



REPUBLIC OF THE PHILIPPINES
PROVINCE OF ORIENTAL MINDORO
MUNICIPALITY OF PINAMALAYAN
OFFICE OF THE SANGGUNIANG BAYAN

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Office of Vice Mayor/Sangguniang Bayan 2nd Floor Municipal Building, Madrid Blvd., Pinamalayan, Oriental Mindoro

MUNICIPAL ORDINANCE NO. 02-2021

Sponsored by:

- **Hon. Antonio Victor R. Olympia**
 - **Hon. Rio S. Mercene**
 - **Hon. Arnoldo M. Madrid**

AN ORDINANCE REGULATING THE USE OF THE OUTERMOST LANES OF NATIONAL HIGHWAYS OF PINAMALAYAN, ORIENTAL MINDORO FOR TRICYCLES, MOTORCYCLE AND OTHER SLOW-MOVING VEHICLES AND PROVIDING PENALTIES THEREOF.

WHEREAS, the Department of Interior and Local Government issued Memorandum Circular 2020-036 which prohibits Tricycle, Pedicabs, and Motorized Pedicabs from Operating on National Highways;

WHEREAS, tricycles-for-hires are the primary mode of transportation in the Municipality of Pinamalayan and the strict implementation of guidelines will cause great inconvenience and difficulty to the public because of the lack of other modes of transportation;

WHEREAS, one of the provisions of the DOTC's Guidelines to Implement the Devolution of LTFRB's Franchising Over Tricycles-For-Hire to Local Government Units Pursuant to the Local Government Code states that "For safety reasons, no tricycles should operate on national highways utilized by 4-wheel vehicles greater than 4 tons and where normal speed exceed 40kph. However, the Sangguniang Bayan may provide exceptions if there is no alternative route";

WHEREAS, Section 447(a)(3)(vi) and 458(a)(3)(vi) of Republic Act 7160 known as the Local Government Code confers power to the Local Government Units (LGUs), through Sanggunian concerned, to regulate the operation of tricycles and grant franchises for the operation thereof within its territorial jurisdiction, subject to the guidelines prescribed by DOTC now DOTr;

WHEREAS, the primordial objective of this local statute is to balance the interests of the tricycle operators and drivers and the safety of the commuters;

NOW THEREFORE, be it enacted by the Sangguniang Bayan of Pinamalayan in Session assembled that;

SECTION I. TITLE – This Ordinance shall be known and cited as the use of the outermost lanes of the National Highways of Pinamalayan for Tricycles, Motorcycles and Slow-Moving Vehicles.

SECTION II. DECLARATION OF POLICY - It is a declared policy of the state to safeguard life and public welfare as mandated by Republic Act 7160 known as the Local Government Code of 1991. It is also the policy of the Municipal Government of Pinamalayan to promulgate guidelines pursuant to the legislative authority vested by law provided in Section 447(a)(3)(vi) and 458(a)(3)(vi) of Republic Act 7160 and to regulate rules geared to balance the interest of the tricycle operators and drivers and ensure the safety of the commuters' framed with the exceptions provided in the DOTC now DOTr's Guidelines component of the DILG Memorandum Circular No. 2020-036 dated 17 February 2020.

SECTION III. SCOPE OF APPLICATION - As an exception due to lack of alternative networks of roads, all tricycles for hire and tricycles for family use, motorcycle and all slow-moving vehicles may use the outermost lanes of the nautical highway within the territorial jurisdiction of Pinamalayan, Oriental Mindoro.

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SECTION IV. DEFINITION OF TERMS - For purposes of the Ordinance, the following terms shall have the corresponding meaning:

- a. Tricycles-for-hires – a motor vehicle composed of a motorcycle fitted with a single-wheel side car or a motorcycle with a two-wheel cab, which includes electric tricycle or e-trike, operated to render transport services to the general public.
- b. National Highways – means Strong Republic Nautical Highway (SRNH) constructed and maintained by the national government specifically the Department of Public Works and Highways.
- c. Slow-Moving Vehicles – is a vehicle operated on a highway at speed slower than that of other motorized vehicle. It is generally applied to equipment and vehicle such as farm equipment (including tractors), construction equipment, trucks towing trailers, bicycles or any such vehicles which cannot operate the required speed in the highways.

