

Republic of the Philippines
Province of Negros Oriental
MUNICIPALITY OF MABINAY

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Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MABINAY, PROVINCE OF NEGROS ORIENTAL HELD AT THE SESSION HALL ON TUESDAY, DECEMBER 13, 2016.

PRESENT:

Hon. Enozario T. Baldoza,	... Municipal Vice-Mayor,
Hon. Joeterry A. Uy,	... Municipal Councilor,
Hon. Irene Y. Baldoza,	... Municipal Councilor,
Hon. Rutillo A. Cabusog,	... Municipal Councilor,
Hon. Odon M. Cueco,	... Municipal Councilor,
Hon. Elan N. Cadayday,	... Municipal Councilor,
Hon. Maria Rita M. Ricaplaza,	... Municipal Councilor,
Hon. Eduardo K. Solon,	... Municipal Councilor,
Hon. Ma. Marlita B. Buscato,	... Municipal Councilor,
Hon. Godiardo M. Codera, Jr.,	... ABC Vice-President,

ABSENT: NONE

RESOLUTION NO. 219

"WHEREAS, Section 16 of the R.A. 7160 or The Local Government Code of 1991 states that the Local Government Unit shall exercise the powers expressly granted, those necessarily implied there from, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

"NOW THEREFORE, on motion of Honorable SB Member Odon Cueco seconded by Honorable SB Member Eduardo Solon, the council

"RESOLVED, as it is hereby resolved, to enact the following ordinance to wit:

ORDINANCE NO. 57

**AN ORDINANCE ENACTING THE LOCAL TRAFFIC
CODE OF THE MUNICIPALITY OF MABINAY, NEGROS
ORIENTAL.**

ARTICLE I

TITLE, POLICY, SCOPE AND DEFINITIONS

SECTION 1. TITLE. This ordinance shall be known as "LOCAL TRAFFIC CODE OF THE MUNICIPALITY OF MABINAY, NEGROS ORIENTAL".

SECTION 2. DECLARATION OF POLICY

It is hereby declared the policy of the Municipality of Mabinay to make the flow of traffic orderly and more efficient in order to serve as a necessary means for its economic development and progress, and as a necessary tool for the maintenance of peace and order within the municipality, and in the promotion of public safety and order.

SECTION 3. SCOPE

The provisions of this code shall govern the rules and regulations on traffic on all kinds of motor vehicles on all roads in the Municipality of Mabinay, Negros Oriental, whether national or local in classification including the management of Local Tricycle Franchising and Regulatory Board.

SECTION 4. DEFINITION OF TERMS

1. Citation Ticket – refers to a ticket issued to those who committed violation of any provisions of this municipal traffic ordinance
2. Colorum- refers to those public-utility vehicles that don't have the necessary permit to operate in a specific route, or those that simply don't have legitimate LTFRB permit
3. MTFRB (Mabinay Tricycle Franchising and Regulatory Board) which issues permit to operate as public utility to tricycles within the jurisdiction of Mabinay
4. LTFRB Franchise – is a special privilege granted by the Municipality of Mabinay to any person or any juridical entity to use and operate tricycle unit/s as public utility rendering transport services for a fee.
5. Delivery Trucks/Vans/Haulers – refers to a vehicle engaged in the delivery and transporting of goods.
6. Drag Racing – refers to prohibited speed competition between two (2) or more vehicles of any type within the jurisdiction of the municipality.
7. Double parking- shall mean the parking of any vehicle along the right side of any street, road or highway made directly or immediately opposite another which has been parked ahead there or on the other side, dangerously limiting the space in between
8. Driver – refers to any person who drives motor vehicles and the like and duly licensed as such by the Land Transportation Office.
9. LTFRB – refers to the Land Transportation Franchising and Regulatory Board.
10. LTO – refers to the Land Transportation Office.
11. Motorcycle – refers to any motor vehicles with two wheels.
12. Public Utility Jeepney (PUJ) – refers to a passenger type vehicle that provide transport services for a fee, with duly approved franchise from LTFRB.
13. MTO – refers to Municipal Treasurer's Office of Mabinay.
14. TEMO – refers to Traffic Enforcement and Management Office.
15. Terminal – refers to a particular waiting area used for loading and unloading of passengers and cargoes.
16. Tricycle – refers to a motorcycle with a cab/side car
17. Humps- concrete horizontal construction permanently placed on public roads which bulges or sticks out from the surface
18. Protuberance- a horizontal thing placed on roads similar or use as a hump which bulges or sticks out from the surface, not concretely or permanently attached to the road such as but not limited to those placed on roads like wood, rubber, iron and the like
19. Pedestrian crossing/crosswalk- is a place designated for pedestrians to cross road and it is designated to keep pedestrians together where they can be seen by motorist, and where they can cross most safely across the flow of vehicular traffic
20. Thoroughfare - a way or place for passage, a street open at both ends

ARTICLE II
TRAFFIC ENFORCEMENT AND MANAGEMENT OFFICE (TEMO)

SECTION 5. CREATION

The Traffic Enforcement and Management Office (TEMO) is hereby created and placed under the supervision of the Office of the Municipal Mayor.

