



REPUBLIC OF THE PHILIPPINES
City of San Carlos, Negros Occidental
OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPTS FROM THE MINUTES OF THE 16TH REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD HELD ON THE 17TH DAY OF OCTOBER, 2019 AT 4:25 P.M. AT THE SP SESSION HALL, THIS CITY

PRESENT:

Hon. CHRISTOPHER PAUL S. CARMONA,	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
“ MARK E. CUI,	SP Member
“ ALEXANDER Y. ONGTIAOBOK,	SP Member
“ JEFFREY M. HIDALGO,	SP Member
“ LORNA Y. HINOLAN,	SP Member
“ JB SPRING C. BACURNAY,	SP Member (SK Representative)

ON OFFICIAL BUSINESS:

Hon. CLINT S. MANSUETO,	SP Member
“ ANTHONY S. WEE,	SP Member (LnB President)

ORDINANCE NO. 19-22

LAND TRANSPORTATION & TRAFFIC CODE OF SAN CARLOS CITY, NEGROS OCCIDENTAL

Introduced by: SP Committee on Public Utilities and All SP Members Present

Be it ordained by the Sangguniang Panlungsod of San Carlos City, Negros Occidental, in regular session assembled, that:

**CHAPTER I
GENERAL PROVISIONS**

Section 1. - Title. This ordinance shall be known as “Land Transportation & Traffic Code of San Carlos City, Negros Occidental.”

Section 2. - Declaration of Policy. It is hereby declared the policy of the Local Government of San Carlos City, Negros Occidental to promote and ensure safe and harmonious flow and movement of people, vehicles and other things while using or passing through the city’s highways, streets, roads, and other passageways by:

- (1) Establishing sound traffic management plans, programs and schemes;
- (2) Implementing effectively traffic laws, rules, and regulations; and
- (3) Promoting traffic education among the constituents and road users.

Section 3. - Scope and Application. This ordinance shall govern the establishment of a sound traffic management system and program; the efficient management and administration of the Traffic Management Office, the traffic flow and vehicular movements; and the effective implementation of traffic laws, rules and regulations within the territorial jurisdiction of San Carlos City.

Section 4. - Definition of Terms. For the purpose of this Ordinance, the following terms shall have the corresponding meaning:

- 1) **Citation Ticket.** An accountable form issued by the city government used as an evidence of traffic violation, notifies the violator of the offense committed, and summoning him or his

- representative to appear at the appropriate office and to settle the administrative fine or alternative form of payment, if any.
- 2) **City Legal Office.** An office which takes charge in the assessment of the citation ticket/s issued by the enforcer/s to the violator/s before paying it to the City Treasurer's Office.
 - 3) **Counterflow.** The act of driving or moving against the flow of "one-way traffic."
 - 4) **Half-naked** (Topless/Bottomless). Wearing clothing covering only the lower-most or upper-most portion of the body with the absence of any top or bottom apparel.
 - 5) **Highway.** Any public thoroughfares; any road open to everyone; public road/public land.
 - 6) **Loading and Unloading Area or Zone.** An area or place duly designated by the ordinance, rules or regulations where a vehicle shall load or unload passengers and cargoes, or to wait for short duration to take passenger and cargo.
 - 7) **Law Enforcement Team.** An office under the Office of the City Mayor that is mandated to exercise powers and functions to enforce city ordinances including traffic laws, rules and regulations.
 - 8) **LET Enforcers.** Persons duly deputized by the Office of the City Mayor to enforce city ordinances including traffic laws, rules and regulations and apprehend violators in case of traffic violations/infringements.
 - 9) **Motor Vehicle.** Any vehicle propelled by any power other than muscular power using the public highways, street or roads such as trucks, automobiles and motorcycles, but excluding heavy equipment not normally used for transportation. It shall also refer to motorized vehicle with at least four (4) wheels.
 - 10) **Motorized Vehicle.** For purposes of this Ordinance, it shall refer to all vehicles propelled by a motor or engine such us trucks, cars, motorcycles and tricycles.
 - 11) **One-way Traffic.** The flow or movement of vehicle of the highway, street or road that is going or passing in one and the same direction only.
 - 12) **Parking or Parked.** When a vehicle is brought to a stop on the side or any portion of the highway, street, road, or alley, and remains stationary or immobile in that place or closed thereto for an appreciable period of time; provided, that a vehicle which properly stops merely to discharge a passenger or to take in a waiting passenger, or to load or unload a small quantity of cargo with reasonable dispatch shall not be considered as "parked", if the vehicle again moves away without delay; provided further, that the act of parking or stopping does not constitute an obstruction to traffic.
 - 13) **Pedicab.** Refers to a foot-driven vehicle provided with three wheels usually consisting of a bicycle with a wheeled sidecar. This vehicle shall either be for hire for public transport or for private use, in which case it shall be registered as such.
 - 14) **Road.** A general term for any passageway, situated on public or private property, which includes highways, avenues, streets, and alleys.
 - 15) **Stop Street.** A street intersection at which a vehicle must come to a complete stop before entering a through street.
 - 16) **Street.** A public way for vehicular travel usually designated with name.
 - 17) **Through Street.** A street along which the traffic has the right of way over vehicles entering or crossing at intersections.
 - 18) **Traffic.** The movement or flow of vehicles and persons on the highway, street, road, or passageway in the City of San Carlos.
 - 19) **Traffic Enforcers.** Persons authorized, usually by deputation, to direct traffic, enforce traffic laws, rules and regulations, and assist in the investigation of traffic related incidents.
 - 20) **Traffic Management Office.** An office under the Office of the City Mayor that is mandated to exercise powers and functions to manage traffic; establish traffic management plans and programs; implement traffic laws, rules, and regulations; and promote traffic education and awareness. Whenever the term "Office" is used in this Ordinance, it shall refer to the Traffic Management Office, unless indicated to mean otherwise.
 - 21) **Tricycle/Motorcab driver.** Refers to a person, with a valid driver's license, who drives the vehicle. If it is a tricycle or motorcab for hire, in addition to his possession of a valid driver's license, that the driver should be authorized by the owner or operator of the vehicle; provided that, unless carnapped or stolen, that the driver is presumed have driven the vehicle with the knowledge or consent of the owner or operator of the vehicle.
 - 22) **Tricycle /Motorcab for Hire or for Private Use.** A tricycle or motorcab that is a motorized or semi-motorized three wheel vehicle, whether or not fitted with a wheeled sidecar, and this includes e-trike' and other similar kind. This vehicle shall either be for hire for public transport or for private use, in which case it shall be registered as such.
 - 23) **Tricycle/Motorcab/Pedicab Operator.** Refers to natural person or juridical entity or firm engaged in the business of transporting passengers and cargoes for a fee.

CHAPTER II **TRAFFIC MANAGEMENT OFFICE**

Section 5. - Powers and Functions. The Office created under Ordinance No. 12-02 shall be under the Office of the City Mayor, and shall exercise powers and discharge functions expressly provided by this ordinance, including implied and incidental powers and functions to carry out its mandate, such as but not exclusive of the following:

1. Formulates and issues policies, rules, regulations, memoranda and guidelines for the management, administration, supervision, and operation of the Office;
2. Formulates traffic management and operation plans, transportation plans, traffic engineering programs and schemes, and other related activities;
3. Formulates and issues guidelines and advisories relative to road use, temporary opening or closure of roads or passageways, and traffic regulation and control;
4. Exercises control and supervision over the implementation of the city traffic management plans, programs, projects, schemes and activities, and enforcement of traffic laws, rules, and regulations;
5. Call upon any national official or employee stationed or assigned to the city to advise or provide any assistance to the Office or city government on matters relevant or affecting traffic;
6. Carries out such emergency measures as may be necessary and appropriate during or on the occasion of disasters, calamities and other emergencies to address or remedy traffic congestions, gridlocks, and other traffic-related nuisance;
7. Initiates, proposes, or recommends to the Sanguniang Panlungsod legislative measures relating traffic, and to provide to the sanggunian or any agency of the government, when necessary, any data and information pertinent to traffic plans and programs or traffic laws and enforcement;
8. Initiates or recommends the procurement of materials, vehicles, equipment, tools, supplies and services for the use of the Office;
9. Formulates implementing guidelines and programs for the hiring, selection, training and discipline of traffic enforcers and agents, and prepares or devises education and training programs for implementation;
10. Hires technical services on contract when the exigency of the service requires;
11. Prepares budget proposal for the operation of the Office;
12. Exercises all other implied and incidental powers and discharges germane functions as may be necessary and proper to ensure the effective administration and operation of the Office and the efficient implementation of traffic laws, rules, regulations, plans and programs.

