

Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL NORTE
Municipality of Siayan

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF SIAYAN, ZAMBOANGA DEL NORTE HELD AT THE MUNICIPAL SESSION HALL ON THE 27TH DAY OF MARCH, 2008.

PRESENT:

Hon. Oliver A. Romero, Presiding Officer,	Municipal Vice Mayor
Hon. Estrella S. Zapatos, Presiding Officer Pro-Tempore,	Sangguniang Bayan Member
Hon. Nilo T. Pollescas,	-do-
Hon. Samuel G. Baculpo, Sr.,	-do-
Hon. Liberato P. Nalzar,	-do-
Hon. Raymund Jay P. Siasico,	-do-
Hon. Ephraim O. Melindo,	-do-
Hon. Camilo B. Ledesma, ABC President,	-do-
Hon. Airyl Katherine Joy E. Page, SK Fed. President,	-do-

ABSENT:

Hon. Alberto B. Catig, Minority Floor Leader, O.B.,	-do-
Hon. Felizardo I. Gayapa Sr., Majority Floor Leader, O.B.	-do-

*MUNICIPAL ORDINANCE NO. 08-07
Series of 2008

AN ORDINANCE REGULATING THE OPERATION OF PUBLIC UTILITY VEHICLE AND IMPOSING PENALTY FOR THE VIOLATION THEREOF.

BE IT ORDAINED by the Honorable Sangguniang Bayan of Siayan, Zamboanga del Norte in session assembled, that:

ARTICLE 1
TITLE

Section 1. Title – This Ordinance shall be known as "An Ordinance regulating the operation of Public Utility Vehicle and imposing penalties for violation of the rules for compliance in the municipality of Siayan, Zamboanga del Norte, "or" Traffic Ordinance of the municipality of Siayan, Zamboanga del Norte for brevity".

ARTICLE 11
DEFINITION OF TERMS USED

Section 1. Definition of Terms –For purposes of this ordinance, the following terms shall mean as follows:

- a) Public Utility Vehicle – is a kind of vehicle run by engine using the public street/road.
- b) Tricycle – a motor wheeled vehicle with side car used in transporting passenger and cargoes, for hires or for own used.
- c) Motorcycle – a motor wheeled vehicle used in transporting passengers and cargo for hire & own used.
- d) Driver – is a person having issued by the Land Transportation Office a license to drive or in an actual driving of a vehicle.
- e) Highway – all kinds of public road, street, avenue not own by private person, school or institution.
- f) Principal Highway – a wide and long road used traversing from one municipality to the other.
- g) Plate Number – a number or letters of a vehicle issued by the Land Transportation Office or the Local Government Unit for the purpose of identification of being registered or not.
- h) Law Enforcement – are those clothed with authority for the implementation of the traffic rules and apprehend to those who violate the rules as mandated by law or ordinance.

ARTICLE III
ENFORCEMENT OF TRAFFIC RULES OF PERSON IN AUTHORITY

Section 1. the enforcement of the traffic laws of the municipality of Siayan is upon the direction and supervision of the persons in authority who has given the right to inspect all vehicle to be able to know if such vehicle is registered or not, safety, overloading or not in good condition for used as public convenience.

Section 2. The PNP Chief of Police or his/her representative is hereby given the authority and primary duty to ensure that this ordinance shall be followed within the municipality.

- a) If the PNP member is deputized by the Land Transportation Office, it is his/her responsibility to monitor all kinds of vehicle.
- b) And the force of law of this ordinance.

ARTICLE IV LICENSED IN ORDER TO DRIVE PUBLIC UTILITY VEHICLE

Section 1. No one is allowed to drive public utility vehicle without any license issued by the Land Transportation Office (LTO). The license shall always be brought at all time while issued by the vehicle and shall be shown or surrender when confiscated by authorities.

Section 2. Use of Driver's License.

- a) Every driver's license issued gives the authority to the holder to drive motor vehicle as stipulated in the license while it is still valid and not suspended or been cancelled.
- b) It is unlawful for a person to transfer, lend or authorize to use the license to any unlicensed driver or operator.

Section 3. No operator or administrator of the vehicle shall allow, accept or allowed to rent the vehicle to any person unless the person is a professional driver.

Section 4. Renewal of License - Any license not renewed before the day of its renewal shall be considered delinquent and invalidates the driver's license.

Section 5. Student Driver's Permit.

No student driver shall be allowed to drive a motor vehicle unless accompanied by a licensed driver who shall be responsible and answer any violation of any law or ordinance while accompanying the student driver and any damages that happen while administering or teaching the student.

ARTICLE V ILLEGAL USE OF LICENSE/PLATE NUMBER

Section 1. Fake or Faulty representation.