SECTION 6. COMPOSITION

The Traffic Enforcement and Management Office (TEMO) shall be composed of Ten (10) members enumerated as follows:

Chairman: Municipal Mayor
Vice-Chairman: SBM Chairman Committee on Transportation
Members : SBM Chairman Committee on Rules
SBM Chairman Committee on Peace and Order
Traffic Manager
Municipal Treasurer
Municipal Engineer
Chief of PNP or his Authorized Representative
Representative from Accredited NGO
Representative from Accredited Transport Sector

SECTION 7. FUNCTIONS

The Traffic Enforcement and Management Office (TEMO) shall have the following functions:

1. Coordinate, monitor and evaluate the planning on implementation of the Traffic Enforcement and Management Component undertaken by the various municipalities and city in the province and national agencies.
2. Review, formulate and recommend traffic measures and management schemes to the Municipal Council for possible legislation.
3. Submit to the Local Chief Executive the periodic and special reports relative to the traffic enforcement and management activities.
4. Keep records of information regarding traffic violations in the enforcement of this code.
5. Develop and prescribe rules and procedures for the internal operations and management on traffic regulations.
6. Perform such other related functions as maybe necessary to ensure effective planning and implementation of traffic enforcement and management scheme.

SECTION 8. THE TRAFFIC MANAGER

There shall be a Traffic Manager to manage the Traffic Enforcement and Management Office, who shall be under the direct supervision and control of the Office of the Municipal Mayor and whose duties and responsibilities are to implement this code; manage traffic concerns of the municipality and those which may be determined as necessary in relation thereto by the Municipal Mayor. He/She shall be appointed from among the regular/casual employees of the municipal government and duly designated by the Municipal Mayor for the specific position.

SECTION 9. THE TRAFFIC ENFORCERS

The Municipal Mayor of the Municipality of Mabinay shall appoint traffic enforcers and other personnel primarily responsible for the enforcement of traffic laws, rules and regulations, and such other responsibilities which the Municipal Mayor may impose.

SECTION 10. FUNCTIONS OF THE TRAFFIC ENFORCERS

The traffic enforcers shall have the following functions:

1. Enforce the provisions of Mabinay Traffic Code of 2016 and assist the regular members of Mabinay-PNP in the enforcement of all the national laws and related local ordinance on traffic regulation applicable to the national highway and streets within the Municipality of Mabinay;
2. Keep records of the names, addresses, driver's license numbers, and registration and plate numbers of vehicles, of all violators of this code.
3. Apprehend any person violating any provision of this code, and issue Citation Ticket thereof upon confiscation of the driver's license/official receipt after informing the apprehended violator of the violation committed. Any penalty or fine shall be paid to the Municipal Treasurer's Office.
4. Report all issued citation tickets not more than 24 hours from issuance to the Traffic Enforcement and Management Office (TEMO).
5. When required under the circumstances, immobilize the vehicle driven or operated by traffic violator using approved gadgets, and to release the same vehicle upon payment of the specified fine/s prescribed in this code at the MTO, and upon approval by the proper authority.
6. Perform such other functions as maybe directed by the Municipal Mayor or his direct superior on matter pertaining to traffic enforcement and management and the implementation of related ordinances and national laws and regulations.

SECTION 11. QUALIFICATIONS

Qualifications of a Traffic Enforcer shall be as follows:

1. He/she shall be twenty one (21) years old and above.
2. At least high school graduate.
3. Must have undergone course/training on traffic enforcement and management.

SECTION 12. FUNDING

The budget for the Traffic Enforcement and Management Office (TEMO) shall be drawn from the appropriations of the Office of the Municipal Mayor or from any other source which the same Office may determine proper and appropriate. Thereafter, subject to budget rules and regulations, there shall be appropriation in the Annual Budget for the personal services and operating expenses of the said office. Provided, that all fines and penalties shall accrue to the general fund.