Section 6. - Office Composition. The Traffic Management Office shall be composed of one (1) Traffic Manager; two (2) Traffic Supervisors, one for Administration and Education/Training, and the other for Engineering and Enforcement; and a group of Traffic Enforcers, the number of which shall be determined by the City Mayor upon the recommendation of the Office.

(A) The City Mayor shall have the control and general supervision of the Office, determines its administrative and operational budget, and to effectively enforce this ordinance, promulgates implementing guidelines, rules and regulations, and issues memorandum circulars or executive orders for their faithful execution.

He shall preside the meeting, regular, special or emergency and may call upon government officials and employees for advice, assistance or support on matters affecting traffic and to make recommendations thereon; direct the formulation of the city traffic management plans, projects, services and activities of the city government; and during exigency, carry out such emergency measures as may be necessary to address traffic-related concerns.

(B) The Traffic Manager shall be appointed by the mayor who shall be Civil Service Professional Eligible. He shall take charge of the Office and exercises administrative and managerial functions and duties and shall:

1. Recommend to the city mayor the formulation of traffic management plans, programs, projects, and activities; the enactment of traffic ordinances and the issuance of rules and regulations on traffic; and submit proposal for the consideration of the city mayor;

2. Monitor, evaluate, and supervise the planning and implementation of all traffic plans, programs, projects and activities, and ensure the faithful and proper execution of the traffic laws, rules, and regulations;
3. Propose or conduct, when directed by the city mayor, traffic experiments, studies and research relative to the adoption of traffic schemes, transportation plans, activities and programs related to the use of the highways, roads and streets;
4. Propose or conduct trainings, seminars, and symposia and other related activities to educate, empower, and equip the traffic enforcers, government officials and employees and the constituents on traffic matters;
5. Recommend to the city mayor the hiring, selection and training of traffic enforcers, and evaluate their performance;
6. Initiate administrative action against erring traffic enforcers and institute legal action against traffic violators who after reglementary period failed to settle their violation by payment of fines or other alternative forms of payment;
7. Submit budget proposal for the administration and operation of the office.
8. Submit periodic reports to the city mayor, or to the sangguniang panglungsod upon request;
9. Coordinate and/ or collaborate with any national and local government agencies or offices, as well as non-government and peoples' organizations, including private entities and persons to establish or effectuate sound and effective traffic management and enforcement;
10. Exercise such other functions and perform such other duties as may be prescribed by law, or rules, and regulations issued by the city mayor.

(C) The Traffic Enforcers shall be deputized by the city mayor to direct traffic and enforce traffic laws, rules, and regulations, as well as assist in the implementation of the city's traffic management plans, programs, projects and activities. He shall unless directed or instructed otherwise, exercise the following duties and responsibilities:

1. Direct the flow of traffic and the movement of vehicles and persons on any highways, street, road, avenue, park, or alley;
2. Enforce traffic laws, rules, regulations, and any directive or circular issued by the city mayor or superior – official;
3. Assist traffic investigations of traffic and vehicular accidents undertaken by any law enforcement agencies like the police and Land Transportation Office.
4. Apprehend any traffic violations and issue citation tickets/ for such violation/s and inform the violator/s to settle the violation/s.
5. Perform such other related acts as may be necessary and proper as may be directed by the superior.

CHAPTER III COMMON PROVISIONS

Section 7. - Administration. The Office shall have the primary authority in the administration and enforcement of the city traffic laws, rules and regulations, traffic management plans, programs, and other activities. The Law Enforcement Team (LET) shall assume auxiliary functions and may, upon request, assist, support or cooperate with the Office in the enforcement of traffic laws, rules and regulations,

Section 8.- Apprehension. The city's traffic laws, rules, and regulations shall be enforceable within the territorial jurisdiction of San Carlos City. Any person, natural or juridical, found violating the ordinance or any applicable provision thereof shall be apprehended and thereupon issued a citation ticket which shall serve as evidence of the commission of the offense and notice to settle such violation within the allowable period.

Section 9.- Protest. Any person who has been apprehended for violating this ordinance may contest the same. He may file his protest, oral or in writing, in the Office of the City Mayor through the Traffic Management Office or Law Enforcement Team within five (5) working days from the date of apprehension, otherwise the violation is deemed conclusive as to the offense committed and as to the manner of apprehension.

Section 10. - Protest Resolution. The Office shall resolve the protest within three (3) working days from the date of filing of the protest. The office may uphold, modify, compromise, or cancel the citation ticket which shall in effect annul the violation or render the offense *void ab initio*.

Section 11. - Impoundment. The administrative remedy of impoundment shall be exercised by the Office as an accessory and provisional penalty to compel compliance with the traffic ordinance, rules, and regulations under the following circumstances:

1. When the driver, at the time of apprehension, shows no driver's license or permit to drive. He shall be *prima facie* presumed to be without license or permit to drive, unless such is produced within a reasonable period;
2. When the driver, at the time of apprehension, fails to show a valid vehicle registration with the Land Transportation Office (LTO). The vehicle shall be *prima facie* presumed to be unregistered, unless such is produced within a reasonable period; and
3. When the motor vehicle driven is fitted with a vexatious muffler as defined in Section 54 (#1) of this Ordinance.
4. When the vehicle figures in a traffic accident, or the driver commits a crime under the Revised Penal Code of Direct Assault, Indirect Assault, Murder, Homicide or Physical Injuries against a traffic enforcer or any police officer or agents enforcing traffic laws or ordinance, rules and regulations.
5. When the driver or the vehicle figures in racing without permit penalized under Sec. 25 (#11) of this Ordinance.
6. Driving a vehicle half-naked except in the following cases:
 - a. activities or events with special permit issued by the City Government/implementing agencies;
 - b. in cases of medical emergencies;
 - c. indigenous people wearing ethnic clothes;
 - d. in a public swimming pools, beach and rivers and
 - e. persons who are engage in sports activities.

Whenever any motorized vehicle is impounded it shall be subject to the contract of deposit governed under Book IV, Title XII of the Civil Code of the Philippines. The depositary Office shall ensure the safety of the impounded vehicle and shall return the same to the depositor after payment of the required fine and the storage fee, and in the case of motorcycles, the replacement of the proper muffler.

Section 12 – Release of Vehicle. Any vehicle impounded for violation of any pertinent provision of this Ordinance shall be released or returned to the rightful owner or possessor upon (1) presentation of proof of ownership or possession, (2) payment of the proper penalty or fine, and (3) replacement of appropriate muffler, in appropriate case.

Section 13. - Impounding Area. There shall be provided an area for the impounded vehicles. There shall be an appointed accountable personnel who shall take custody and possession of all vehicles and things impounded for safekeeping and shall release the same after compliance with the ordinance or upon order of the authority. He shall monitor, inspect, inventory, keep records, and exercise other acts appropriate relative to the impounded vehicles.

Section 14. - Inspection of Vehicle. The Office shall have the authority to ensure that public utility vehicles, as common carriers, plying within or taking the city's streets, roads, or highways, shall be safe and roadworthy for all passengers and cargoes.

By virtue of such authority, the Office shall require the following:

1. For application of new franchise, to submit for inspection the vehicle for physical, mechanical and electrical checkup;
2. For renewal of franchise, to submit the vehicle for the same mandatory checkup;
3. For application of business or mayor's permit, to submit for inspection the vehicle for mandatory annual inspection.
4. When a vehicle apparently appears dilapidated, decrepit, run-down, or in poor repair, to submit the vehicle for necessary deposit, at the expense and responsibility of the owner, for the required repair or rehabilitation of said vehicle.

Section 15. – Citation Ticket. The Law Enforcement Team through the City Legal Office shall be authorized to prepare the Citation Ticket. Citation Ticket shall be issued to persons who violate this Ordinance. The prescribed form of the Citation Ticket shall be:

Republic of the Philippine Province of Negros Occidental City of San Carlos			
TRAFFIC VIOLATION TICKET			
Date: _____	No. _____		
Issued to: _____ (Name of Violators)			
Address: _____ (Street Subdivision Barangay City/Municipality Province)			
Time and place of violation: _____			
Contact No: _____	Age: _____	Gender: _____	Birthdate: _____
VIOLATION: _____			
Kind of Vehicle: _____			
License/ Plate No. _____			
Other Remarks: _____			
Signature over printed name of ENFORCER			
CONTRARY TO LAW		You are hereby directed to appear before the Traffic Management Office within five (5) working days from the date hereof for settlement of the violation. Failure to settle within required period shall compel the office to file appropriate action.	
Signature of Violator	No. _____		

Section 16. - Procedure of Apprehension. Deputized traffic law enforcers, LET enforcers or authorized agents shall approach any violator of this Ordinance, inform the latter of his violation/s and the enforcer's authority, and further require the violator to present one's driver's license or permit, or vehicle registration, or other pertinent documents for identification and for other purpose. Forthwith, the violator shall be issued the Traffic Violation Ticket or Temporary Operator's Permit (TOP) as the case may be; provided that when the violation involves traffic laws other than this Ordinance, the license confiscated shall be indorsed to the Land Transportation Office in the locality; provided, further, that only in these instances when the driver's license may be validly confiscated:

- (1) when the vehicle is unregistered;
- (2) when the driver while driving commits a crime penalized under the Revised Penal Code;
- (3) When the driver is driving under the influence of liquor;
- (4) When the driver is driving recklessly without regard to the safety of others.

