



Republic of the Philippines
Province of Zamboanga del Norte
MUNICIPALITY OF PIÑAN



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 77TH REGULAR SESSION OF THE 11TH SANGGUNIANG BAYAN OF PIÑAN, ZAMBOANGA DEL NORTE HELD ON JANUARY 15, 2024 AT THE SB SESSION HALL

Present:

Honorable Rommel I. Gudmalin	Municipal Vice-Mayor <i>Presiding Officer</i>
Honorable Glecerio Y. Redillas, Jr.	Sangguniang Bayan Member
Honorable Benedicto C. Cainta II	Sangguniang Bayan Member
Honorable Gina R. Aleta	Sangguniang Bayan Member
Honorable Al Immanuel U. Cantila	Sangguniang Bayan Member
Honorable Ricardo R. Sabandal	Sangguniang Bayan Member
Honorable Celso M. Montemayor	Sangguniang Bayan Member
Honorable Jose Antonio L. Galan	Sangguniang Bayan Member
Honorable Greg C. Belangoy	Sangguniang Bayan Member
Honorable Ignacio L. Galan	Ex-Officio Sangguniang Bayan Member <i>(Liga ng mga Punong Barangay- President)</i>
Honorable Joel Audrey Cristal P. Galvez	Ex-Officio Sangguniang Bayan Member <i>SKF President</i>
Honorable Jodilyn P. Tatad	Ex-Officio Sangguniang Bayan Member <i>IPMR</i>

Absent: None

**MUNICIPAL ORDINANCE NO. 24-001
Series of 2024**

AN ORDINANCE REGULATING THE OPERATION OF 3-WHEELED VEHICLES KNOWN AS BAO-BAO AND GRANTING FRANCHISE FOR ITS OPERATION WITHIN THE TERRITORIAL JURISDICTION OF PIÑAN, ZAMBOANGA DEL NORTE AND IMPOSING FEES AND PROVIDING PENALTY FOR ANY VIOLATION THEREOF

Sponsored by : Hon. Ricardo R. Sabandal

WHEREAS, the Local Government Code of 1991, Sec. 447, Art. III, Paragraph 3 (VI) provides that: *Subject to the guidelines prescribed by the Department of Transportation and Communications, regulate the operation of tricycles and grant franchise for the operation thereof within the territorial jurisdiction of the municipality;*

WHEREAS, the Department of Transportation and Communication issued guidelines to implement the devolution of Land Transportation Franchising and Regulatory Board (LTFRB) Franchising Authority over Tricycles-for-Hire to Local

Government Units pursuant to Local Government Code otherwise known as Republic Act No. 7160;

WHEREAS, granting franchise to qualifies transport operator is deemed necessary to carry out the purpose in giving the general public access to transportation services especially in areas where it cannot be served with usual 4-wheeled for hire vehicle;

WHEREAS, the LGU cognizant of the desire of the tricycle known locally as Bao-Bao to ply the route for all barangays in the municipality, thus, the need to regulate its operation;

WHEREFORE, be it ordained by the Sangguniang Bayan of Piñan, in its session duly assembled that;

Section 1. Definition of Terms. As used in this Article the following terms shall mean:

- a. **Bao-Bao tricycle** - is a three (3) wheeled motor vehicle with not more than 200 cc engine capacity, designed to accommodate four (4) passengers including the driver with protective handles to be installed for the safety of the passengers.
- b. **Franchise or Certificate of Public Convenience (CPC)** – refers to a special privilege granted to motorized tricycle or bao-bao to carry and transport passengers within the territorial jurisdiction of Piñan, Zamboanga del Norte upon complying the requirements set forth in this Article.
- c. **Local Franchising and Regulatory Committee** – refers to a committee created by the Local Chief Executive by virtue of an Executive Order responsible to receive, evaluate and recommend the application to the Sangguniang Bayan for the passage of a Resolution authorizing the Local Chief Executive for the granting of such Franchise and implement the provisions of this Article including filing of appropriate complaint, when necessary, for violation thereof.
- d. **LGU Regulatory and Franchising Powers** – refers to an authority devolved upon the Local Government Unit from the Land Transportation Franchising and Regulatory Board (LTFRB) pursuant to the Local Government Code **to regulate** Motorcycle-For-Hire and **grant Franchise** for the operation procedure set forth by the Department of Transportation and Communication (DOTC).
- e. **Motorized Tricycle or Bao-Bao-For-Hire** – refers to a motor propelled tricycle having cab attached on its body, be it side cab, center cab or open cab, engaging passenger for-hire business within the territorial jurisdiction of Municipality of Piñan for a fee.
- f. **Motorized Tricycle Operation Permit (MTO)** – is the document granting a franchise or license to operate, issued to a person, natural or juridical, allowing him/it to operate a tricycle-for-hire within the Municipality of Piñan over a particular route or zone specified therein.

(taken from Land Transportation Office (LTO) Memorandum Circular No. 94-199).

- g. **Mayor's Permit** – refers to Mayor's Permit issued to operator of Motorcycle/Bao-Bao-for-hire found compliant of the requirement set forth in this Article.
- h. **Mayor's Permit Holder** – refers to any person, natural or juridical, whom found compliant with the requirement to operate motorized tricycle/bao-bao-for-hire within the territorial jurisdiction of Piñan, Zamboanga del Norte, shall become eligible to be issued a Mayor's Permit.
- i. **Zone** – a zone is a contiguous land area or block, a subdivision or a barangay where a bao-bao tricycle may operate with a fixed origin and destination.

SECTION 2. Rules and Regulations. Pursuant to the authority vested under Section 447 (3) (vi), of RA 7160, also known as, **The Local Government Code of 1991**, the Local Government Units (LGUs) shall be authorized to **regulate** tricycles/Bao-Bao-for-hire and **grant franchise** for the operation thereof within its territorial jurisdiction, and subject to the guidelines prescribed by **the Department of Transportation and Communications (DOTC)**, the Sangguniang Bayan of Piñan, acting as Franchising and Regulating Body, shall provide the following:

1. No person, natural or juridical, shall operate any **Motorized Tricycle-For-Hire or Bao-Bao** in its municipality without first securing a **Franchise or Certificate of Public Convenience (CPC)** for motorcycle to operate **Motorcycle-For-Hire** and **Mayor's Permit** for the owner therefor from the Office of the Local Chief Executive upon recommendation of the Sangguniang Bayan.
2. Upon recommendation of the **Local Franchising and Regulatory Committee (LFRC)** having authority to receive and evaluate application for **Franchise or Certificate of Public Convenience (CPC)** for motorcycle to operate **Motorcycle-For-Hire** and **Mayor's Permit** in the regulation of the operation thereof, the Sangguniang Bayan shall, through a resolution, authorize the Local Executive (LCE) to issue aforesaid documents.
3. Only Filipino Citizen, and in case of corporations with sixty percent (60%) Filipino, resident of the Municipality of Piñan and having complied with the requirements set forth therein, shall become qualified operators of **Bao-Bao** within the territorial jurisdiction of the Municipality of Piñan, hence, be issued with a **Mayor's Permit**.
4. Only applicants for Mayor's Permit having in possession of units with valid registration documents from the **Land Transportation Office (LTO)** and granted with Franchise or Certificate of Public Convenience shall be issued with Mayor's Permit, but in no case, be allowed to operate more than **three (3) units**.