ARTICLE III PARKING

SECTION 13. COVERAGE

The provisions under this article shall govern all types of vehicles, such as but not limited to, motorcycle, tricycle, cargo trucks or vans, PUJ's, AUV's, private cars the likes, and among others.

SECTION 14. PARKING ZONE

Elsewhere in this code, the Municipal Mayor, through the traffic manager, is authorized to designate any municipal properties or public area/s as "No Parking" or "Parking Area", provided that proper signboard shall be placed thereon.

SECTION 15. PARKING FEE

Any type of vehicle shall pay a Parking Fee at the designated Pay Parking Areas. The Municipal Treasurer and TEMO are hereby tasked and authorized to determine reasonable Parking Fee/s.

Barangays which host designated parking area/s shall be given share from the collection to be determined by the municipal mayor through the MTO and TEMO.

SECTION 16. DOUBLE PARKING

Any type of vehicles are not allowed to double park endangering the flow of traffic, as well as the movement of pedestrians particularly the national highway from Barangay Poblacion, Barangay Lumbangan up to Barangay Paniabonan.

SECTION 17. OVERNIGHT PARKING

Any type of vehicles particularly delivery vans/ panels that will spend the night on the streets of Mabinay strictly are ban to park along the roads. They are advised to park their units at the TEMO's designated area from 9pm to 6am for safety purposes .

SECTION 18. VIOLATIONS

Any violations of Article III shall be fined as follows:

First Offense – Issuance of citation ticket/s and a fine of P100.00

Second Offense – Issuance of citation ticket and a fine of P200.00

Third and Succeeding Offense – Issuance of citation ticket/s and a fine of P300.00

ARTICLE IV FLOW OF TRAFFIC

SECTION 19. ONE-WAY TRAFFIC ROUTE

Vehicular traffic, on any street or highway or portion therefore maybe designated by the manager of TEMO as one-way street upon consultation and approval with the Municipal Mayor. It shall be referred immediately to the Sangguniang Bayan for approval. If no action is taken by the sanggunian within three (3) months of referral, the same shall be deemed approved.

This one-way traffic route is hereby lifted during occurrence/s of the following:

1. Funerals
2. Religious processions
3. Parades
4. Emergency case

SECTION 20. Ten(10) Wheelers And Above Trucks / Long Vehicle/s Trucks With Trailers And the Like- these kind of vehicle/s that do not engage business or deliveries within the municipality proper are prohibited to pass though said municipal streets. They shall only be allowed to pass through the Municipal streets on circumstances as determined by the TEMO.

SECTION 21. SPEED LIMIT

There shall be a speed limit of twenty five kilometers per hour (25 km/h) for all types of vehicles entering the national highway, approaching and within the premises of all schools, hospitals, government institutions and churches in the Municipality of Mabinay.

SECTION 22. DRIVING WITHOUT LICENSE

Driving without necessary Professional Driver's Licenses for those who drive vehicles for Public Transportation/ Deliveries/ Hauling and Sub-Professional Licenses for those who drive private vehicles and the like issued by the LTO are strictly prohibited within Municipality Of Mabinay.

Using expired driver's license is likewise prohibited. Those holding student Driver's Permits must be accompanied by a driver with Professional Driver's License under his name.

SECTION 23. UNREGISTERED VEHICLES

All kinds of vehicles with expired registration or not registered with LTO are banned from being operated within the Municipality.

SECTION 24: SPEED COMPETITION

Drag Race or Speed Competition in the barangay, Municipal, provincial, national roads within the jurisdiction of the municipality are hereby not allowed.

SECTION 25: NO CHILDREN AS PASSENGERS OR BACKRIDES IN MOTORCYCLES

It hereby prohibits any motorcycle driver from having children seven (7) years old and below as passengers or back riders anytime on any street in the Municipality.

SECTION: 26 TRAFFIC SIGNS and SYMBOLS

At the strategic, corner, arenas or sports, traffic sign of "No Entry" "One Way" , "No overtaking", "No Parking", No Loading" and the like as may be appropriate shall be constructed or erected on specific areas and notices on traffic rules and regulation shall be displayed in billboards or signboards or any device to inform the public.

REMOVAL OF TRAFFIC SIGNS – It's hereby prohibited to obliterate, destroy, remove or deface any traffic signs or notices.

SECTION: 27 POSTING OF TRAFFIC SIGN

The TEMO shall have the authority to determine where the traffic signs be placed subject to be approved by the Municipal Mayor.