Section 17. - Place and time for payment of fines. The penalty or fine imposed by this Ordinance shall be paid by the violator or his representative at the City Treasurer's Office after due assessment made by LET through the City Legal Office. The settlement for any violation shall be done within five (5) days from the apprehension or the issuance of the Citation Ticket. When the Citation Ticket is undated, it shall be presumed that the true date is the date of issue, that is, the date of apprehension. **Provided that, a 2% monthly interest shall be imposed on the unpaid penalty or a**

fraction thereof after five (5) days of non-payment. After such payment, the violator shall be issued corresponding receipt/s as proof of settlement. Payments in its entirety shall extinguish one's legal obligation under this Ordinance.

Section 18. - Experimental Traffic. The Office, through an executive order issued by the City Mayor, may conduct experimental traffic by rerouting or redirecting or altering the flow of traffic, or adopting traffic schemes to harmonize or improve the traffic condition of the city or a certain area thereof. The City Mayor, or the Traffic Manager, upon the authority of the former, may propose, request, or recommend to the Sangguniang Panglungsod the adoption of appropriate legislative measure/s.

The experimental traffic may include designating parking, loading and unloading area or zone and placing any street as one-way traffic street; provided that such traffic experiment shall not exceed 30 days from the date of implementation.

Section 19. - Authority, Designation of Parking Areas and others. The City Mayor, or the head of the Office by delegation of the former, shall have the authority to:

- (1) designate or assign parking places or areas and to classify them for the particular type or kind of vehicle, and to make proper markings or signs thereon;
- (2) designate or assign loading and unloading place or areas or zones and bus stops and to make proper markings or signs thereon;
- (3) install traffic signal lights, traffic signs, regulatory signs, information signs and pavement markings;
- (4) establish street-parking for pay;
- (5) exercise traffic control; and
- (6) create pedestrian districts and measures relative to traffic calming

Section 20. - Traffic Control. Traffic control is the movement of people and goods on the existing road network by means of such device as signals, signs and marking in the short term and at low capital cost in order to achieve safety, mobility, synergy, energy conservation, and sound environment. It shall be necessary to ameliorate traffic problems in a short term whose objectives are:

1. to increase safety levels;
2. to increase traffic efficiency and mobility;
3. to promote sound environment; and
4. to conserve and maximize energy

Section 21. - Pauper Violator. Any violator of this Ordinance who fails or is unable to pay the penalty or fine imposed by this Ordinance may at his option choose to undergo a traffic orientation seminar or any course or program as may be directed by Law Enforcement Team.

Upon the completion of said seminar, course, or program the violator shall be issued a certification showing the date, time and place the seminar or program was conducted. The violator's attendance of said seminar or program has the effect of extinguishing one's penalty or fine.

Section 22.- Collection of Fine or Penalty. Thirty percent (30%) of the administrative fines/penalties imposed and collected pursuant to this Ordinance shall be retained exclusively for the implementation of the Ordinance and to defray the expenses of the operation of the Office and other related expenditures.

The penalties or fines collected shall be released by the City Treasurer to the Traffic Management Office annually not later than the third week of January of every year without need of demand.

Section 23. – Duty of the driver in case of accident. In the event that any accident should occur as a result of the operation of a motor vehicle upon a highway, the driver present shall show his driver's license, give his true name and address of the owner of the motor vehicle.

No driver of a motor vehicle concerned in a vehicular accident shall leave the scene of the accident without aiding the victim except under any of the following circumstances:

1. If he is in imminent danger of being seriously harmed by any person or persons by reason of accident;

2. If he reports the accident to the nearest officer of the law; or
3. If he has to summon a physician or nurse to aid the victim.

Section 24.- No contact apprehensions. Using the CCTV or surveillance camera footage of the CDRRMO Emergency Operations Center (EOC).

1. Violators maybe fined based on the footage taken by the CDRRMO EOC using the number plate recognition;
2. Upon spotting the violator, the CDRRMO shall notify the LET or Traffic Enforcer for the immediate issuance of the Citation Ticket;
3. Thru the BPLO and barangays, the unpaid fine or penalties for traffic violations shall be collected during the renewal of the Mayor's Permit.

Section 25. - Appropriation. There shall be an initial amount of ₱500,000.00 appropriated for the purpose of implementing this Ordinance as well as for the establishment and operation of the Office. The appropriation shall be made and included in the annual budget every year commencing from the effectivity of this Ordinance.

CHAPTER IV MOTOR VEHICLE

Section 26. - License and Registration. All motor vehicles driven or passing through the City of San Carlos shall be driven and operated by a duly licensed driver; provided, that the license shall be issued by the Land Transportation Office (LTO), and such license shall not be expired or revoked or suspended by said agency; and provided further, that the vehicle shall be duly registered with the Land Transportation Office and the same shall not be expired or revoked or suspended by said/agency.

Section 27. - Violation. The following acts are hereby declared prohibited and appropriate penalties or fines therefore are imposed for the violations:

- (1) **Wrong Parking** – No motor vehicle of any kind shall be permitted to park at any time as follows:
 - (a) within six (6) meters at any intersection;
 - (b) within six (6) meters from the curb or edge;
 - (c) in a manner constituting double parking;
 - (d) facing the wrong direction;
 - (e) in a designated loading or unloading area or zone;
 - (f) in a posted “No Parking” area by signs and lines; and
 - (g) within two (2) meters from a fire hydrant.
 - (h) on PWD and pedestrian lanes
- (2) **Traffic Obstruction** – The following acts constitute obstruction;
 - (a) obstructing or blocking vehicular or pedestrian traffic;
 - (b) obstructing a crosswalk;
 - (c) obstructing or blocking a garage or driveway of a house or building
 - (d) driving at unreasonably slow or irregular speed in a manner that impedes the passage of vehicle or the traffic flow.
 - (e) obstructing, blocking or tailing emergency vehicles in operation.
- (3) **Counterflow** – Driving, moving, or going against the flow of traffic or against “one-way traffic” direction:
- (4) **Driving Without License** –actually driving any motor vehicle without a valid driver’s license issued by the Land Transportation Office. It shall be deemed “driving without license” when the license is expired or cancelled or revoked by said agency;
- (5) **Driving of Unregistered Motor Vehicle** - Actually driving a motor vehicle without any valid registration from the Land Transportation Office or such registration has in fact been cancelled or revoked;

- (6) **Allowing or Tolerating Unregistered Vehicle to be Driven** - The owner of the vehicle shall be presumed to have consented or permitted the use of the vehicle when it is driven by another; provided, the presumption may be controverted by convincing evidence which may result to non-liability on the part of the owner.
- (7) **Allowing or Tolerating Unlicensed Driver to Drive** – The owner of the vehicle shall be presumed to have consented or permitted the use of the vehicle knowing that the driver is not licensed to drive, or one's license has in fact been cancelled or revoked; provided, the presumption may be controverted by convincing evidence which may result to non-liability on the part of the owner.
- (8) **Failure to Carry License to Drive** - It shall be unlawful to drive a motor vehicle when not in possession of a valid driver's license; it is the drivers personal obligation when driving to be in possession of the drivers license.
- (9) **Overloading** – It shall be unlawful for a driver or owner of a vehicle to allow more passenger or cargo in his vehicle in excess of its registered or authorized carrying capacity;
- (10) **Reckless Driving** – No person shall operate or drive a motor vehicle on any highway, street, or road negligently or without reasonable caution considering the road and weather conditions, the time of day or night, visibility and other conditions so as to endanger the property or the safety of any person;
- (11) **Racing Without Permit** – It shall be unlawful for any person to engage in a contest of speed involving motor vehicles, with or without a prize or any consideration, on any highway, street, or road at any particular time without a permit by the city government; provided, that the vehicle used in racing shall be impound, and shall be released or returned to the owner upon payment of the penalty or fine, unless the claimant is not the owner or fails to show proof of ownership or possession.
- (12) **Unreasonable Refusal to Convey Passenger or Cargo** –No driver of any public utility vehicle shall, without justifiable reason or valid cause, refuse to convey any passenger or cargo.
- (13) **Undue Preference, or Unjust or Unreasonable Discrimination Against Passenger** - It shall be unlawful for a driver of any public utility vehicle to give preference to a passenger over another or to discriminate one due to or for the reason of a higher fare or other consideration.
- (14) **Overcharging of Fare** - It shall be unlawful for a driver or operator to charge fare more than what is authorized by law or ordinance. However, a fare may be arranged mutually, but not in a manner as to render the fare unconscionable or unreasonably excessive.
- (15) **Forcing or Causing a Driver or Operator not to Convey Passenger or Cargo** – No person or group of persons shall force, intimidate, threaten, or exercise undue influence on or against any driver of tricycle or motorcab for hire so as to compel or cause him to refuse to convey passenger or cargo; provided, a violation shall carry a suspension of the franchise to operate not exceeding six (6) months.
- (16) **Allowing Passenger on Top or Cover of a Vehicle** - No driver, operator, or conductor shall allow passenger on top or cover of any vehicle, except a truck helper. The driver, operator, or conductor is presumed to have knowledge, or tolerated the presence of passenger or passengers on top or cover of his vehicle.
- (17) **Permitting Passenger to Ride on Running Board Stepboard or of Motor Vehicle** – No driver, operator or conductor shall allow passenger to ride a vehicle on its running board, stepboard or mudguard.
- (18) **Hitching to a Motor Vehicle.** – No person shall hang on to, ride on, the outside or the rear end of any vehicle, and no person on a bicycle, roller skate or other similar device, shall hold fast to or hitch on to any moving vehicle, and no driver shall knowingly allow any

