

TANGGAPAN NG SANGGUNIANG BAYAN  
31<sup>st</sup> REGULAR SESSION  
September 3, 2014

**RESOLUTION NO. 251-14**

Authored and Sponsored by: **HON. ALVIN REY C. ALMENDRAS**

Co-Sponsored by: Hon. Fernando C. Ugdoracion  
Hon. Alan B. Angub  
Hon. Lolita P. Legaspi  
Hon. Ronald R. Cruda  
Hon. Jaime G. Lao, Jr.  
Hon. Michelle O. Orpilla  
Hon. Carolino A. Ruiz

**ENACTING AN ORDINANCE ESTABLISHING UNIFORM BODY COLOR OF ALL TRICYCLE-FOR-HIRE PLYING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF STA. CRUZ, PROVINCE OF DAVAO DEL SUR AND PRESCRIBING PENALTIES THEREOF**

**WHEREAS**, a progressive town like Sta. Cruz is dependent upon the existence of a balance, adequate and efficient transportation system that includes the tricycle for hire in its day to day economy being a developing municipality.

**WHEREAS**, the Sangguniang Bayan, in realizing the restructuring of the routing system, needs to impose the uniform body color of tricycle-for-hire in order to ensure smooth operation and uniformity of tricycles plying within the municipality;

**WHEREAS**, it is also the purpose of this uniform body color of tricycle-for-hire in the municipality to have an identity, ownership of color, originality of design, aesthetic desirability that will reduce the existence of colorums or MCH without a franchise;

**WHEREFORE**, on motion of Hon. Alvin Rey C. Almendras, unanimously seconded by the members present, it was

**RESOLVED**, as it is hereby resolved by the Sangguniang Bayan of Sta. Cruz, Davao del Sur, assembled in session to enact the following:

**MUNICIPAL ORDINANCE NO. 10**

Series of 2014

**ESTABLISHING UNIFORM BODY COLOR OF ALL TRICYCLE-FOR-HIRE PLYING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF STA. CRUZ, PROVINCE OF DAVAO DEL SUR AND PRESCRIBING PENALTIES THEREOF**

Be it ordained by the Sangguniang Bayan of Sta. Cruz, Davao del Sur, in session assembled that:

**SECTION 1 - TITLE.** This ordinance shall be known and referred to as “**An Ordinance Establishing Uniform Body Color of all Tricycle-for-Hire plying within the territorial jurisdiction of the Municipality of Sta. Cruz and Prescribing penalties thereof**”.

**SECTION 2 - DEFINITION OF TERMS.** For purposes of this ordinance, the following terms shall be defined:

- a.) Tricycle for hire – is a motor vehicle composed of a single motorcycle fitted with a sidecar or a motorcycle fitted with one wheel cab or center cab fitted with two-wheel tire operated by a franchise grantee to render transport services to the general public for a fee.
- b.) Franchise – it is a privilege granted to an individual for an authority to operate a motorized tricycle for hire under a prescribed route or within a prescribed route.
- c.) Motorized Tricycle Operator’s Permit or MTOP – is the proper document granting franchise or license to operate a motorized tricycle issued by the Municipal Franchising Regulatory Board to a person natural or judicial, allowing him to operate the same for hire in a route specified therein. The person authorized is called Franchise Grantee.
- d.) Route – under this ordinance, is defined as that distance travelled by a tricycle-for-hire from a point of origin to a fixed point of destination and vice-versa.
- e.) Terminal – within the context of this ordinance, it is a designated area by proper authorities located inside the municipality where motorcycle-for-hire waits and load/unload its passengers and its cargoes.
- f.) Zone – is a contiguous land area or block, say subdivision or Barangay where a tricycle-for-hire may operate without a fixed origin or destination.
- g.) Uniform Body Color– refers to designated color of motor vehicle plying within the territorial jurisdiction of Sta. Cruz.
- h.) Juridical entity–an entity, as a firm, that is not a single natural person, as a human being, authorized by law with duties and rights, recognized as a legal authority having a distinct identity, a legal personality.
- i.) Natural person – a real/living human being, whether an adult or child, as distinguished from a corporation which is often treated at law as a fictitious person.
- j.) Citation ticket – tickets issued by the apprehending officer to violators of this ordinance.
- k.) Operator – the owner of the tricycle unit and the franchisee.