SECTION 28: STRATEGIC CORNER, AREAS AND SPOT POSTED WITH TRAFFIC SIGN

Strategic corner areas and posted with traffic signs shall become and form part of this article.

SECTION 29 : USING THE CELLPHONE OR TEXTING WHILE DRIVING

It is hereby prohibited to use the cellphone or do texting while driving.

SECTION 30: VIOLATIONS

Anyone caught violating Article IV shall be penalized as follows:

For Section 19,20 and 21

First Offense	-	Issuance of Citation Ticket and a Fine of P 100.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 200.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 300.00
Fourth and Succeeding Offense	-	Issuance of Citation Ticket and a Fine of P 500.00

For Section 22 and 23

First Offense	-	Issuance of Citation Ticket and a Fine of P 500.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 700.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 900.00
Fourth and Succeeding Offense	-	Issuance of Citation Ticket and a Fine of P 1,000.00

For section 24:

Every vehicle of any type participating in a drag race or speed competition shall be impounded and released only upon payment of P2,000.00 to the Municipal Treasurer's Office. The driver of the apprehended vehicle shall be penalized with a Fine of P 1,000.00 or imprisonment of not more than 30 days or both upon the discretion of the court.

For Section 25 and 26

First Offense	-	Issuance of Citation Ticket and a Fine of P 250.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 500.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 750.00
Fourth and Succeeding Offense	-	Issuance of Citation Ticket and a Fine of P 1,000.00

For Section 29

First Offense	-	Issuance of Citation Ticket and a Fine of P 100.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 200.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 500.00
Fourth and Succeeding Offense	-	Issuance of Citation Ticket and a Fine of P 1,000.00

OFFENSES/VIOLATIONS OTHER THAN THOSE ENUMERATED:

- a. Refusal to sign a citation ticket - P 50.00
- b. Driving under the influence of liquor or narcotic drug:

First Offense	-	Issuance of Citation Ticket and a Fine of P 500.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 1,000.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 1,500.00
Fourth and Succeeding	-	Issuance of Citation Ticket and a Fine of P 2,000.00

- c. Reckless driving:

- Cutting in and out of the traffic laws
- Cutting in a corner of a blind curve
- Making a U-turn in areas not allowed
- Overtaking along places where it is prohibited
- Coming out of side streets or driveways without precaution
- Failure to stop on entering through a "Stop Street"
- Failure to observe right hand rule to yield the Right of Way at a highway intersection
- Driving on the wrong side of the street
- Failure to consider a proper clearance when overtaking
- Backing against the flow of traffic
- Turning from wrong lanes
- Driving without light during hours prescribed by law
- Speeding or fast driving

For the commission of each of the foregoing violations, a driver shall be penalized with:

First Offense	-	Issuance of Citation Ticket and a Fine of P 150.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 200.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 350.00

- d. Hostile or arrogant attitude of a driver or conductor toward authorities or improper conduct or behavior.
- e. Engaging, employing or hiring of any person to operate a motorcycle other than a duly licensed professional driver
- f. Obstructing or impeding the free passage of other vehicles
- g. Loading and unloading of passengers within a prohibited zone
- h. Loading and unloading of passengers in the middle of the road
- i. Loading and unloading at intersections
- j. Failure to give a right of way to police/ or other emergency vehicles
- k. Parking on sidewalk, alley or path not intended for parking
- l. Failure to paint appropriate body number on a motor vehicle for hire on both sides
- m. Vehicle without horn or with horns with startling sound
- n. Failure to display red flag or red light at the rear end of a load which extends beyond projected length of the vehicle
- o. Driving motor vehicle which emits excessive smoke
- p. Driving a motor vehicle plates not firmly attached and visible
- q. License plates different from body number on public utility vehicle
- r. Tampered/ marked plates/ stickers
- s. Illegal transfer and use of motor vehicle plates/ tags or stickers from one motor vehicle to another except security plated on authorized vehicle
- t. Driving a motor truck without capacity marking plainly marked on both sides of the motor vehicle.
- u. Failure to carry early warning device (EWD)
- v. Failure to install EWD four (4) meters away to the front and rear of stalled/disabled motor vehicle
- w. Use of unauthorized bell, siren or exhaust whistle on emergency

For the abovementioned violation enumerated in letters d to w the following penalties shall be imposed:

First Offense	-	Issuance of Citation Ticket and a Fine of P 100.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 150.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 200.00

- x. Failure to carry in the motor vehicle the Certificate of Registration (CR) and Official Receipt (OR) original photocopies