person to hang on to or ride, the outside or rear end of his vehicle or allow any person on a bicycle, roller skate or other similar device to hold fast or hitch to his vehicle.

- (19) **Overspeeding** - No person shall drive or operate his motor vehicle at a speed exceeding the speed limit authorized by this Ordinance or rules and regulations, or at a speed faster than what is reasonable and proper taking into consideration the traffic condition and other factors as what a prudent and cautious driver would do.
- (20) **Driving under the Influence of Liquor or Illegal Drugs** - No person shall drive a motor vehicle while under the influence of liquor, wine or alcoholic beverages or illegal drugs penalized under RA No. 9165.
- (21) **No headlights, taillights, signal lights and side mirrors** – No person shall drive a motor vehicle with no headlights, taillights, signal lights and side mirrors.

CHAPTER V TRICYCLE/MOTORCAB FOR HIRE

Section 28. - Tricycle for Hire – Refers to a three-wheel vehicle for public transportation that utilizes gasoline or diesel fuel, or a vehicle that is solar, electric, or battery powered or a combination thereof, but not muscular power, and may include a motorcycle with a sidecar or motorcabs intended to carry passengers and cargoes for a consideration.

Section 29. - Application for Franchise - All owners or operators of motorcabs or tricycle for hire shall apply for franchise with the Sangguniang Panlungsod Office (FranchiseDivision). The application shall be in writing, verified and shall contain the following information:

1. Name, age, citizenship and residence of the operator;
2. The proposed route to be provided service by the applicant;
3. The number of units applied for, with the particular description of each unit;
4. The financial capacity to operate and maintain the proposed service and attached therewith documentary evidence of such capacity;
5. The commitment of the applicant to abide by relevant laws, ordinances, rules and regulations promulgated by the sanggunian or the Office or authorized agencies of the government;
6. The statement of a claim of public necessity for the service to be provided by the applicant.

Section 30. - Limitation – Applicants for franchise for tricycle or motorcab for hire shall be Filipino citizens and a resident of San Carlos City, provided when the applicant is a partnership or corporation it is required that 60% of its capital or outstanding capital stocks are owned by Filipinos; provided further, that the applicant shall be in actual possession of the units with valid registration documents from the Land Transportation Office; *and provided furthermore, that the applicant/driver shall be a member of any motorcab association duly accredited by the Sangguniang Panlungsod and issued with a valid ID or certification as proof of membership to the association.*

Section 31. - Term of Franchise – Unless otherwise cancelled, revoked or suspended by the Sangguniang Panlungsod, all franchise for tricycles or motorcabs for hire under this Ordinance shall be for a period of three (3) years.

Section 32. - Grant of Franchise – The Sangguniang Panlungsod shall regulate the operation of tricycles or motorcabs for hire and may grant franchises for the operation thereof within the territorial jurisdiction of San Carlos City; provided that the Sangunian, through a resolution, may limit the number of units in any or all zones.

Section 33. - Notice - The applicant for franchise shall, within fifteen (15) working days from the submission of the application to the Sangguniang Panlungsod, be notified of the status of his application. If his application is denied, he shall be informed of the reason or reasons for the denial, otherwise the application for franchise is granted in favor of the applicant.

Section 34.- Inspection of Unit – The Sangguniang Panlungsod may, upon its discretion, examine or inspect at any time the unit or vehicle subject for franchise application to determine, among others, its condition of roadworthiness.

Section 35. - Zone – Tricycles or motorcabs for hire shall operate within their respective zone, and for this purpose, the city proper shall be divided into four (4) zones with the following coverage:

- (1) Zone 1: From Barangays 1 to 6, including camp 7 (Bonifacio), San Julio Subdivision, Margarita Village, Teacher's Village, Don Juan Subdivision, crossing Estampar, Calingding, Hacienda Sta. Felomina, Kainggat and Villarante Village.
- (2) Zone 2: From the designated parking zone or area of the City for said zone to and from Hacienda Neguri, Barangay Palampas, Hacienda Vasconia, Hacienda Socorro, Talave, Maloloy-on, Barangay Punao, San Vicente and Tonggo.
- (3) Zone 3: From the designated parking zone or area of the City for said zone to and from Medina Overflow, Barangay Guadalupe, Hacienda San Jose, Hacienda San Antonio, Andon-on, Caticlan, Cabugan, Mabuni, Rizal Proper and Buluanan.
- (4) Zone 4: From Dapdap wharf to Dapdap proper, Puroks Caimito, Santol, Magsaysay, Talisay, Papaya, Nangka, Public Cemetery, Whispering Palm, Parola Site, Ermita Proper, Ipil-Ipil, Kauswagan, Iligan, Bogo/Broce, Alboror or vice versa; and Ermita Proper to Brgy, San Juan Proper or vice versa.

Section 36. - Color Code – Operators or owners of tricycles or motorcabs for hire shall paint or cause their vehicles or sidecars to be painted with the following uniform colors for the respective zones of coverage: (1) Red for Zone 1; (2) Yellow for Zone 2; (3) Green for Zone 3; (4) Blue for Zone 4.

Section 37. - Passenger Limit - Operators and drivers of tricycles or motorcabs for hire shall not allow to convey in their vehicles more than six (6) passengers excluding the driver (4 as sitting capacity and 2 at the back seat of the driver. The operators and driver shall be solidarity liable for any violation of the passenger limitation provided by this Ordinance.

Section 38. - Fees and Charges – There shall be imposed and collected appropriate fees and charges for the regulation in the application and grant of franchise for the operations of tricycles or motorcabs for hire in accordance with the Schedule of Fees and Charges per Executive Order issued by the City Mayor implementing this provision of the Ordinance. The City Mayor may issue executive orders or memorandum circulars modifying or changing the rate of fees and charges.

Section 39. - Fare – The tricycle/motorcycle fare shall be based on the recently amended ordinance on fare rates. The table of fares shall be posted conspicuously at the vehicle and on any public places like the public transport terminal, the public market and at the city port.

Section 40. - Cancellation of franchise or Suspension of Service – Any operator or owner wanting to stop or suspend the operation of any of his motorcab/tricycle as a passenger for hire or as a public utility vehicle shall fill-up the application relative hereto with the Sangguniang Panlungsod Office (Franchise Division) if the franchise has not expired yet and pay the prescribed fees at the City Treasurer's Office. When the application is acted upon favorably through a resolution, the operation shall *ipso facto* be terminated or suspended.

But if the franchise has already expired prior to cancellation, the owner/operator shall only pay the prescribed fees at the City Treasurer's and a certificate of cancellation shall be issued by the Sangguniang Panlungsod Office (Franchise Division).

Section 41. - Change of Ownership and Zone – Change of ownership of the unit shall not automatically transfer the permit and franchise to operate to the new owner. The new owner shall personally make an application for a new franchise and permit. The change of ownership shall *ipso facto* terminate the operator's franchise and permit.

When the operator or owner desires to change or to transfer to another zone he shall make appropriate application therefore with the Sangguniang Panlungsod Office. A change to another zone shall not affect one's franchise and permit.