**SECTION 3 - PROCEDURE ON THE ENFORCEMENT OF THE UNIFORM BODY COLOR.** A uniform color shall be designated to all motorcycle-for-hire (MCH) plying their routes within the jurisdiction of Sta. Cruz

- a.) Designated color of each tricycle for hire in the municipality shall be distinguished by its uniform body color “**ORANGE**” which shall be painted by the owner/operator of the vehicle.
- b.) Franchise case number should be legibly printed in bold black letters (3/4 inch x 5 inches) in the body of the tricycle including the name and address of the operator and the capacity of passengers.

**SECTION 4 - PROHIBITIONS.** The following constitute prohibitions in the operation of the motorcycle-for-hire:

- a.) Stickers, paintings and other adornments that hamper the proper viewing of the distinctions of the motor vehicles particularly the name and address of the operator and passenger’s capacity.

b.) Lewd designs, markings and drawings in the tricycle.

**SECTION 5 - PENAL PROVISIONS.** Violations committed relative to the implementation of this ordinance shall be penalized in the following manner:

a. Any operator (natural or juridical) who violated the prescribed body color of the tricycle as stipulated in Section 3 of this ordinance shall be meted with the following penalties:

- a.1 First Offense – a fine of Five Hundred Pesos (P 500.00)
- a.2 Second Offense – a fine of One Thousand Five Hundred Pesos (P 1,500.00)
- a.3 Third Offense – a fine of Two Thousand Five Hundred Pesos (P2,500.00) and revocation of franchise

b. Any operator(natural or juridical) who violated other provisions of this ordinance shall be meted with the following penalties:

- b.1 First offense – a fine of Five Hundred Pesos (P500.00)
- b.2 Second offense – a fine of One Thousand Pesos (P1,000.00)
- b.3 Third offense - a fine of Two Thousand Five Hundred Pesos (P2,500.00)

**SECTION 6 - CREATION OF TASK FORCE ON APPREHENSION OF TRICYCLE FOR HIRE TRAFFIC VIOLATORS.** A unit will be created to be recognized as “Task Force on Apprehending Tricycle-for-Hire Traffic Violators” and will be composed of the following:

- a. LTO Deputized PNP Traffic Officers
- b. Traffic Enforcers of Sta. Cruz duly deputized by the Local Chief Executive (LCE) assigned as traffic monitoring team.

**SECTION 7 - DUTIES AND RESPONSIBILITIES OF APPREHENDING OFFICERS/ PERSONNEL.** All duly deputized traffic enforcers on duty shall be assigned to take charge with the following:

- a. Monitoring/checking of any violations of this ordinance
- b. Apprehension of violators
- c. Issuance of citation tickets to violators
- d. On or before five (5) o’clock in the afternoon, all citation tickets shall be submitted to the Office of the Municipal Treasurer (MTO) and Business Permit and Licensing Office (BPLO)

e. Apprehending violators on public holidays, citation tickets shall be submitted to the Office of the Municipal Treasurer (MTO) and Business Permit and Licensing Office (BPLO) on the next working day.

**SECTION 8 - CITATION TICKET**

A. The violator of this ordinance in the tricycle shall be cited as follows:

- a.1 Address of Operator: \_\_\_\_\_ violator
- a.2 Franchise Case No. : \_\_\_\_\_ the Office of the Treasury
- a.3 Name of Driver : \_\_\_\_\_ of the Business Permit and

B. Citation shall be issued for the following violation(s) committed:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Amount Paid: \_\_\_\_\_

\_\_\_\_\_  
Name & Signature of  
Apprehending Officer/Personnel

**SECTION 9 - REPEALING CLAUSE.** All ordinances, resolution and executive orders or part/s thereof, which are inconsistent with any of the provisions of this ordinance, are hereby repealed or modified accordingly.

**SECTION 10 - SEPARABILITY CLAUSE.** If for any reason/s, any part or provisions of this ordinance shall be held unconstitutional or invalid, other part/s or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**SECTION 11 - EFFECTIVITY.** This ordinance shall take effect on October 1, 2014.

**UNANIMOUSLY APPROVED.**

CERTIFIED CORRECT:

**ELSA L. VILLAFLORES**  
Administrative Officer III  
Acting Secretary to the Sanggunian

ATTESTED:

**ALEXIS C. ALMENDRAS**  
Municipal Vice-Mayor  
(Presiding Officer)

APPROVED:

\_\_\_\_\_

**ATTY. JOEL RAY L. LOPEZ**  
Municipal Mayor