First Offense	-	Issuance of Citation Ticket and a Fine of P500.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 750.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 1,000.00

- y. For parking a motor vehicle permit it to stand attended or unattended upon a highway in any of the following:

1. Within an intersection
2. On a crosswalk or pedestrian lane
3. Within six (6) meters of the intersection of curve lines
4. Within four (4) meters of the driveway entrance to any fire station
5. Within four (4) meters from a hydrant
6. In front of a private driveway
7. On the roadway side of any highway
8. At a place where official signs have been erected prohibiting parking

A driver shall be penalized with the following:

First Offense	-	Issuance of Citation Ticket and a Fine of P 50.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 75.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 100.00

z. Driving a motor vehicle without proper headlights, tail lights, stop lights, plate lights and signal lights and clearance lights :

First Offense	-	Issuance of Citation Ticket and a Fine of P 100.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 150.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 200.00

aa. Driving a motor vehicles with a broken windshield or without wiper

First Offense	-	Issuance of Citation Ticket and a Fine of P 100.00
Second offense	-	Issuance of Citation Ticket and a Fine of P150.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 200.00

bb. Driving a motor vehicle with red light, fog light, neon light forward or ahead a motor vehicle

First Offense	-	Issuance of Citation Ticket and a Fine of P 100.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 150.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 200.00

cc. Driving a motor vehicle without adequate or sufficient brake, safety devices or accessories:

First Offense	-	Issuance of Citation Ticket and a Fine of P 100.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 150.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 200.00

dd. Failure to show or surrender a driver's license or conductor's license:

First Offense	-	Issuance of Citation Ticket and a Fine of P 100.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 150.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 200.00

ee Operating a motor vehicle loaded with soil, earth, sand, gravel, stones, cut sugarcane, bagasse and the like should be covered properly with canvas covering

First Offense	-	Issuance of Citation Ticket and a Fine of P 300.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 400.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 500.00
Ensuing Offenses @ P 1000.00/ offense		

ff. Owners of motor vehicles are prohibited from allowing minors without proper driver's license to drive their vehicle/s

First Offense	-	Issuance of Citation Ticket and a Fine of P 1,000.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 1,500.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 2,000.00

gg. MUFFLERS—every motor vehicle shall at all times be equipped with a muffler in good working condition and in constant operation to prevent excessive or unusual noise and no person shall use a cut muffler or muffler cut out, bypass, or similar device upon a motor vehicle on a highway and other thoroughfare within its jurisdiction.

First Offense	-	Issuance of Citation Ticket and a Fine of P 250.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 500.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 750.00

ARTICLE V TRAFFIC OBSTRUCTION

SECTION 31. Regulated Provisions

- a. No person shall construct, establish or maintain any stall and the like on or along any sidewalk or shoulder of road or street which will obstruct or impede the passage of pedestrians and the flow of vehicular traffic. Any structures constructed in sidewalk or shoulder of road shall be removed by the traffic enforcers of the Office of the Mayor within three (3) days from notice at the expense of the owner.
- b. Stalls, sidewalk vendors and the like on or along sidewalk or shoulder of the road shall be allowed on the permission of the Municipal Mayor during Christmas season, town fiesta, sports fest, cultural and religious festivities and the like.
- c. The dumping, storing or stock-piling in the sidewalks, lanes and alleys and public passageways of sand, gravel, stones and lumber, hallow blocks, wood and or anything that would obstruct traffic is prohibited unless a permit for the same is secured from the Municipal Mayor.
- d. It shall be unlawful for any person or entities, whether on their own or as contractors or any government, local or national to excavate or dig for the purposes of installing water pipes, telecommunication lines, poles, drainage pipes and other underground facilities, within roads, streets, thoroughfares and alleys without first securing an excavation permit from the Office of the Municipal Mayor except in cases of emergency in which case the permit should be secured from within three(3) working days. Excavators/diggers must all times put up road signs for precautionary measure to motorists and pedestrians alike/or safety warning of excavation works ahead.
- e. No person shall drive his motor vehicle in such manner as to obstruct or impede the passage of any vehicle nor while discharging or taking on passenger/s or loading or unloading of freight, obstruct the free passage of other vehicle on highway.