Section 42. - Violation. The following acts are hereby declared prohibited and appropriate penalties or fines therefore are imposed for the violation:

- (1) **Wrong Parking.** Tricycles or motorcabs for hire or those registered for private use shall not be permitted to park at any time as follows:

- (a) within six (6) meters at any intersection;
 - (b) within six (6) meters from the curb or edge;
 - (c) in a manner constituting double parking;
 - (d) facing the wrong direction;
 - (e) in a designated loading or unloading area or zone;
 - (f) in a posted "No Parking" area by signs and lines; and
 - (g) within two (2) meters from a fire hydrant
 - (h) on PWD and pedestrian lanes
 - (i) in a manner constricting the width of the road or making it impassable.
- (2) Traffic Obstruction.** The following acts constitute obstruction
- (a) obstructing or blocking vehicular or pedestrians traffic;
 - (b) obstructing a crosswalk
 - (c) obstructing or blocking a garage or driveway of a house or building
 - (d) driving at unreasonably slow or irregular speed in a manner that impedes the passage of vehicle or the traffic flow.
 - (e) obstructing, blocking or tailing emergency vehicles in operation.
- (3) Counterflow.** Driving, moving or going against the flow of traffic or against "one-way traffic" direction;
- (4) Driving Without License.** Actually driving any tricycle or motorcab without a valid driver's license issued by the Land Transportation Office. It shall be deemed "driving without license" when the license is expired or cancelled or revoked by the said agency;
- (5) Driving of Unregistered Tricycle or Motorcab.** Actually driving a tricycle or motorcab without any valid registration with the Land Transportation Office or such registration has expired or has in fact been cancelled or revoked;
- (6) Allowing or Tolerating Unregistered Tricycle or Motorcab to be Driven.** The owner or operator of the unregistered tricycle or motorcab shall be presumed to have consented or permitted the use of the vehicle when it is driven by another;
- (7) Allowing or Tolerating Unlicensed Driver to Drive.** The owner of the tricycle or motorcab shall be presumed to have consented or permitted the use of the vehicle knowing that the driver is not licensed to drive, or one's license has expired or has in fact been cancelled or revoked. It is the obligation of the owner or operator to verify or as certain that the driver has a valid license to drive.
- (8) Failure to Carry License to Drive.** It shall be unlawful to drive a tricycle or motorcab when not in possession of a valid driver's license;
- (9) Overloading.** It shall be unlawful for a driver, operator, or owner of a tricycle or motorcab to allow more passenger or cargo in his vehicle in excess of its registered or authorized carrying capacity. The passenger/ cargo capacity limit applies to tricycle or motorcab for hire as well as to privately used tricycle or motorcab.
- (10) Reckless Driving.** No person shall operate or drive a tricycle or motorcab on any highway, street, or road negligently or without reasonable caution considering the road and weather conditions, the time of day or night, visibility and other conditions so as to endanger the property or the safety of any person;
- (11) Racing Without Permit.** It shall be unlawful for any person to engage in a contest of speed involving tricycle or motorcab, with or without a prize or consideration, on any highway, street, or road at any particular time without a permit by the city government; provided, that the vehicle used in racing shall be impound, and shall be released or returned to the owner upon payment of the penalty or fine, unless the claimant is not the owner or fails to show proof of ownership or possession.
- (12) Unreasonable Refusal to Convey Passenger or Cargo.** No driver of a tricycle or motorcab-for-hire shall, without justifiable reason or valid cause, refuse to convey any passenger or cargo.

- (13) **Undue Preference, or Unjust or Unreasonable Discrimination Against Passenger.** It shall be unlawful for a driver of a tricycle or motorcab to give preference to a passenger over another or to discriminate one due to higher fare or other consideration;
- (14) **Over Charging of Fare.** It shall be unlawful for a driver or operator to charge fare more than what is authorized by law or ordinance. However, a fare may be arranged mutually, but not in a manner as to render the fare unconscionable or unreasonably excessive;
- (15) **Forcing or Causing a Driver or Operator not to Convey Passenger or Cargo.** No person or group of persons shall force, intimidate, threaten, or exercise undue influence on or against any driver of tricycle or motorcab-for-hire so as to compel or cause him to refuse to convey passenger or cargo; provided, a violation shall carry a suspension of the franchise or permit to operate not exceeding (6) months;
- (16) **Allowing Passenger on Top or Cover a Vehicle.** No driver or operator of a tricycle or motorcab-for-hire or operated privately shall allow passenger on top or cover of his vehicle. The driver or operator is presumed to have knowledge, or tolerated the presence of passenger on top or cover of his vehicle.
- (17) **Permitting Passenger to Ride on Running Board, Stepboard or Mudguard.** No driver or operator of a tricycle or motorcab shall allow passenger to ride a vehicle on its running board, stepboard, mudguard or in any part of the vehicle not intended or appropriate for passenger, paying or not.
- (18) **Hitching to a Tricycle or Motorcab.** No person shall hang on to, ride on, the outside or the rear end of a tricycle or motorcab, and no person on a bicycle, roller skate or other similar device, shall hold fast to or hitch on to a moving tricycle or motorcab, and no driver shall knowingly allow any person to hang on to or ride, the outside or rear end of his vehicle or allow any person on a bicycle, roller skate or other similar device to hold fast or hitch to his vehicle.
- (19) **Overspeeding.** No person shall drive or operate his tricycle or motorcab at a speed exceeding the speed limit authorized by this Ordinance or rules and regulations, or at a speed faster than what is reasonable and proper taking into consideration the traffic condition and other factors as what a prudent and cautious driver would do.
- (20) **Driving Under the Influence of Liquor or Illegal Drugs.** No person shall drive a tricycle or motorcab while under the influence of liquor, wine and alcoholic beverages or illegal drugs penalized under R.A. No. 9165.
- (21) **No headlight, taillights, signal lights and left side mirror** – No person shall drive a tricycle/motorcab with no headlight, taillights, signal lights and left side mirror.
- (22) **Driving half-naked or with sleeveless shirt** – No person shall drive a tricycle/motorcab half-naked or with sleeveless shirt.

CHAPTER VI PEDICAB

Section 43. Scope of Coverage. All pedicabs operating within the territorial limits of San Carlos City, be it for public transport or for private use, shall be governed by this Ordinance and particularly by the provisions of this Chapter.

Section 44. Operation. Any person, natural or juridical, who engaged or desires to engage in pedicab operation as a mode of public transportation, shall secure a permit from the City Mayor's Office.

Every pedicab unit shall be registered annually for which a corresponding fee shall be imposed in accordance with Section 1, Article O, Chapter III, Ordinance No.17-60 (An Ordinance Amending the Revenue Code of San Carlos City, Negros Occidental).

Prior to the issuance of a permit, the pedicab shall be inspected by the authorized staff of the Business Permit and Licensing Office (BPLO) and verified by the Office upon an independent inspection of its authorized staff. The inspection shall be made to determine the condition and fitness of the pedicab.

The City Mayor, may through the BPLO, upon the recommendation of the Office, suspend or revoke or cancel the permit when the pedicab is found to be:

- 1) Dirty or unsightly or unsanitary; or
- 2) Dilapidated or defective or in poor repair; or
- 3) Unsafe or improperly equipped

Section 45. - Operator's Duty. It shall be the duty of the pedicab operator or owner to:

- 1) Ensure and verify that the driver is duly licensed to drive, of good physical condition, and without derogatory record;
- 2) Keep a record of the driver assigned to a particularly pedicab unit; and
- 3) Obtain personal information of his driver such as the name, residence, and educational background.
- 4) Notify immediately the Office and the BPLO of any transfer in pedicab ownership except when it is for private use.

Section 46.- Pedicab driver. A person who drives a pedicab shall:

- 1) Be at least 18 years old but not more than 75;
- 2) Secure a medical certificate from the City Health Office to prove one's fitness to drive; and
- 3) Secure barangay clearance from his place of residence, and police clearance from the local PNP station.

Section 47. - Validity of License. Unless revoked, cancelled or suspended, a pedicab driver's license or permit shall be valid for one (1) year from the date of issue.

Section 48. - Fare . The pedicab fare shall be based on the recently amended ordinance on fare rates. The table of fares shall be posted conspicuously at the vehicle and on any public places like the public transport terminal, the public market and at the city port.

