - P 1,500.00 and confiscation
of Driver's License

E. Violation of Chapter 5, Article 6, Section 11

The owner of the Motor vehicle shall be liable to a fine of P500.00.

F. Violations of Chapter 6, Section 3 (Route of PUJ assigned at the PAMANA Terminal):

For the first offense - P 200.00
For the second offense - P 300.00
For the third and subsequent offense - P 500.00 and confiscation
of Driver's License

G. Violation of Chapter 7 Articles 1 and 2 (One Way Regulations):

For the first offense - P 200.00
For the second offense - P 300.00
For the third and subsequent offense - P 500.00 and confiscation
of Driver's License

H. Violation of Chapter 8, Article 4, Article 8, Section 1; Article 10 Section 3 and Article 11, Section 1 and Chapter 9, Article 1 and 2)

For the first offense - P 200.00
For the second offense - P 300.00
For the third and subsequent offense - P 500.00 and confiscation
of Driver's License

I. Violation of Chapter 12:

For the first offense - P 200.00
For the second offense - P 300.00
For the third and subsequent offense - P 500.00 and confiscation
of Driver's License

J. Other Prohibited Acts and Penalties.

1. For drying of palay, copra, buri, other agriculture products and handicraft materials:

For individuals:

First Offense	-	P 200.00	
Second Offense	-	P 300.00	
Third and Subsequent Offenses-	P500.00	and	confiscation of all agriculture products and handicraft materials

For juridical persons:

First Offense	-	P 1,000.00	
Second Offense	-	P 2,000.00	
Third and Subsequent Offenses-	P2,500.00	and	confiscation of all agriculture products and handicraft materials

2. For using any part of the municipal road, alley, park, or thoroughfare: Owner of the building, project contractor or engineer shall be held liable:

First Offense	-	P 1,000.00
Second Offense	-	P 2,000.00
Third and succeeding offenses-	P 2,500.00	

3. Unauthorized school barriers, traffic signs, government quarantine signs and barriers: The head of the school or principal, department head or person in authority of the concerned department, office or agency shall be held liable:

First Offense	-	Verbal warning
Second Offense	-	Written warning
Third and Succeeding Offenses -	Confiscation of signs and barriers	

4. Unauthorized advertisement signs, posters, signages, barriers and similar items, such as but not limited to halved tires or vulcanizing or repair shops.

First Offense	-	P1,000.00
Second Offense	-	P2,000.00
Third and Succeeding Offenses -	P2,500.00	

5. Unauthorized parking of motorcycle or tricycle.

First Offense	-	P 200.00
Second Offense	-	P 300.00
Third and Succeeding Offense -	P 500.00	

6. Unauthorized parking of other types of vehicles.

First Offense	-	P 500.00
Second Offense	-	P1,000.00
Third and Succeeding Offenses	-	P 1,500.00

7. Herding, tending and tying of animals along the periphery of primary or secondary roads. The owner of the animal shall fine:

First Offense	-	P 200.00
Second Offense	-	P 300.00
Third and Succeeding Offenses	-	P 500.00

CHAPTER 14 - FINAL PROVISIONS

Section 1. FUNDING ALLCOATIONS. For proper and efficient implementation of this ordinance, the municipality shall allocate the amount of ONE MILLION (P1,000,000.00) PESOS in the 2021 General Fund Budget and shall augment the same as the need arises.

Section 2. RULES AND REGULATIONS. The Municipal Mayor, in coordination with the offices and agencies involved in its implementation, shall, within Thirty (30) days from its effectivity, issue an Implementing Rules, and Regulations for proper and effective implementation of this Code. Provided, that the IRR shall not contravene, increase or diminish the true intent of the Code. Provided further, that the IRR shall be furnished the Sangguniang Bayan, in aid of legislation.

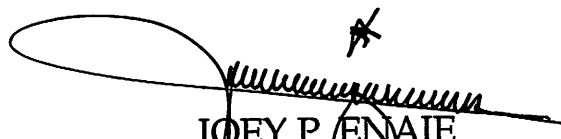
Section 3. SEPARABILITY CLAUSE - If for any reason, any provision, section or part of this ordinance is declared unconstitutional or not valid by a court of competent jurisdiction, or suspended by competent authority, such judgment shall not affect or impair the remaining provisions, sections or parts which shall continue to be in full force and effect.

Section 4. REPEALING CLAUSE - All ordinances, rules and regulations, executive orders, proclamations and administrative regulations, or parts thereof, which are inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly.

Section 5. EFFECTIVITY - This ordinance shall take effect immediately after its publication for three (3) consecutive times in a newspaper of general circulation in the Province of Sorsogon.

ORDAINED AND APPROVED UNANIMOUSLY.

I HEREBY CERTIFY TO THE
CORRECTNESS OF THE FOREGOING:



JOEY P. ENAJE
Secretary to the Sangguniang Bayan

Attested by:



HONORABLE SIXTO F. ESTAREJA
Municipal Vice Mayor, Presiding Officer

Approved By:



HONORABLE SHARON ROSE G. ESCOTO
Municipal Mayor