SECTION 32. VIOLATIONS – Anyone caught violating Article V shall be penalized as follows:

First Offense	-	Issuance of Citation Ticket and a Fine of P 100.00
Second offense	-	Issuance of Citation Ticket and a Fine of P150.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 200.00

ARTICLE VI
CLOSURE OF ROADS, PEDESTRIAN CROSSING, HUMPS AND PROTUBERANCE

SECTION 33. CLOSURE OF ROADS

A. TEMPORARY CLOSURE – The Municipal Mayor may temporarily close any local street, road, thoroughfare or any public place for purposes of establishing shopping stalls, Sunday flea or night markets or tiangge where goods, merchandise, commodities or articles of commerce maybe sold and dispensed to the general public.

B. The Municipal Mayor may temporarily close any local street, road ,thoroughfare or any public place for which will be used in birthday celebrations, wedding receptions, reunions and the likes must secure a TEMO clearance and duly approved by the Mayor and payment of Mayor's Permit.

C. EXEMPTIONS – The following are exempted from securing Mayor's Permit in temporary closing of any local street, road, thoroughfare or any public place:

1. Wakes
2. Parades
3. Celebration of local and national holidays
4. Cultural, Civic and Religious activities
5. When public safety is at stake or at risk

SECTION 34. PENALTY

Any violation of Section of this article shall be subjected to the following penalties:

First Offense - A Fine of One Hundred Pesos (P 100.00)

Second Offense - A Fine of Two Hundred Pesos (P 200.00)

Third Offense - A fine of Three Hundred Pesos (P300.00)

SECTION 35. PEDESTRIAN CROSSING

- a. A driver approaching a pedestrian crossing shall travel at such a speed that, if necessary to comply with this section, he will be able to stop his vehicle before reaching the pedestrian crossing.
- b. A driver shall give way to any pedestrian who is on a pedestrian crossing apparently for the purpose of complying with this section.
- c. A driver shall not permit any portion of his vehicle to enter upon a pedestrian crossing even if any vehicle headed in the in the same direction is stopped on the approach side of, or upon the pedestrian crossing apparently for the purpose of complying with this section.

SECTION 36. VIOLATIONS

Anyone who violates this section will be penalized as follows:

First Offense - A Fine of One Hundred Pesos (P 100.00)

Second Offense - A Fine of Two Hundred Pesos (P 200.00)

Third Offense - A fine of Three Hundred Pesos (P 300.00)

SECTION 37. HUMPS AND PROTUBERANCE ON PUBLIC PLACES

Any person or juridical entity desiring to construct any kind of humps or any kind of protuberance on public roads shall file on application with the office of the Municipal Engineering stating the reasons for such application.

1. Upon receipt of the noted application, the Municipal Engineer or his authorized representative shall coordinate with the Punong Barangay who has jurisdiction of the area and the officer in charge of traffic regulations to determine the merits of application.
2. After such determination and after favorable decision, the Municipal Engineer shall submit a written recommendation to the Mayor. The Mayor shall not issue a permit without the written recommendation.
3. The Municipal Engineer shall determine the appropriate specifications with respect to the thickness, width and length of hump or protuberance to be constructed or placed.
4. With respect to the existing humps or protuberance, the Municipal Engineer is authorized to remove, alter or modify them if improperly placed or does not meet the specifications prescribed by his office or causes potential injury to the public.
5. The Office of the Municipal Engineer shall issue additional guidelines for the enforcement of the provisions of this Article.

SECTION 38. PROHIBITED ACTS

It is hereby prohibited to construct humps or place protuberance in the national and provincial roads. It is also prohibited to place any protuberance which can cause injury to the public.

SECTION 39. PENALTY

Any person who placed or construct humps or protuberance without permit shall be penalized in the amount of One Thousand Pesos (P1,000.00) with an order to remove the hump or protuberance.

ARTICLE VII MABINAY TRICYCLE FRANCHISING AND REGULATORY BOARD

SECTION 40. MABINAY FRANCHISING AND REGULATORY BOARD (MTFRB)

The Mabinay Tricycle Franchising and Regulatory Board (MTFRB) under the Office of the Municipal Mayor, as provided in RA No. 7160 otherwise known as "Local government Code of 1991" has the sole and absolute power to issue and renew permit for tricycles to operate as a public utility, and to formulate regulations regarding tricycle operations based on existing national laws, provincial ordinances and municipal ordinances. The Mabinay Tricycle Franchising and Regulatory Board (MTFRB) governing body shall be composed of the following:

- Chairman : Mayor
- Vice chairman: SB Member: Chairman of Committee on Transportation
- Members :
 - SB Chairman of Committee on Rules
 - Municipal Treasurer
 - Traffic Manager
 - PNP Chief of Police or his Authorized Representative
 - Representative from MATODA
 - NGO representative