5. Operators shall only be allowed to employ drivers duly licensed by the **Land Transportation Office (LTO)**.
6. Each tricycle unit, having been granted with **Franchise or Certificate of Public Convenience (CPC)** to operate Tricycle or Bao-Bao-For-Hire, shall always bear the assigned **number plate beginning PIÑAN-001** issued by the Municipal Treasurer's Office upon payment thereof pursuant to existing Ordinance.
7. No tricycles shall be allowed to carry passengers more than its **load capacity** and goods more than it is designed for.
8. Driver or operator shall always carry with him the photocopy of the **Mayor's Permit and Franchise or Certificate of Public Convenience (CPC)** or display copy thereof inside the vehicle.
9. Each public tricycle is required to paste or display a reflectorized tape at the front and back of the unit for easy notice to the public.
10. Transfer of Ownership of Franchise to any person shall be allowed only upon presentation of duly notarized documents executed by both parties concerned.
11. Any motorcycle operator wishing to terminate his service to the public, or to suspend his services to the public for more than one (1) month, shall report in writing such termination or suspension to the Sangguniang Bayan one (1) month prior the termination or suspension of such services.
12. For safety reasons, except, there is no other alternative routes, no tricycles should operate on national highways utilized by 4-wheel vehicles greater than 4 tons and where normal speed exceed 40 KPH.
13. Area of operations must be within the boundaries of the municipality of Piñan. However, existing area of operations more than one municipality or city shall be maintained, provided that the operators serving said zone secure Mayor's Permit and Franchise from each of the municipalities/cities having jurisdiction over the areas covered by the operations.
14. The Mayor's Permit shall be valid for one (1) year only and payment thereof shall be in accordance with the existing Ordinance.
15. The Franchise shall be valid for three (3) years, renewable on the date it was issued.
16. Transfer to another zone or area of operations or change of ownership of unit shall require approval of the Sangguniang Bayan.
17. A tricycle-for-hire shall be allowed to operate like a taxi service, *i.e., service is rendered upon demand and without a fixed route within the area of operations.*
18. Operators of tricycle-for-hire or bao-bao shall be required to organize themselves into an association duly registered by any government agency having jurisdiction thereof just to check and police their own rank and for other legitimate purposes.

19. Tricycle-for-hire/Bao-Bao shall at all-time neat, clean and properly maintained and trash receptacle shall always be placed inside for trash safe keeping purposes.
20. Drivers of tricycle-for-hire/Bao-Bao, while on duty, are required to observe proper dress code of the association choice and maintain good hygiene. Wearing of sando shirt, slippers and under influence of liquor while driving and picking up passengers while on hired is strictly prohibited.
21. Drivers of Tricycle/Bao-Bao who are found passengers choosy, arrogant, failed to employ utmost diligent while driving and failed to respond voluntarily in times of emergency shall be dealt with accordingly.
22. Drivers of Tricycle/Bao-Bao-for-Hire, except during emergency situations, shall always observe speed limit at 20 KPH in the densely populated areas elsewhere in the barangays within the territorial jurisdiction of Piñan, such as, but not limited to, market/commercial zones, intersection/school crossing/zones, churches especially during religious activities, government or private offices, recreation/amusement zones, etc.
23. Students, senior citizens, disabled persons or persons with handicap shall enjoy and continue to be charged 20% less of fare.
24. The schedule of fares should be posted prominently at the tricycle and in the conspicuous part of the vehicle.
25. The Municipal Treasurer shall keep a registry of all Tricycle-for-Hire/Bao-Bao which shall include the following information:
 - a. Original Stencil of chassis number
 - b. Original Stencil of motor number
 - c. Xerox Copy of Official Receipt of the Registration
 - d. Xerox Copy of Absolute Deed of Sale

Section 3. Local Franchising and Regulatory Committee. The Local Franchising and Regulatory Committee shall be composed of the following:

Chairman	Municipal Treasurer
Vice Chairman	Chief of Police
Members:	Chairman, Committee on Transportation Representative, Office of the LCE Representative, Transport Association

Section 4. Functions of Local Franchising and Regulatory Committee.

1. Receives applications for issuance of Franchise and Mayor's Permit, evaluate attached documents and recommend to the Sangguniang Bayan all

- applications compliant with requirements for authority to the Local Chief Executive (LCE);
2. Recommends to the Sangguniang Bayan certain policies that need to be improved, amended, revised adjusted and reviewed including subject for renewal, suspension or cancellation of Franchise revocation of Mayor's Permit, fixing and adjustment of fare and other concerns for appropriate legislation;
 3. Safe keeping of records of all Motorcycle-for-Hire having granted with Franchise and other important documents.
 4. Initiates complaint for violation of this Article, when necessary; and
 5. Other concerns that need to be addressed.