Section. 49. - Registration. No pedicabs, either for public or private use, shall be allowed to be operated or used within the territorial jurisdiction of San Carlos City, or at any designated place as may be deemed proper, without prior registration. The registration shall reflect the following:

1. The use of the pedicab either as public utility or private use;
2. The name of the operator or owner and place of residence;
3. The year of registry and its expiry, and the registration number;
4. The name of the vendor and the vendee, where the pedicab is sold on installment

Section 50. - Gadgets and Paraphernalia. All pedicabs for hire shall have the following equipment installed thereon:

1. proper lighting and reflector device on the front and rear of the pedicab;
2. suitable warning device except siren;
3. plate number visibly displayed
4. schedule of fare rate visibly posted, and
5. suitable cover for passengers from sun or rain exposure

Section 51. - Violation. The following acts are hereby declared prohibited and appropriate penalties or fines therefore are imposed for the violation:

1. **Wrong Parking.** No pedicab of any kind and use shall be permitted to park at any time as follows:
 - (a) within six (6) meters at any intersection;
 - (b) within six (6) meters from the curb or edge;
 - (c) in a manner constituting double parking;

- (d) facing the wrong direction;
- (e) in a designated loading or unloading area or zone;
- (f) in a posted "No Parking" area by signs and lines, and
- (g) within two (2) meters from a fire hydrant;
- (h) in a manner constricting the writer of the road or making it impossible

2. **Traffic Obstruction.** The following acts constitute obstruction:

- (a) obstructing or blocking vehicular or pedestrian traffic
 - (b) obstructing a crosswalk;
 - (c) (c)obstructing or blocking a garage or driveway of a house or building,
 - (d) driving at unreasonably slow or irregular speed in a manner that impedes the passage of vehicle or the traffic flow.
 - (e) obstructing, blocking or tailing emergency vehicles in operation.
3. **Counterflow.** Driving, moving or going against the flow of traffic or against "one-way traffic" direction;
4. **Driving of Unregistered Pedicab.** Actual driving of a pedicab without any valid registration with the BPLO.
5. **Driving Without Permit.** Driving of pedicab for hire without any valid permit or license to drive from the BPLO.
6. **Allowing or Tolerating Unregistered Pedicab to be Driven.** The owner of the unregistered pedicab shall be presumed to have consented or permitted the use of the pedicab when it is driven by another;
7. **Allowing or Tolerating Unlicensed Driver to Drive.** The owner of the vehicle shall be presumed to have consented or permitted the use of the vehicle knowing that the driver is not licensed to drive, or one's license or permit has in fact been cancelled or revoked.
8. **Failure to Carry License or Permit to Drive.** It shall be unlawful to drive a pedicab when not in possession of a valid license or permit to drive;
9. **Overloading.** It shall be unlawful for a driver of a pedicab to carry more than three passengers;
10. **Overcharging of Fare.** It shall be unlawful for a driver to charge fare more than what is authorized by law or ordinance. However, a fare may be arranged, mutually but not in a manner as to render the fare unconscionable or unreasonably excessive.
11. **Unreasonable Refusal to Convey Passenger or Cargo.** No driver of pedicab shall, without justifiable reason or valid cause, refuse to convey any passenger or cargo.
12. **Undue Preference, or Just or Unreasonable Discrimination Against Passenger.** It shall be unlawful for a driver of pedicab to give preference to passenger over another or to discriminate one due to a higher fare or other consideration.
13. **Driving Under the Influence of Liquor or Illegal Drugs.** No person shall drive a pedicab while under the influence of liquor, wine and alcoholic beverages or illegal drug penalized under RA No. 9165.
14. **No headlight, side mirrors and reflectorized sticker –** No person shall drive a pedicab with no headlight and reflectorized sticker at the back.
15. **Driving half-naked or with sleeveless shirt –** No person shall drive a pedicab half-naked or with sleeveless shirt.

CHAPTER VII **MOTORCYCLE**

Section 52.- Motorcycle. Refers to a two-wheeled or three-wheel automotive vehicle using fuel and/or electricity, whereas a bicycle is a two-wheeled vehicle propelled by muscular power.

Section 53. - Coverage. These provisions of the ordinance shall cover motorcycles and bicycles of all kinds and types moving or passing through the city streets, roads and highways.

Section 54. - Regulation of Muffler. The use of muffler as a device on motorcycle exhaust to deaden noise shall be regulated to prevent, minimize, or abate noise pollution amounting to a public nuisance. Therefore, no person shall drive any motorcycle with a defective, dilapidated, worn-out, or modified muffler **with sound booster** or any device that produce noise or increase the level of unnecessary sound which annoy, disturb, distract, or offend the senses thereby affecting public health, public safety and peace.

Section 55. - Impoundment. Any motorcycle or motorcycle-driven cab that is fitted with a vexatious muffler as provided shall be impounded and it shall be released or returned to the owner upon presentation of proof of ownership or possession and after payment of the proper penalty in accordance with Section 12 of this ordinance.

Section 56. - Violation. Not excluding applicable violations mentioned in the preceding chapters of this Ordinance, the following acts are hereby declared prohibited and appropriate penalties or fines therefor are imposed for the violation:

- (1) **(Vexatious muffler.)** No person shall drive a motorcycle that is fitted with a muffler that produces or emits loud or irritating or annoying sound, regardless whether the muffler is original, modified, altered, dilapidated, or defective.

A muffler shall be deemed modified or altered when it has changed its form, character or function, or varies from its intended purpose; provided, that a sound booster and other sound emitting device that increase the resultant sound or produce noise not otherwise intended shall constitute modified muffler.

- (2) **Allowing or tolerating motorcycle with vexatious muffler to be driven.** It shall be unlawful for an owner or apparent owner of a motorcycle to allow or tolerate the use of his motorcycle knowing that it has a defective, dilapidated, worn-out, or modified muffler.

Apparent owner is one who has the custody, possession or actual use of the motorcycle even when ownership is in the name of another person. The driver and the owner or apparent owner shall be separately liable for the violation

This prohibition shall also be applicable to a tricycle or motorcab, either for public or private use, which shall be subject to the same penalty or fine imposed for motorcycle under Chapter VI of this Ordinance.

- (3) **Wrong parking.** No motorcycle of any kind shall be permitted to park as follows:
 - (a) within six (6) meters at any intersection;
 - (b) within six (6) meters from the curb or edge;
 - (c) in a manner constituting double parking;
 - (d) facing the wrong direction;
 - (e) in a designated loading or unloading area or zone;
 - (f) in a posted "No Parking" area by signs and lines; and
 - (g) within two (2) meters from a fire hydrant
 - (h) in a manner constricting the width of the road or making it impossible.
- (4) **Traffic obstruction.** The following acts constitute obstruction:
 - (a) obstructing or blocking vehicular or pedestrian traffic;
 - (b) obstructing a crosswalk;
 - (c) obstructing or blocking a garage or driveway of a house or building;
 - (d) driving at unreasonably slow or irregular speed in a manner that impede the passage of vehicle or the traffic flow;

- (e) obstructing, blocking or tailing emergency vehicles in operation.
- (5) **Counterflow.** driving, moving, or going against the flow of traffic or against “one-way traffic” direction;
- (6) **Driving without license.** Actually driving a motorcycle without a valid driver’s license issued by the Land Transportation Office. It shall be deemed “driving without license” when the license is expired or cancelled or revoked by said agency;
- (7) **Driving of unregistered motorcycle.** Actually driving a motorcycle without any valid registration with the Land Transportation Office or such registration has in fact been canceled or revoked.
- (8) **Allowing or tolerating unregistered motorcycle to be driven.** The owner of the unregistered vehicle shall be presumed to have consented or permitted the use of the vehicle when it is driven by another, unless proven otherwise.
- (9) **Allowing or tolerating unlicensed driver to drive.** The owner of the vehicle shall be presumed to have consented or permitted the use of the vehicle knowing that the driver is not licensed to drive, or one’s license has in fact been cancelled or revoked. The owner or operator is obliged to verify that the driver has a valid license to drive.
- (10) **Failure to carry driver’s license.** It shall be unlawful to drive a motor vehicle when not in possession of a valid driver’s license;
- (11) **Reckless driving.** It shall be unlawful to drive any motorcycle on any highway, street, or road negligently or without reasonable caution considering the road and weather conditions, the time of a day or night, visibility and other consideration so as to endanger the property or the safety of any person;
- (12) **Racing without permit.** It shall be unlawful for any person to engage in a contest of speed involving motorcycle, with or without a price consideration, on any highways, street, or road at any particular time without a permit by the city government; provided, that the vehicle used in racing shall be impound, and shall be released or returned to the owner upon payment of the penalty or fine, unless the claimant is not the owner or fails to show proof of ownership or possession.
- (13) **Overspeeding.** No person shall drive or operate a motorcycle at a speed exceeding the speed limit authorized by this ordinance or rules or regulations, or at the speed faster than what is reasonable and proper taking into consideration the traffic condition and other factors as what a prudent and cautious driver would do.
- (14) **Driving under the influence of liquor or illegal drugs.** No person shall drive a motorcycle while under the influence of liquor, wine and alcoholic beverages or illegal drugs penalized under RA No. 9165.
- (15) **No headlight, taillights signal lights and side mirrors** – No person shall drive a motorcycle with no headlight, taillights, signal lights and side mirrors.
- (16) **Driving half-naked** – No person shall be allowed to drive a motorcycle half-naked.