- a) No person shall make or use any license of a driver, badge, Certification, registered number, plate, tag or authority with intention to sale or making appear of the above mentioned to other person.
- b) No person shall deceit, forged, cheat of his license, badge, certification, plate, tag, permit/authority that is issued by the LTO/LGU to a delinquent, canceled or suspended person.
- c) No person who purposely with the intention to deceit, make any alteration to fraud as stipulated in the license.

Section 2. No person shall transfer any license or registered plate number to other vehicle other than the one issued. The operator shall be held liable and the vehicle shall be impounded that the license or plate number was being transferred for violation of this section.

- a) The true copy of the registered license (copy of the registration of the vehicle/driver's license) shall be displayed in a place that can easily be seen inside the vehicle.

Section 3. No tricycle shall be allowed to be utilized as public convenient or transport passengers with the municipality unless there is franchised or permit to operate issued by the Office of the Municipal Mayor upon filing an application and payment of the corresponding fees at the Office of the Municipal Treasurer. The true copy of the franchise shall be displayed in a place that can easily be seen inside the vehicle.

Section 4. No driver shall be allowed to collect fare as authorized by the Sanggunian unless there is Fare Matrix posted inside the vehicle that can be seen to the riding public.

Section 5. Motor Cab Drivers collecting Fares to passengers over and above to what is authorized by the Sanggunian shall be penalized under this ordinance.

ARTICLE VI PASSENGERS AND CARGOES

Section 1. Aside from the registered capacity, no person shall be allowed to drive a public utility vehicle with a passenger that is more than what is authorized. The authorized capacity for the motorized tricycle shall be six (6) passengers only.

Section 2. Top load passengers and cargoes of the vehicle - No person driving a motor vehicle shall be allowed or gives authority to the passengers to ride on top of the vehicle except cargoes when it is being issued with authority from the LTO to place a cargoes, baggage on top of the vehicle.

Section 3. No driver or operator of any public utility vehicle shall refuse to deliver the passenger or passengers and cargoes without any valid reason/reasons except on the following instances.

- a) Any person who is drunk and making any disturbance inside of the vehicle except on order of the authority/Police.
- b) Any person suffering from communicable disease.
- c) Flammable cargoes such as but not limited to gasoline and other flammable materials.
- d) Prohibited Drugs, illegal lumber and other prohibited by law.

Section 4. No tricycle driver shall be allowed to collect fare as authorized by the Sanggunian unless there is Fare Matrix posted inside the vehicle that can be seen to the riding public. Tricycle driver's collection Fare to passengers over and above to what is authorized by the Sanggunian shall be penalized under this ordinance.

Section 5. It is the duty of the driver of public utility vehicle to provide extra care to the passengers as mandated in this ordinance and to deliver the same in their destination.

ARTICLE VII DRIVING AND PARKING

Section 1. Reckless or without caution in driving – No person shall be authorized to drive in the highway recklessly, without caution or without regard of the conditions stipulated in this ordinance that will be the source of accident, the safety and rights of the people and may cause damage in the highway.

Section 2. No person shall be allowed to drive a motor vehicle under the influence of liquor or drunk or under drugs. (Needs a medical certificate or in the absence of the physician, two person shall prove the same.)

Section 3. No driver shall park or drive his/her vehicle to restricted areas or street that is not intended for passage of the vehicle or in a one way street except when it is provided in the ordinance.

Section 4. No driver or operator of any public utility vehicle shall be allowed to smoke while driving and no passenger shall be allowed to smoke inside the vehicle while riding.

Section 5. No racing (karera) of any vehicle shall be allowed in any public street or road within the municipality unless there is a permit issued by the Municipal Mayor.

Section 6. Drivers shall observe the traffic signs and speed limit as authorized in a particular streets or road within the municipality of Siayan, Zamboanga del Norte.

Section 7. Without any reason for the driver or operator of any public utility vehicle to be abusive, arrogant, without respect to the passengers or to the passengers or to the pedestrian.

Section 8. No person shall be authorized to drive/operate a public utility vehicle without sticker, and defective head or tail light or brake light.

Section 9. No operator of public utility vehicle shall employ my irresponsible, without respect and arrogant driver and conductor.

Section 10. Any person that violates the traffic signs, no sticker of the current registration or without bringing along the certificate of registration and the official receipt shall be fined under ordinance.

Section 11. No vehicle shall be allowed to travel within the territorial jurisdiction of the municipality without muffler or silencer that will cause sound pollution.

Section 12. Confiscation/Retrieval of the Driver's License – Any member of Siayan PNP may apprehend any driver/operator for violating the existing ordinance of the municipality and may confiscate/retrieve the license of the driver/operator issued by the LTO (R.A. 4136) known as Land Transportation Code and shall be issued a Traffic Citation Ticket that will serve as Temporary Operators Permit which shall remain valid for three (3) days without extension.