SECTION 41. FRANCHISE REQUIREMENTS

There shall be documents required to be submitted upon application for permit to operate as public utility tricycle, such as:

1. Barangay Clearance
2. Police Clearance
3. Current LTO Certificate of Registration (CR)/Official Receipt (OR)
4. Certificate of Insurance
5. Road Worthiness Clearance/TEMPO Clearance
6. Old Certificate of Franchise (for renewal)

SECTION 42. ISSUANCE AND RENEWAL OF FRANCHISE:

1. Application for permit, issuance, release of new permit and renewal thereof, shall be on every January 2 and January 30 and every year thereafter
2. Franchise Fees – all tricycle operators shall pay all the fees required in applying or renewal of franchise based on the latest MUNICIPAL REVENUE CODE or ordinance on tricycle franchising.
3. Tricycle units shall be registered on the name of the applicant or owner of the franchise
4. Franchise shall be valid for three (3) years from the date issued unless terminated for any cause herein mentioned.

SECTION 43. FINES/PENALTIES – Those who failed to renew their franchise at the date specified under Section 35, Subsection No. 1, will be fined as follows:

1. One (1) to Three (3) months delayed - One Hundred Pesos (P 100.00)
Four (4) to Six (6) months delayed - Two Hundred Pesos (P 200.00)
Seven (7) to Nine (9) Months - Three Hundred Pesos (P 300.00)
Ten (10) to Twelve (12) Months delayed - Four Hundred Pesos (P 400.00)
2. For tricycle unit/s with expired franchise/s of more than one (1) year an additional fine of Two Hundred Fifty Pesos (P 250.00) will be charged.

SECTION 44 CANCELLATION/REVOCATION – Franchise issued to a particular individual shall be cancelled or revoked on the following grounds and reasons:

1. Selling or transferring from one franchise holder to another, use of dummies, rental or any manner or form to transfer;
2. Non-renewed for two (2) consecutive years;
3. Violations of Municipal Ordinances with regards to traffic and franchise regulations.

ARTICLE VIII

DRESS CODE, GARBAGE RECEPTACLE, OVERLOADING, SILENCER, ROAD WORTHINESS and DISCOUNTS

SECTION 45. DRESS CODE – Proper dress of a duly licensed driver of any tricycle unit/s legally allowed as a public utility for a fee within the Municipality of Mabinay, are hereby imposed as follows:

1. Long pants
2. Any presentable T-shirt
3. Any shoes or sandals

Dress code is automatically lifted during rainy days.

SECTION 46. GARBAGE RECEPTACLE – It is mandatory for all tricycle units and public utility vehicles operating within the Municipality to have a garbage receptacle for the trash and rubbish of their passenger and shall prevent their passengers from

throwing and/ or scattering their trash and rubbish inside or outside motor vehicle.

SECTION 47. OVERLOADING – As allowable passenger load, all tricycle units operating within the municipality must carry only four (4) passengers inside the sidecar and two (2) passengers in the motorcycle behind the driver. Loading of minor passenger/s as herein stated in front and behind the tricycle unit is likewise prohibited.

a. Carrying passengers in excess of the carrying capacity shall be penalized as follows

First Offense	-	Issuance of Citation Ticket and a Fine of P 50.00/ passenger
Second offense	-	Issuance of Citation Ticket and a Fine of P 75.00/ passenger
Third Offense	-	Issuance of Citation Ticket and a Fine of P 100.00/ passenger

SECTION 48. SILENCER – It is hereby prohibited for any motorcycle and tricycle unit/s with above average muffler noise to ply within the territorial jurisdiction of the Municipality of Mabinay. Tricycle and motorcycle unit/s with such muffler noise must install necessary silencer.

SECTION 49. ROAD WORTHINESS – All tricycles should be roadworthy with signal light, spotlight, horns, side mirror to avoid road accident . There shall be required from all tricycle units a clearance from the Traffic Enforcement and Management Office certifying road safety and worthiness of the units as a requirement prior to the approval by the MTRFB of their respective franchises.

SECTION 50. ROAD WORTHINESS INSPECTION/CLEARANCE FEE – There shall be included in the Franchise Fee an additional Twenty Pesos (P 20.00) as Road Worthiness Inspection/Clearance Fee.

SECTION 51. DISCOUNTS

Tricycle drivers shall grant fare discounts to students during school days and discount to senior citizens and person with disabilities(PWDs).

