



REPUBLIC OF THE PHILIPPINES  
City of San Carlos, Negros Occidental

## OFFICE OF THE SANGGUNIANG PANLUNGSOD

### EXCERPTS FROM THE MINUTES OF THE 10<sup>TH</sup> REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD HELD ON THE 3<sup>RD</sup> DAY OF SEPTEMBER 2019 AT 4:15 P.M. AT THE SP SESSION HALL, THIS CITY

#### PRESENT:

Hon. CHRISTOPHER PAUL S. CARMONA,	City Vice-Mayor/Presiding Officer
“ CARLOS MANUEL L. VALMAYOR,	SP Member
“ BENITO Y. GUSTILO, JR.,	SP Member
“ JOSE CARLOS L. VILLARANTE,	SP Member
“ WILMER L. YAP,	SP Member
“ PHILIP GERARD B. MAISOG,	SP Member
“ CLINT S. MANSUETO,	SP Member
“ MARK E. CUI,	SP Member
“ ALEXANDER Y. ONGTIAOBOK,	SP Member
“ JEFFREY M. HIDALGO,	SP Member
“ LORNA Y. HINOLAN;	SP Member
“ ANTHONY S. WEE,	SP Member (LnB President)
“ JB SPRING C. BACURNAY,	SP Member (SK Representative)

ABSENT: None

### ORDINANCE NO. 19-16

#### AN ORDINANCE PROTECTING CHILDREN'S SAFETY IN RIDING TRICYCLE/MOTORCAB OF THE CITY OF SAN CARLOS AND PROVIDING PENALTIES FOR VIOLATION THEREOF

Introduced by Hons. HINOLAN, GUSTILO, VILLARANTE and CUI

WHEREAS, Republic Act No. 11229 or the Act Providing for the Special Protection of Child Passengers in Motor Vehicles ensures the safety of children while being transported in any form of motor vehicle. The state recognizes the right of children to assistance, including proper care and special protection from all forms of neglect, abuse and other conditions prejudicial to their development, including exposure to safety risks while aboard motor vehicles.

WHEREAS, every Local Government Units must take immediate and ultimate action to stop the growing number of children injured or killed in road crashes involving motorcabs. It is its duty to use the powers vested to enact and implement laws that complement and strengthen national laws, and ensure these are strictly enforced in our own localities,

WHEREAS, motorcabdrivers, especially those who hire to ferry young schoolchildren, should be mindful of the safety of their passengers and prioritize safety over earning a living and should maintain their vehicles' road value and keep them clean for the health and safety of their passengers.

WHEREAS, the City of San Carlos in keeping with its duties and commitment to uphold the rights and wellbeing of children, deems it necessary to adopt measures to protect them;

NOW THEREFORE, be it ORDAINED, as it is hereby ORDAINED by the Sangguniang Panlungsod of San Carlos City, in session assembled that:

**Section 1. Title.** – This ordinance shall be known as “THE CHILDREN’S SAFETY IN RIDING TRICYCLE/MOTORCAB OF THE CITY OF SAN CARLOS”.

**Section 2. Coverage.** – This Ordinance shall apply to all Motorcabs operating within the territorial jurisdiction of San Carlos City conveying minor children as passenger in front or at the back of the driver's seat. The only exception provided by the ordinance is for cases where the minor or child being transported requires immediate medical attention.

**Section 3. Purpose** – This ordinance is intended for the following purpose, to wit: (a) regulates the conveyance of minors in Tricycle/Motorcabs by prohibiting drivers from carrying minors in front or at the back

of the driver's seat, (b) limit passengers into 2-3 or not more than 3 passengers excluding the driver who are sending students in the upper barangay schools for motorcycles.

#### **Section 4—Definition of Terms**

*The following terms shall be defined under this Ordinance as follows:*

Child – refers to a person under the age of eighteen (18) years

Motorcab - means any motorcycle to carry not more than six passengers excluding the driver for hire or reward. [Motor Vehicles Act, 1988 (59 of 1988), s. 2 (25)]

Tricycle – a motor vehicle composed of a motorcycle fitted with a single-wheel sidecar or a motorcycle with a two-wheel cab.

**Section 5. Duties of Parents/Guardian** - For effective implementation of this ordinance, parents should be proactive and warn their children to avoid riding at the front and backseat of Motorcab since they would be highly vulnerable to injury, even death, in case the vehicle gets in a collision or road crash.

**Section 6. Implementing Agencies** - The Local Council for the Protection of Children created through Executive Order no. 91, Series of 2007 and The Law Enforcement Team by the Local Chief Executive shall implement this Ordinance.

#### **Section 7. Penalties**

Motorcab drivers who violate the ordinance will be penalized as follows:

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|----------------|--|
| First Offense  | - Fine of Two Thousand (P 2,000.00)  |
| Second Offense | - Fine of Three Thousand Pesos (P3,000.00)   |
| Third offense  | - Fine of Five Thousand Pesos (P5,000.00) or imprisonment for maximum of six months, or both for the third offense, at discretion of the court, revocation of driver's license (in accordance with LTO rules and regulations) or impound the motorcab if no driver's license |

**Section 8. Repealing Clause** - All ordinances, rules and regulations, or parts thereof, provisions of which are in conflict with, or contrary to, the provisions of this ordinance are hereby repealed, amended, or modified accordingly.

**Section 9. Effectivity Clause** - This ordinance shall take effect immediately after approval and publication once in a local newspaper of general circulation for three (3) consecutive weeks.

ENACTED: September 3, 2019, by the affirmative votes of all members present.

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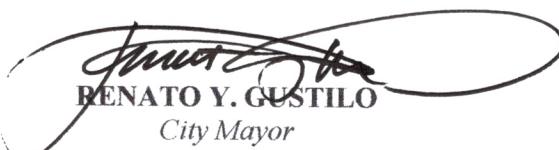
I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly enacted by the Sangguniang Panlungsod during its regular session held at the SP Session Hall, this city on September 3, 2019.

MA. CECILIA SUZETTE C. BINGHAY  
Secretary to the Sangguniang Panlungsod

**ATTESTED AND CERTIFIED  
TO BE DULY ADOPTED:**

  
CHRISTOPHER PAUL S. CARMONA  
City Vice-Mayor

APPROVED ON 13 SEP 2019,

  
RENATO Y. GUSTILO  
City Mayor