SECTION V. PROHIBITED ACTS - The following acts are hereby prohibited in this ordinance:

- a. All tricycles-for-hires, tricycles for family use, motorcycles and slow-moving vehicles utilizing the national highway shall not exceed the 40kph speed limit except if used as an emergency vehicle.
- b. Wanton travelling through the center lane of the national highway e.g moving side by side, behind, or ahead of four-wheeled vehicles along and continuously without such reason herein specified;
- c. Parking tricycles, motorcycles and all slow-moving vehicles upon or along national highways not intended as vehicular parking;
- d. Driving in such manner as to obstruct or impede the passage of any vehicle, or while discharging or taking passengers or loading or unloading freight, obstruct the free passage of other vehicle in the highway.

SECTION VI. PENALTY CAUSE - The Pinamalayan Traffic Management & Enforcement Division (PTraMED) in coordination with the Land Transportation Office (LTO), Municipal Police Station (MPS) and other deputized authorities, are hereby tasked to apprehend violators of this ordinance. Violators shall be fined with the issuance of a citation ticket as follows:

First Offense	-	Php	500.00
Second Offense	-		1,000.00
Third Offense			2,500.00

SECTION VII. ENFORCEMENT - The PTraMED shall undertake to put up signages in all affected highways and exhaust information drive regarding this ordinance.

SECTION VIII. REPEALING CLAUSE – If any of this Ordinance is held invalid or unconstitutional, other provisions not affected shall continue to be in full force and effect, or inconsistent with national laws, rules and regulations, the same shall prevail and all previous ordinances, rules, regulations, executive order or memoranda are hereby superseded and modified.

[Signatures]



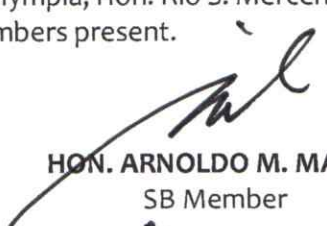
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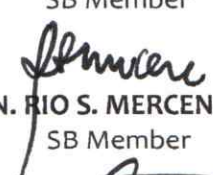
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SECTION IX. EFFECTIVITY – This Ordinance shall take upon approval and compliance with the mandatory posting in at least three (3) conspicuous places in Pinamalayan, Oriental Mindoro or publication requirement, prescribed under RA 7160, otherwise known as the Local Government Code of 1991.

ENACTED UNANIMOUSLY this 11th day of January 2021 on joint motions of Hon. Antonio Victor R. Olympia, Hon. Rio S. Mercene and Hon. Arnoldo M. Madrid and seconded by all Sangguniang Bayan members present.

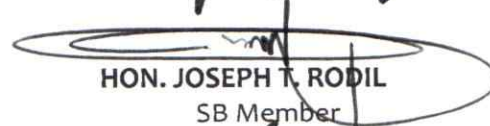

HON. ARNOLDO M. MADRID
SB Member


HON. RIO S. MERCENE
SB Member


HON. SEVERINO J. NARITO
SB Member


HON. ANJUNE A. ZAMORA
SB Member


HON. DUNHILL MARCELO M. DELMO V
SB Member


HON. JOSEPH T. RODIL
SB Member


HON. NAPOLEON M. MANGARING
SB Member


HON. ANTONIO VICTOR R. OLYMPIA
ABC President/SB Member

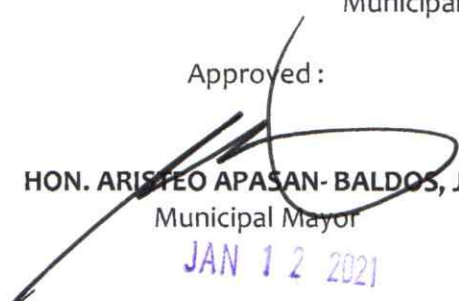

HON. JOVEN S. VELASCO
SKMF President/SB Member

Attested:

ARNEL G. ABRENICA
Secretary to the Sanggunian

Certified Correct:


HON. RODOLFO M. MAGSINO
Municipal Vice Mayor, Presiding Officer

Approved:

HON. ARISTEO APASAN-BALDOS, JR.
Municipal Mayor

JAN 12 2021