CHAPTER VIII **ONE WAY TRAFFIC STREETS**

Section 57.- The following portion of the streets and the flow of vehicular traffic shall be as follows:

- A. Gustilo St. shall be one-way traffic starting from Cor. Carmona St. with the traffic flow direction of going to and ending at Locsin St. only, from 7 a.m. to 7 p.m. daily.

- B. Locsin St. shall be one-way traffic starting from Cor. Gustilo St. with the traffic flow direction of going to and ending at Broce St., in all days of the week from 7 a.m. to 7 p.m.
- C. Valdevia /Medina St. shall be one-way traffic starting from Cor. Carmona St. with the traffic flow direction of going to and ending at Gustilo St. from 7 a.m. to 7 p.m. daily.
- D. Azcona St. shall be one-way traffic during school days starting from corner Broce St. with the traffic flow direction going to and ending at corner Gustilo St. from 11 a.m. to 1 p.m. and 4 p.m. to 6 p.m.
- E. Broce St. shall be one-way traffic during school days starting from cor. Locsin St. with the traffic flow direction going to and ending at cor. Azcona St. from 11 a.m. to 1 p.m. and 4 p.m. to 6 p.m.
- F. Second main street at Fatima Village, Brgy. Rizal shall be one-way traffic serving as ingress/entrance of all vehicles and to exit at the first and last streets;

CHAPTER IX PARKING/NO PARKING

SECTION 58. - Parking – All parking of vehicle in the street mentioned in this ordinance shall be parallel parking except for motorcycle or bicycle whose parking position may be in diagonal or perpendicular position in area specially specified for motorcycle or bicycle parking only as maybe indicated by proper markings or parking signs.

Tricycles or motorcabs for hire when used privately by any member of the operator's or owner's family in the meantime and those registered for private use only shall be allowed to park in any parking area intended for four-wheeled motor vehicles, unless otherwise provided by ordinance or rules and regulation.

Tricycle/motorcabs shall be allowed to park on the streets surrounding the school during dismissal time from 11:00 AM to 12:30 PM and from 4:00 PM to 6:00 PM.

Parking in the following streets shall be:

A. ALONG GUSTILO ST. –

1. Parking along Gustilo St., between Carmona and Medina St., shall be left side parking only **for 4-wheeled vehicle and/or motorcycle only**.
2. Between corner Medina to corner Locsin St., both sides parking shall be allowed **for 4-wheeled vehicle and/or motorcycle only**.
3. From corner Locsin St. to V.M. Atienza Avenue, parking shall be allowed at the side street immediately adjoining the public plaza. The other side of said street shall be loading and unloading zone.

B. CARMONA ST. –

Along Carmona St. going to Broce St., the right side portion of the street shall be parking area for 4-wheeled vehicle and/or motorcycle only.

C. LOCSIN ST. –

Parking along Locsin St. from corner Gustilo St. to corner Broce St. which was declared in this ordinance as one-way street shall be left side parking only **for 4-wheeled vehicle and/or motorcycle only**. The other side of said street shall be loading and unloading zone.

D. J.A. SANTOS ST. (Caballero Subd.)

Parking along J.A. Santos St. from CL Ledesma Avenue (highway) to Broce St. shall be right side parking only to give way to Fire Trucks hauling water from Pump 2 in case of fire.

SECTION 59. – NO PARKING on roads/streets specified below:

- a. No parking shall be allowed at Valdevia St. from 7:00 a.m. to 7:00 p.m. except to load or unload;
- b. No parking to all forms of vehicles at along the stretch of the main National Highway lanes from Kalingling Bridge in the south up to Baticulan Bridge in the north at any time of the day or night, except to load or unload;
- c. No parking to all forms of vehicles at the 2nd main road of Fatima Village, Brgy. Rizal;
- d. No parking to all forms of vehicles at the main road and at the interior streets of Villa Consuelo, Brgy. Rizal;
- e. No parking to all forms of vehicle on roads/streets fronting business establishments and schools except those specified above;
- f. No parking to all forms of vehicles within 6 meters on both sides from the corner or curb of the streets.

**CHAPTER X
PENALTIES**

Section 60. Motor Vehicle. There shall be imposed penalty or fine for the following violations:

(1) Wrong parking

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(2) Traffic obstruction

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(3) Counterflow

1 st Offense	₱ 1,000.00
2 nd Offense	2,000.00
3 rd Offense	3,500.00

(4) Driving without license

1 st Offense	₱ 1,000.00
2 nd Offense	2,000.00
3 rd Offense	3,000.00

Provided: The motor vehicle shall be impounded as an accessory penalty for the offense.

(5) Driving of unregistered motor vehicle

1 st Offense	₱ 1,000.00
2 nd Offense	2,000.00
3 rd Offense	3,000.00

Provided: The motor vehicle shall be impounded and the key shall be confiscated as an accessory penalty for the offense.

(6) Allowing or tolerating unregistered vehicle to be driven

1 st Offense	₱ 1,000.00
2 nd Offense	2,000.00
3 rd Offense	3,000.00

Provided: The motor vehicle shall be impounded and the key shall be confiscated as an accessory penalty for the offense.

(7) **Allowing or tolerating unlicensed driver to drive**

1 st Offense	₱ 1,000.00
2 nd Offense	2,000.00
3 rd Offense	3,000.00

Provided: The motor vehicle shall be impounded and the key shall be confiscated as an accessory penalty for the offense.

(8) **Failure to carry driver's license**

1 st Offense	₱300.00
2 nd Offense	400.00
3 rd Offense	500.00

(9) **Overloading**

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(10) **Reckless driving**

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

Provided: The motor vehicle shall be impounded and the key shall be confiscated as an accessory penalty for the offense.

(11) **Racing without permit**

1 st Offense	₱ 1,000.00
2 nd Offense	2,000.00
3 rd Offense	3,000.00

Provided: The motor vehicle shall be impounded and the key shall be confiscated as an accessory penalty for the offense.

(12) **Unreasonable refusal to convey passenger or cargo**

1 st Offense	₱ 300.00
2 nd Offense	500.00
3 rd Offense	1,000.00

(13) **Undue preference, or unjust or unreasonable discrimination against passenger.**

1 st Offense	₱ 300.00
2 nd Offense	500.00
3 rd Offense	1,000.00

(14) **Overcharging of fare**

1 st Offense	₱ 300.00
2 nd Offense	500.00
3 rd Offense	1,000.00

(15) **Forcing or causing a driver or operator not o convey passenger or cargo**

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(16) Allowing passenger on top or cover of a vehicle

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(17) Permitting passenger to ride on running board, stepboard, or mudguard of motor vehicle

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(18) Hitching to a vehicle

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(19) Overspeeding

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(20) Driving under the influence of liquor or illegal drugs

1 st Offense	₱ 1,500.00
2 nd Offense	2,500.00
3 rd Offense	5,000.00

(21) No headlights, taillights, signal lights and side mirrors

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

Section 61. Tricycle or motorcab. There shall be imposed penalty for the following violations:

(1) Wrong parking

1 st Offense	₱ 300.00
2 nd Offense	500.00
3 rd Offense	1,000.00

(2) Traffic obstruction

1 st Offense	₱ 300.00
2 nd Offense	500.00
3 rd Offense	1,000.00

(3) Counterflow

1 st Offense	₱ 1,000.00
2 nd Offense	2,000.00
3 rd Offense	3,000.00

(4) Driving without license

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

Provided: The motor vehicle shall be impounded and the key shall be confiscated as an accessory penalty on any offense. On the third offense, the penalty of cancellation of franchise or license to operate shall be imposed.

(5) Driving of unregistered tricycle or motorcab

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

Provided: The motor vehicle shall be impounded and the key shall be confiscated as an accessory penalty on any offense. On the third offense, the penalty of cancellation of franchise or license to operate shall be imposed.

(6) Allowing or tolerating unregistered vehicle to be driven

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

Provided: The motor vehicle shall be impounded and the key shall be confiscated as an accessory penalty on any offense. On the third offense, the penalty of cancellation of franchise or license to operate shall be imposed.

(7) Allowing or tolerating unlicensed driver to drive

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(8) Failure to carry driver's license

1 st Offense	₱ 300.00
2 nd Offense	500.00
3 rd Offense	1,000.00

(9) Overloading

1 st Offense	₱ 300.00
2 nd Offense	500.00
3 rd Offense	1,000.00

(10) Reckless Driving

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(11) Racing without permit

1 st Offense	₱ 1,500.00
2 nd Offense	2,000.00
3 rd Offense	3,000.00

(12) Unreasonable refusal, or unjust or unreasonable discrimination against passenger

1 st Offense	₱ 300.00
2 nd Offense	500.00
3 rd Offense	1,000.00

(13) Undue preference, or unjust or unreasonable discrimination against passenger.