Section 5. Requirements prior granting of Franchise.

1. Owner's Police Clearance
2. Owner's Medical Clearance
3. Photocopy of owner's Community Tax Certificate;
4. Photocopy of proof of ownership;
5. Owner's two (2) 2x2 colored ID pictures;
6. Photocopy of current registration of motorcycle; and
7. Photocopy of Articles of Incorporation (in case of corporation)

Section 6. Fees and other charges prior franchise to operate Motorcycle/Bao-Bao within the municipality and Mayor's Permit shall be issued

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| 1. Owner's Police Clearance (Annual) | P 50.00 |
| 2. Owner's Medical Clearance (Annual) | P 50.00 |
| 3. Number Plate Fee Clearance (one-time payment) | P 1,500.00 |
| 4. Sticker Fee (per unit, every renewal 3 years) | P 500.00 |
| 5. Franchise Fee (per unit, 3 years) | P 600.00 |
| 6. Inspection Fee (per unit, every renewal of franchise) | P 100.00 |
| 7. Mayor's Permit Fee (Annual) | P 300.00 |

Section 7. Schedule of Fares.

1. Within Poblacion areas of Piñan or having a minimum radius of 500 meters (Minimum Fare) P 15.00
2. For every succeeding kilometer in addition to minimum fare of P15.00 P 5.00

Section 8. Penalties. For violation of Section 2, the following penalties shall be imposed:

First Offense	A fine of P 500.00
Second Offense	A fine of P 800.00
Third Offense	A fine of P 1,000.00
Fourth and Final Offense	A fine of P 2,000.00, Revocation of Franchise, Impoundment of unit and Filing of appropriate case.

Section 9. Citation Ticket. Any person, natural or juridical, who violates any of the provision this Article shall be issued with a citation ticket indicating therein names of the apprehending officer/s and of the violator/s, time and place of apprehension and the nature of the offense.

Section 10. Rules and Procedure after Issuance of Citation Ticket. Within twenty (24) four hours from the time of the apprehension, the apprehending officer shall forward the citation tickets to the Office of the Municipal Treasurer whom within thirty six (36) hours from receipt of said citation ticket summons the violator/s and advises the latter to settle the violation within thirty six (36) hours from receipt of said summon in accordance with this Article. Failure of the violator/s to appear within the prescribed period, thereby, evidencing the settlement did not being met, filing of appropriate legal action shall be initiated against the violator/s and shall be prosecuted pursuant to the provision of this Article.

Section 11. Separability Clause. If for any reason, section or provision of this Ordinance shall be held to be unconstitutional or invalid by competent authority, such judgment or action shall not affect or impair the other sections or provisions thereof.

Section 12. Applicability Clause. All other matters relating to the impositions in this Ordinance shall be governed by pertinent provisions of existing laws and other ordinances.

Section 13. Repealing Clause. All ordinances, specifically under Article E, Chapter III of the Municipal Ordinance No. 18-008, Series of 2018 "*Revised Revenue Code of Piñar*" shall be repealed.

Section 14. Effectivity. This Ordinance shall take effect after approval from the reviewing authority and after publication of newspaper in general circulation.


CARRIED UNANIMOUSLY.

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I **HEREBY CERTIFY** to the correctness of the aforementioned Municipal Ordinance.


MARIA CELESTE B. CANOY
Secretary to the Sangguniang Bayan

CERTIFIED CORRECT AS TO ITS PASSAGE
ON THE THIRD AND FINAL READING:


ROMMEL I. GUDMALIN
Municipal Vice-Mayor
(Presiding Officer)

APPROVED:


CECILIA J. CARREON
Municipal Mayor

25 JAN 2024