



Republic of the Philippines
Province of Laguna
MUNICIPALITY OF LOS BAÑOS
Special Science and Nature City
OFFICE OF THE SANGGUNIANG BAYAN
Municipal Hall, National Highway, Brgy. Timugan,
Los Baños, Laguna 4030 Philippines
Email: losbaños@laguna.net

EXCERPTS FROM THE MINUTES OF THE TWENTY - NINTH (29TH) REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD ON AUGUST 2, 2021 AT THE SANGGUNIANG BAYAN SESSION HALL, NATIONAL HIGHWAY, BRGY. TIMUGAN, LOS BAÑOS, LAGUNA.

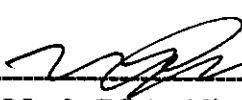
Present : Vice Mayor Josephine H. Sumangil - Evangelista, Presiding Officer
S.B. Member Miko C. Pelegrina
S.B. Member Janos S. Lapiz
S.B. Member Geronimo A. Ciceron
S.B. Member Marlo PJ A. Alipon
S.B. Member Mike Dexter A. Concio
S.B. Member Mark Lester B. Dizon
S.B. Member Cris Dayril B. Bagnes
S.B. Member Rodora P. Loares
S.B Member Arlene P. delos Santos, Liga President
Secretary Dona T. Alborida
Ms. Felomina I. Lincallo, LLSO I

Absent : S.B. Member Jozlyn N. Manansala, SK Fed. President, (O.B.)

Visitor : None

ORDINANCE NO. 2021-2177

ORDINANCE GRANTING SPECIAL FRANCHISE TO QUALIFIED BENEFICIARIES OF THE E-TRIKE PROJECT IN THE MUNICIPALITY OF LOS BAÑOS FOR A PERIOD OF THREE (3) MONTHS.


Author : **Councilor Marlo PJ A. Alipon, REE, RMP, MPA**

WHEREAS, municipalities and cities, through their respective sanggunians, are granted the power to regulate the operation of tricycles and grant franchises within their respective jurisdictions subject to the guidelines prescribed by the Department of Transportation and Communication (DOTC) pursuant to Sections 447 (3) (vi) and 458 (3) (vi) of the Local Government Code of 1991;

WHEREAS, the Sangguniang Bayan of Los Baños enacted Municipal Ordinance 2011-1082 dated October 17, 2011 entitled "New Municipal Ordinance on the Franchise and Operation of Motorized Tricycles in Los Baños, Laguna to be known as the "New Ordinance for Tricycles in the Municipality of Los Baños"/ *Bagong Kautusang Pambayan na Nagasaad ng Pagpapaprangkisa at Pamamahala ng Operasyon sa Lahat ng Traysikel na may Motor sa Bayan ng Los Baños, Laguna na Tatawaging "Bagong Ordinansa para sa mga Traysikel sa Bayan ng Los Baños"*;

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WHEREAS, Ordinance No. 2011-1082 and Executive Order No. 149 Series of 2019 both state the powers and functions of the Municipal Tricycle Pedicab Franchising and Regulatory Board (MTPFRB) as a policy making body and define the Tricycle Regulatory Unit (TRU) as the implementing body of the Board under the management and supervision of the Office of the Municipal Mayor;

WHEREAS, the Municipality of Los Baños is a participant of a project anchored on electric-driven vehicles which shall be under the direct supervision of the Mayor through the TRU;

WHEREAS, the Sangguniang Bayan approved a number of Resolutions with regard to the adoption of the Department of Energy's E-Trike Project in the municipality since 2019, to wit:

- a) Resolution No. 2019-01 dated January 7, 2019 entitled "Resolution requesting fifty (50) units of electric tricycles (E-Trikes) from the Department of Energy (DOE) for the Municipality of Los Baños, Laguna";
- b) Resolution No. 2019-08 dated January 14, 2019 entitled "Resolution authorizing the Honorable Mayor, Caesar P. Perez, to implement an E-Trike Project within the municipality with the principal objective of achieving cleaner environment and to contribute to national energy security";
- c) Resolution No. 2019-09 dated January 14, 2019, entitled "Resolution authorizing the Honorable Mayor, Caesar P. Perez, to enter into and sign a deed of donation for and in behalf of the Municipality of Los Baños as Donee with the Department of Energy (DOE) as Donor of the fifty (50) units of Electric Tricycles (E-Trikes) in connection with the implementation of an E-Trike Project within the municipality";
- d) Resolution No. 2020-23 dated January 24, 2020, entitled "Resolution approving and adopting MTPFRB Resolution No. 2020-02 dated January 17, 2020, 'Resolution Granting Temporary Permit to Operate to Recipients of the E-Trike Project in the Municipality of Los Baños for a period of three (3) months';
- e) Resolution No. 2020-50 dated February 24, 2020, entitled "Resolution authorizing the Honorable Mayor, Caesar P. Perez, to enter into and sign in behalf of the Municipal Government of Los Baños in a Memorandum of Agreement (MOA) with qualified E-Trike Beneficiaries under the Department of Energy (DOE) E-Trike Project";