SECTION 52. VIOLATIONS – Anyone caught violating Article VI shall be penalized as follows:

First Offense	-	Issuance of Citation Ticket and a Fine of P 100.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 150.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 200.00

SECTION 53. COLORUM

All tricycle units entering the Municipality of Mabinay without the required MTRFB franchise are considered colorum in operation including

- a. Expired MTRFB Franchise
- b. Franchise unit issued outside the Municipality of Mabinay

First Offense	-	Issuance of Citation Ticket and a Fine of P300.00
Second offense	-	Issuance of Citation Ticket and a Fine of P 400.00
Third Offense	-	Issuance of Citation Ticket and a Fine of P 500.00

**ARTICLE IX
TRAFFIC RULES AND REGULATIONS SEMINAR**

SECTION 54. MANDATORY SEMINAR

It is hereby required that all person who own, drive or operate public utility vehicles found violating any section governing traffic rules and regulations within the territorial jurisdiction by the concerned agency, before the issuance or renewal of business permit.

SECTION 55. APPLICABILITY

This provision of this article shall apply to all holders of franchise to operate public utility vehicles whose permits emanate from the Mayor's Office.

SECTION 56. RESPONSIBILITY OF THE PNP TRAFFIC DIVISION

It shall be the responsibility of the PNP Traffic Division to direct and prescribe the seminar to be conducted. After such compliance, the Division shall issue a certificate to violators that have attended and satisfactorily completed the prescribed seminar which shall be furnished to the Municipal Mayor prior to the issuance of the business permit.

**ARTICLE X
COMMON PROVISIONS**

SECTION 57. GARAGE

No public roads in the municipality shall be utilized as a garage or storage for knocked down units; the owner shall be given twenty four (24) hours to remove the unit/s, unless, by necessity, The TEMO thru the Traffic Manager upon request of the owner of the unit/s will give additional time.

SECTION 58. TRAFFIC CHANGES

The Traffic Enforcement and Management Office (TEMO) may from time to time change the flow of traffic as maybe deemed appropriate and necessary without the need of prior approval from the Sangguniang Bayan.

SECTION 59. RANDOM CHECK

Traffic Enforcers and PNP Personnel on Traffic may flag down or stop any vehicle in any of the following circumstances and manners:

1. When there is an initial occurrence of violation.
2. When there is a reasonable ground to believe that the driver is without a license.
3. When there is a reasonable ground to believe that the driver is under the influence of intoxicating liquor or prohibited drugs.
4. When there is a reasonable ground to believe that the driver is fugitive of the law.
5. When there is a reasonable ground to believe that the unit is involved in the commission of a crime or hot pursuit.
6. All drivers found guilty under sub-sections 1, 2, 3, and 4 of Section 49 of this code; vehicles driven shall be impounded automatically.
7. All vehicles will only be released upon payment of P300.00 impounding fee upon showing of the original receipt/certificate of registration of the owner and the citation ticket.

SECTION 60. ADOPTION OF NATIONAL LAWS

For purposes of this code, RA 4136 otherwise known as Land Transportation and Traffic Code of the Philippines, the Mandatory Helmet Act of 2009 are hereby adopted and the penalties provided therein shall be imposed without prejudice to the provisions of this code

SECTION 61. IMPLEMENTING AUTHORITIES

This municipal ordinance upon its adoption and approval shall be strictly implemented by the Mabinay PNP and Traffic Enforcers.

SECTION 62. SEPARABILITY CLAUSE

Whenever to any reason, any provisions, section or code is declared not valid by a Court of competent jurisdiction or suspended or revoked by the authorities concerned, such judgment shall not affect or impair the remaining provisions, sections or parts which shall continue to be in full force and effect.

SECTION 63. APPLICABILITY CLAUSE

All other related matters not specifically provided in this code shall be governed by the pertinent provisions of existing laws and ordinances.

SECTION 64. REPEALING CLAUSE

It is hereby repealed, modified and amended accordingly any existing Municipal Ordinance/s inconsistent with this code


SECTION 65. AMENDMENTS

Any provision of this Code may be amended, repealed, modified or changed accordingly by the majority votes of Sangguniang Bayan Members.

SECTION 66. EFFECTIVITY – This Code shall take effect immediately upon approval.

"APPROVED."


I HEREBY CERTIFY to the correctness of the above-quoted resolution and its subsequent ordinance.


JENIFER G. PAPERAS
Records Officer II
SB Secretary - OIC

ATTESTED BY:


ENOZARIO T. BALDOZA
Municipal Vice-Mayor
Presiding Officer

APPROVED:


ERNIE LUY
Municipal Mayor