Section 13. Impounding of vehicles. Any vehicles impounded in the custody of law enforcer any violations or failure to pay the penalties has additional charges.

- a) For first 3 days – P20.00
- b) Succeeding days after the 3 days – P10.00/day

**ARTICLE VIII
FINES AND PENALTIES**

Section 1. Violators of this ordinance shall be issued with Traffic Citation Ticket of the apprehending officer and shall be valid only for three (3) days without extension. Driver's License confiscated/retrieved shall be released only upon showing the official receipt of payment of the corresponding penalties imposed under this ordinance through the Office of the Municipal Treasurer. The attached Traffic Citation Ticket is formed and part of this ordinance mark as Annex "A"

Section 2. The Office of the Municipal Treasurer shall cause the reproduction of the Traffic Citation Ticket. Funding thereof shall be taken from the available funds reserve for revenue resource generation program of that office.

List of traffic violations and corresponding penalties:

	P	<u>LTO</u>
1. Driving without license	350.00	750.00
2. Driving with expired license	100.00	
3. Failure to bring license	100.00	150.00
4. Driving under the influence of Liquor or drugs	300.00	
5. Fake or tampered license	300.00	
6. Driving without Helmet	100.00	150.00
7. Authorizing other person to use the license (Confiscation of the license and one month suspension)	50.00	
8. Driving vehicle without accompanied by a licensed driver (for student driver)	50.00	
9. Without Certificate of Registration or official receipt	100.00	
10. Dirty and untidy plate	50.00	
11. Without plate or plate not properly placed	100.00	
12. No stickers of the current registration	50.00	
13. No plate Number or sticker	100.00	
14. No or defective head lights	50.00	
15. No or defective tail lights	50.00	
16. No red tail lights	50.00	
17. No brake lights	50.00	
18. Dirty and dilapidating vehicle	50.00	
19. Unauthorized improvised plate	50.00	
20. Overloading	50.00	
21. Colurom operation (driver)	100.00	
22. Employment of irresponsible and unethical, unpleasant/ incautious and arrogant driver or conductor	100.00	
23. Refusal to deliver of the passengers to the destination/trip or trip cutting. (Confiscation of driver's license and one (1) month suspension	250.00	
24. Refusal to ride or giving service to the public Confiscation of the driver's license and one (1) suspension	250.00	
25. No Franchise or temporary certification for the vehicle	100.00	
26. Fake or tampered license or authority/permit	500.00	
27. Fake certificate of registration or plate number, stickers and Tampered documents	500.00	
28. Authorizing the passengers to ride on top of the vehicle	100.00	
29. Authorizing the passengers to ride on the side, stairway or at the hood of the vehicle	100.00	
30. Did not follow traffic signs	50.00	
31. Reckless driving	100.00	
32. Driving wearing slippers or wearing sando	50.00	
33. Driving or taking passengers in a place not specified route	25.00	
34. Driving vehicle without muffler or silencer	100.00	
35. Without franchise (for tricycle)	100.00	
36. Collecting fare in excess of what is authorized	50.00	

Section 3. Any incident that the violators cannot afford to pay the penalty imposed by this ordinance shall be held for imprisonment for the value in the number of days at the discretion of the court.

Section 4. Any accident that causes damage to any person or property from reckless driving or unreasonable over speeding, the driver and the operator of the vehicle causing the incident shall be penalized under this ordinance.

**ARTICLE IX
FINAL PROVISION**

Section 1. Repealing Clause – All other ordinances that are inconsistent with the provision of this ordinance are deemed repealed, amended and modified accordingly.


Section 2. Separability Clause – Any provision of this ordinance that are inconsistent with the existing statute and thereby declared invalid, the provision that are not affected shall continue in full force and effect.


Section 3. Effectivity – This ordinance shall take effect immediately upon approval and after 30 days of posting in conspicuous places of the municipality and copies furnished to the different municipalities of the province.

APPROVED this 27th day of March, 2008.

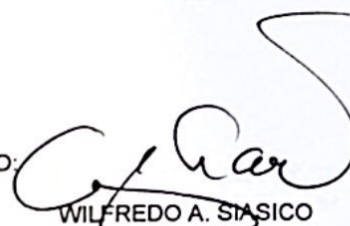
I HEREBY CERTIFY to the correctness of the above-quoted ordinance*

CERTIFIED CORRECT
AS TO ITS PASSAGE:


OLIVER A. ROMERO
Municipal Vice Mayor
(Presiding Officer)


WILFREDO Q. DOMPALES
Sangguniang Bayan Secretary

APPROVED:


WILFREDO A. SIASICO
Municipal Mayor

Date: 3/28/08