

Republic of the Philippines
Mountain Province
Municipality of Bontoc
OFFICE OF THE SANGGUNIANG BAYAN

EXTRACT FROM THE JOURNAL - MINUTES OF THE SANGGUNIANG BAYAN MEETING HELD AT
IT'S SESSION HALL ON DECEMBER 1,2015.

PRESENT:	HON. PETER PUMA-AT, HON. EUSEBIO KABLUYEN, HON. JOHN PELEW, HON. ALSANNYSTER PATINGAN, HON. JEROME TUDLONG JR., HON. HERMAN FARNICAN, HON. WILBERT PADNGARAN, HON. CONSTANCIO MIRANDA, HON. ALEXANDER FANA-ANG, HON. ESTEBAN NGUDDO,	Vice Mayor & Presiding Chairman Regular Member Regular Member Regular Member Regular Member Regular Member Regular Member Regular Member ABC President, Member IP Representative, Member
ABSENT:	HON. ALFREDO AWICHEN.	Regular Member

ORDINANCE NO. 272,S.2015

Sponsor:
Hon. Constancio Miranda

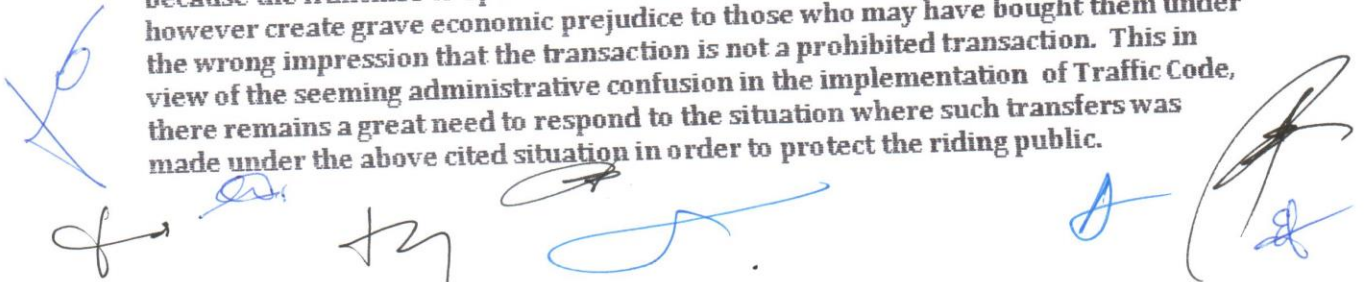
AN ORDINANCE PROHIBITING THE TRANSFER/WAIVER OR SUB LETTING OF TRICYCLE FRANCHISE TO ANOTHER PERSON AND PENALIZING ANY FRANCHISES FOR VIOLATIONS HEREOF AND LIKewise PENALIZING ANY PERSON FOUND USING/OPERATING A TRICYCLE FRANCHISE ISSUED TO ANOTHER NAME/PERSON.

EXPLANATORY NOTE

In view of the fact that the operation of public utilities are imbued with great public interest, it is self evident that the grant of franchise to operate a public transportation facility is made subject to a tight requirements and under strict regulation by the municipal government. In consonance therewith, the grant of franchise to operate public utilities is personal to the grantee thereof, thus the franchise so granted is non transferable. Unfortunately the fact that the grant of this privilege is also a means of income and livelihood to the grantees have given rise to the misconception that a franchise is a property which may be transferred by the franchisee. This misconception resulted in co modification of the franchise, a situation which is clearly unfavorable to public interest.

The fact that transfers of franchise is declared as illegal has not, however, discourage the rampant commission of this prohibited act. These violations of the prohibition resulted in a number of tricycles operating either without the necessary papers or the papers not being reflective of the true situation as to the named persons accountable therefore. The continuation of this situation is clearly inimical to public interest and gravely prejudicial to the riding public.

To merely prevent the operation of tricycles which could not be registered because the franchise to operate them have been illegally transferred would, however create grave economic prejudice to those who may have bought them under the wrong impression that the transaction is not a prohibited transaction. This in view of the seeming administrative confusion in the implementation of Traffic Code, there remains a great need to respond to the situation where such transfers was made under the above cited situation in order to protect the riding public.



In same proposition, the need for stricter measures to prevent the continuation or recurrence of the situation herein sought to be corrected is likewise urgently called for.

The passage of this ordinance seeks to arrest the problems as above identified.

Be it enacted by the Sangguniang Bayan of Bontoc, in session assembled, that:

SECTION 1. SHORT: Title An Ordinance Prohibiting The Transfer/Waiver Or Sub Letting Of Tricycle Franchise To Another Person And Penalizing Any Franchises For Violations Hereof And Likewise Penalizing Any Person Found Using/Operating A Tricycle Franchise Issued To Another Name/Person.

SECTION 2. PURPOSE: This ordinance seeks to protect the riding public within the territorial jurisdiction of the Municipality of Bontoc by enduring that all public utilities plying the streets of Municipality of Bontoc are duly registered and are operating under valid and legitimate authority.