1 st Offense	₱ 300.00
2 nd Offense	500.00
3 rd Offense	1,000.00

(14) Overcharging of fare

1 st Offense	₱ 300.00
2 nd Offense	500.00
3 rd Offense	1,000.00

(15) Forcing or causing a driver or operator not to convey passenger or cargo

1 st Offense	₱ 300.00
2 nd Offense	500.00
3 rd Offense	1,000.00

(16) Allowing passenger on top or cover of a vehicle

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(17) Permitting passenger to ride on running board, stepboard or mudguard

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(18) Hitching to a tricycle or motorcab

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(19) Overspeeding

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(20) Driving under the influence of liquor or Illegal drugs

1 st Offense	₱ 1,000.00
2 nd Offense	2,000.00
3 rd Offense	3,000.00

(21) No headlight, taillights and left side mirror

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(22) Driving half-naked or with sleeveless shirt

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

Section 62. - Pedicab. There shall be imposed penalty for the following violations:

(1) Wrong parking

1 st Offense	₱ 100.00
2 nd Offense	200.00
3 rd Offense	300.00

(2) Traffic obstruction

1 st Offense	₱ 100.00
2 nd Offense	200.00
3 rd Offense	300.00

(3) Counterflow

1 st Offense	₱ 100.00
2 nd Offense	200.00
3 rd Offense	300.00

(4) Driving of unregistered pedicab

1 st Offense	₱ 100.00
2 nd Offense	200.00
3 rd Offense	300.00

(5) Driving without permit

1 st Offense	₱ 100.00
2 nd Offense	200.00
3 rd Offense	300.00

(6) Allowing or tolerating unregistered pedicab to be driven

1 st Offense	₱ 100.00
2 nd Offense	200.00
3 rd Offense	300.00

(7) Allowing or tolerating unlicensed driver to drive

1 st Offense	₱ 100.00
2 nd Offense	200.00
3 rd Offense	300.00

(8) Failure to carry license or permit to drive

1 st Offense	₱ 100.00
2 nd Offense	200.00
3 rd Offense	300.00

(9) Overloading

1 st Offense	₱ 100.00
2 nd Offense	200.00
3 rd Offense	300.00

(10) Overcharging of fare

1 st Offense	₱ 100.00
2 nd Offense	200.00
3 rd Offense	300.00

(11) Unreasonable refusal to convey passenger or cargo

1 st Offense	₱ 100.00
2 nd Offense	200.00
3 rd Offense	300.00

(12) Undue preference, or just or unreasonable discrimination against passenger

1 st Offense	₱ 100.00
2 nd Offense	200.00
3 rd Offense	300.00

(13) Driving under the influence of liquor or illegal drugs

1 st Offense	₱ 100.00
2 nd Offense	300.00
3 rd Offense	500.00

(14) No headlight and reflectorized sticker at the back

1 st Offense	₱ 100.00
2 nd Offense	300.00
3 rd Offense	500.00

(15) Driving half-naked or with sleeveless shirt

1 st Offense	₱ 100.00
2 nd Offense	300.00
3 rd Offense	500.00

Section 63. - Motorcycle. There shall be imposed penalty for the following violations:

(1) Vexatious muffler

1 st Offense	₱ 3,000.00
2 nd Offense	4,000.00
3 rd Offense	5,000.00

Provided: The motorcycle shall be impounded and the key shall be confiscated as an accessory penalty for the offense.

(2) Allowing or tolerating motorcycle with vexatious muffler to be driven

1 st Offense	₱ 3,000.00
2 nd Offense	4,000.00
3 rd Offense	5,000.00

Provided: The motorcycle shall be impounded and the key shall be confiscated as an accessory penalty for the offense.

(3) Wrong Parking

1 st Offense	₱ 300.00
2 nd Offense	500.00
3 rd Offense	1,000.00

(4) Traffic Obstruction

1 st Offense	₱ 300.00
2 nd Offense	500.00
3 rd Offense	1,000.00

(5) Counterflow

1 st Offense	₱ 1,000.00
2 nd Offense	2,000.00
3 rd Offense	3,000.00

(6) Driving without license

1 st Offense	₱ 1,000.00
2 nd Offense	1,500.00
3 rd Offense	2,000.00

Provided: The motorcycle shall be impounded and the key shall be confiscated as an accessory penalty for the offense.

(7) Driving of unregistered motorcycle

1 st Offense	₱ 500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

Provided: The motor vehicle shall be impounded and the key shall be confiscated as an accessory penalty for the offense.

(8) Allowing or tolerating unregistered motorcycle to be driven

1 st Offense	₱ 1,000.00
2 nd Offense	1,500.00
3 rd Offense	2,000.00

Provided: The motor vehicle shall be impounded and the key shall be confiscated as an accessory penalty for the offense.

(9) Allowing or tolerating unlicensed driver to drive

1 st Offense	₱ 1,000.00
2 nd Offense	1,500.00
3 rd Offense	2,000.00

Provided: The motor vehicle shall be impounded and the key shall be confiscated as an accessory penalty for the offense.

(10) **Failure to carry driver's license**

1 st Offense	₱300.00
2 nd Offense	400.00
3 rd Offense	500.00

Provided: The motor vehicle shall be impounded and the key shall be confiscated as an accessory penalty for the offense.

(11) **Reckless Driving**

1 st Offense	₱500.00
2 nd Offense	1,000.00
3 rd Offense	2,000.00

(12) **Racing without permit**

1 st Offense	₱1,500.00
2 nd Offense	2,000.00
3 rd Offense	3,000.00

(13) **Over speeding**

1 st Offense	₱500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(14) **Driving under the influence of liquor or illegal drugs**

1 st Offense	₱1,000.00
2 nd Offense	2,000.00
3 rd Offense	3,000.00

(15) **No headlight, taillights, signal lights and side mirrors**

1 st Offense	₱500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

(16) **Driving half-naked**

1 st Offense	₱500.00
2 nd Offense	1,000.00
3 rd Offense	1,500.00

CHAPTER XI TRANSITORY PROVISIONS

Section 64. - Application of Pertinent Ordinances. All ordinances relating to traffic and/or motor vehicles, tricycles or motorcycles, pedicabs or bicycles shall be applicable and enforceable after the effectivity of this ordinance and prior to the creation and actual discharge of functions of the Traffic Management Office.

Section 65. - Existing Official Functions. The existing official functions of the Traffic Management Authority as well as its personnel, including the traffic enforcers, the functions discharged and liabilities or obligations incurred prior to the effectivity of this ordinance shall be enforceable, unless expressly terminated or extinguished by this ordinance or subsequent amendatory ordinance and by its promulgated rules or regulations.

Section 66. - Formulation of Implementing Rules and Regulations. Within Six (6) months after the approval and effectivity of this Ordinance, the City Mayor shall organize the Traffic Management Office, implement its own organizational structure and staffing pattern subject to the minimum standards and guidelines prescribed by the Civil Service Commission; provided, that within six

(6) months after the actual organization the City Mayor shall fill up the vacant created positions of the Office by qualified, competent and eligible personnel, and to train and re-train existing and prospective traffic enforcer.

CHAPTER XII FINAL PROVISIONS

Section 67. - Repealing clause. All ordinances, rules and regulations or parts thereof in conflict or inconsistent with, or in contravention of this Ordinance, are hereby repealed, amended or modified accordingly.

Section 68. - Separability Clause. If, for any reason or reasons, any part or provision of this ordinance is held unconstitutional or invalid by the court of competent jurisdiction, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 69.- Effectivity Clause. This Ordinance shall take effect after its publication in a newspaper of general circulation and after copies of this Ordinance shall have been posted for ten (10) calendar days in the bulletin board at the entrance of the City Hall building and in at least two (2) conspicuous places in the public market and the public transport terminal.

ENACTED: **October 17, 2019** by the affirmative votes of Hons. Valmayor, Gustilo, Villarante, Yap, Maisog, Cui, Ongtiaobok, Hidalgo, Hinolan and Bacurnay.

X-----X

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 October 17, 2019.

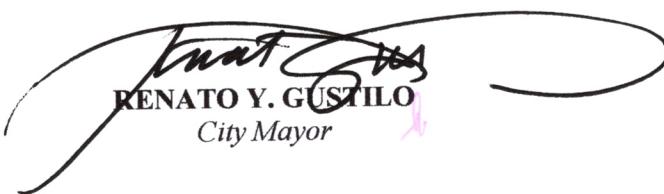
For and in the absence of the SP Secretary


BARBARA A. CAMPO
Local Legislative Staff Officer V

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


CHRISTOPHER PAUL S. CARMONA
Vice Mayor/Presiding Officer

APPROVED on 30 OCT 2019, 2019


RENATO Y. GUSTILO
City Mayor