WHEREAS, the DOE E-Trike project beneficiaries were screened pursuant to the conditions set forth in the E-Trike Deployment Plan of the Municipality of Los Baños. Twenty-two (22) Tricycle Operators' and Drivers' Association (TODA) Presidents qualified as beneficiaries of the said project;

WHEREAS, on March 9, 2020, Ordinance No. 2020-1986 entitled "An Ordinance Governing the Operation of the E-Trikes in the Municipality of Los Baños, Laguna and Providing Guidelines Thereto", also known as the "E-Trike Ordinance of Los Baños" was enacted by the Sangguniang Bayan;

WHEREAS, Section 4 of Said Ordinance states the provision for the E-Trike Franchise Grant:

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"Section 4. E-Trike Franchise Grant. E-Trike operation is hereby allowed within the territorial jurisdiction of the Municipality of Los Baños. For the purpose of the implementation of the Department of Energy (DOE) E-Trike Project, thirty-five (35) units of three-wheeled electric power driven vehicle or e-trike shall utilize the existing franchises previously granted to gasoline-fed tricycle owner who qualified as beneficiary under the E-Trike Project. Provided, that should there be cancellation of franchises previously granted, replacement thereof shall give preference to E-trike units. Provided further, that no additional franchise shall be issued in favor of any gasoline-fed tricycle as of the date of effectivity of this ordinance. Provided finally, that the voluntary conversion to e-trike is hereby allowed and encouraged.";

WHEREAS, in compliance with the DILG issuances on the regulation of tricycle operations on national highways and with due consideration to appeals from JODAs, the Board agreed to prohibit operation of E-Trikes on national roads of the municipality. Accordingly, the Board recommends for the deployment of said units to "Route B" as provided in the "Los Baños Project E-Trike Deployment Plan. On July 16, 2021, the Board approved Resolution No. 2021-03 for the said recommendations;

WHEREAS, MTPFRB Resolution No. 2021-03 also states that the TRU was tasked for a one-month evaluation of the operation of E-Trikes along "Route B". Factors to be evaluated shall include the change in monthly income, remittance of boundary fees of tricycle operators, among others;

WHEREAS, in view of the foregoing, the Board agreed to recommend to the Sangguniang Bayan to grant special franchise to qualified beneficiaries of the E-Trike Project which will give them permit to operate along "Route B" for the period of three (3) months through Resolution No. 2021-04. It was endorsed to the Sangguniang Bayan for appropriate action;

WHEREAS, after review and deliberation, the Sangguniang Bayan agreed to grant special franchise to qualified beneficiaries of the E-Trike Project for a period of three (3) months;

NOW, THEREFORE, on motion of Councilor Marlo PJ A. Alipon, duly seconded by Councilor Mark Lester B. Dizon concurred by all Councilors present;

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF LOS BAÑOS, LAGUNA, in session assembled, THAT:

SECTION 1. TITLE. This Ordinance is entitled as "Ordinance Granting Special Franchise to Qualified Beneficiaries of the E-Trike Project in the Municipality of Los Baños for a Period of Three (3) Months".

SECTION 2. DEFINITION OF TERMS. As used in this Ordinance:

- a) **E-Trike** – a three-wheeled electric power driven vehicle
- b) **Beneficiaries** – members of Los Baños TODA Federation who are recipients of the DOE E-Trike Project in the municipality

SECTION 3. **GRANT OF SPECIAL FRANCHISE.** Special Franchise is hereby granted to qualified beneficiaries of the E-Trike Project in the Municipality of Los Baños for a period of three (3) months.

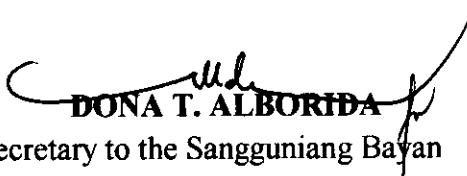
SECTION 4. **REPEALING CLAUSE.** All ordinances, rules and regulations or parts not consistent with any provision of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 5. **SEPARABILITY CLAUSE.** If, for any reasons, any part or provision of this Ordinance shall be declared unconstitutional or invalid by the court, or suspended or revoked by competent authorities, other parts or the provisions thereof which are not affected thereby shall continue to be full force and effect.

SECTION 6. **EFFECTIVITY.** This Ordinance shall take force and effect upon approval.

ENACTED : August 2, 2021

I HEREBY CERTIFY to the correctness of the above-quoted Ordinance.



DONA T. ALBORIDA

Secretary to the Sangguniang Bayan

CERTIFIED ENACTED:

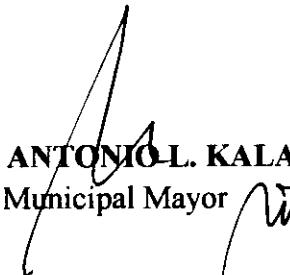


HON. JOSEPHINE H. SUMANGIL-EVANGELISTA

Municipal Vice Mayor / Presiding Officer

APPROVED:

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HON. ANTONIO L. KALAW
Municipal Mayor