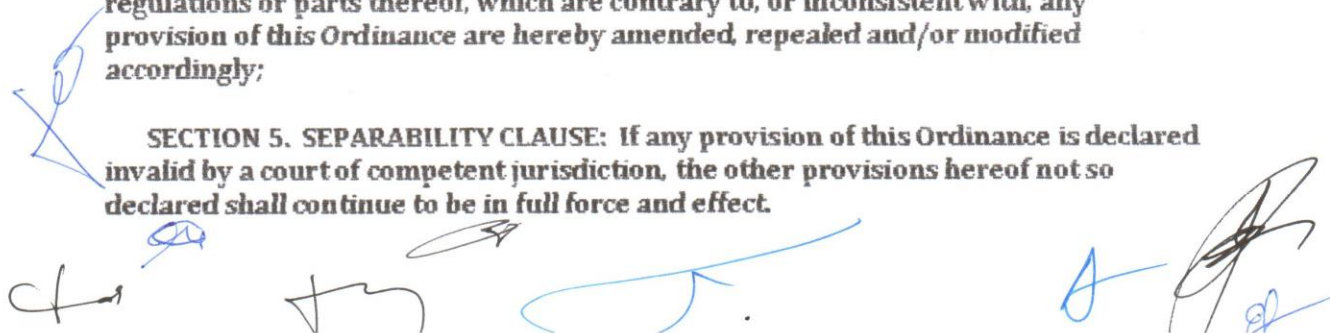
SECTION 3. PROHIBITED ACTS: No tricycle franchise holder shall sell, transfer or convey his/her tricycle MTOP or franchise to another person. In case the operator shall no longer utilize his/her MTOP or franchise, he/she shall surrender said franchise to the MTFRB for cancellation. Upon cancellation of the franchise, the MTFRB shall award the same to interested applicants. All tricycle units which are found to be actually operated not by the person named in the franchise thereof shall be summarily impounded and fined P2,500.00 for every offense, or those whose franchise are found to have been transferred in violation of the ordinances of the Municipality of Bontoc, shall be impounded by the Municipal Government. For this purpose, the MTFRB is hereby required to submit to the Sangguniang Bayan the list of all tricycles which are being operated not in of the franchisee thereof and the MTFRB to commence the process of evaluating franchise transfer applications under this ordinance. For the same purpose, the name, address and contact phone number of the franchisee shall be painted/laminated legibly and placed inside the tricycle at all times.

SECTION 3. PENALTIES: Any person/operator found to have transferred/waived franchise without the prior approval of the MTFRB of the Municipality of Bontoc and upon effectivity of this Ordinance, shall suffer the following penalties:

1. Cancellation/Revocation of franchise and
2. Banned in securing tricycle franchise

SECTION 4. REPEALING CLAUSE: All ordinances, executive orders, rules and regulations or parts thereof, which are contrary to, or inconsistent with, any provision of this Ordinance are hereby amended, repealed and/or modified accordingly;

SECTION 5. SEPARABILITY CLAUSE: If any provision of this Ordinance is declared invalid by a court of competent jurisdiction, the other provisions hereof not so declared shall continue to be in full force and effect.

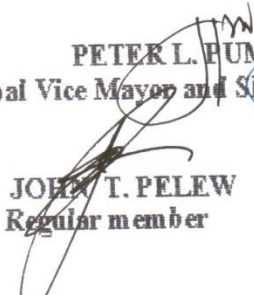



Page 3 Ordinance No 272,S.2015 AN ORDINANCE PROHIBITING THE TRANSFER/WAIVER OR SUB LETTING OF TRICYCLE FRANCHISE TO ANOTHER PERSON AND PENALIZING ANY FRANCHISES FOR VIOLATIONS HEREOF AND LIKEWISE PENALIZING ANY PERSON FOUND USING/OPERATING A TRICYCLE FRANCHISE ISSUED TO ANOTHER NAME/PERSON.

SECTION 6. EFFECTIVITY: This ordinance shall take effect upon its approval and publication in a newspaper of local circulation.

ENACTED this 1st day of December 2015

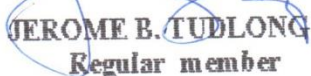
CERTIFIED TRUE AND CORRECT, AND DULY ADOPTED


PETER L. PUMA-AT
Municipal Vice Mayor and SB Presiding Officer.


EUSEBIO S. KABLUYEN
Regular member

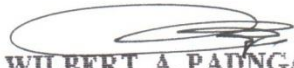

JOHN T. PELEW
Regular member


ALSANSYER F. PATINGAN
Regular member



JEROME B. TUDLONG
Regular member

HERMAN C. FARNICAN
Regular member



CONSTANCIO A. MIRANDA
Regular member


WILBERT A. PADNGARAN
Regular member

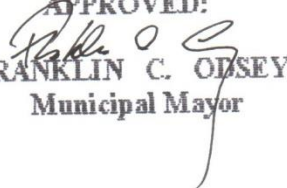

ALEXANDER N. FANA-ANG
ABC President, member


ESTEBAN O. NGUDDO
IPMR member

ATTESTED:


ARTHUR L. CULALLAD
SB Secretary

APPROVED:


FRANKLIN C. ODSEY
Municipal Mayor

ALC/afu