

Office of the Sangguniang Bayan

RESOLUTION NO. 145-95

RESOLUTION AMENDING THE STATUS, COMPOSITION AND GUIDELINES PRESCRIBED FOR THE FUNCTION OF THE TRICYCLE FRANCHISING REGULATORY BOARD (TFRB) AS PROVIDED IN ORDINANCE NO. 04-93.

WHEREAS, if an organization is operating under the office of the Municipal Mayor, it cannot act as an independent branch;

WHEREAS, if the Tricycle Franchising Regulatory Board (TFRB) as an organization continues to function as an independent branch, the Office of the Mayor is stripped of its power to ensure that all taxes and other revenues of the municipality are collected and that municipal funds are applied in accordance with law or ordinance to the payment of expenses and settlement of obligations of the municipality as provided for in Sec. 444, 3(iii) of the 1991 Local Government Code;

WHEREAS, the phrase "independent branch" should be deleted from the title, in view of the reasons stated above;

WHEREAS, if the TFRB will operate under the Office of the Mayor, it necessitates the inclusion of the Municipal Mayor as the Chairman of the TFRB;

WHEREAS, the existing Boards in the municipality such as the Local School Board and the Health Board as provided for in Sec. 101 and Sec. 104 of the 1991 Local Government Code, entitles only the members who are not government officials or employees to necessary traveling expenses and allowances subject to existing accounting and auditing rules and regulations;

WHEREAS, with the flaws identified in the TFRB guidelines prescribed in Ordinance No. 4-93, the same must be amended for the effective discharge of the functions of the TFRB;

NOW THEREFORE :

Be it resolved as it is hereby resolved to enact the New Amended Ordinance No. 16-95 that shall govern the functions and composition of TFRB.

ORDINANCE NO. 16-95

AN AMENDED ORDINANCE DETERMINING THE NEW COMPOSITION AND STATUS OF TFRB AND THE MODIFIED PRESCRIBED GUIDELINES FOR ITS FUNCTIONS THEREOF.

Be it ordained by the Sangguniang Bayan of Pinamalayan, Oriental Mindoro, that :

Section I. New Composition of the TFRB

- a) The New TFRB shall be composed of the Municipal Mayor as the Chairman, the Chairman of Transportation, the Chairman of Peace, Order and Public Safety, the Station Commander, the President of the Association of Tricycle Drivers and Operators, the Municipal Treasurer and a representative from the Licensing Office, whose term of office shall be two years.
- b) Compensation - the chairman and the members of the TFRB shall perform their duties as such without compensation or remuneration. Members thereof who are not government officials or employees shall be entitled to necessary traveling expenses and allowances of at least ₱100.00 per Board Meeting or as the municipal budget may allow.

Section 2. Powers and Duties - The TFRB shall perform all the functions provided for in Ordinance No. 04-93 including the following amendment :



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- a) Issue, amend, renew, suspend or cancel the Tricycle Operator's Permit (TOP) and prescribe the appropriate terms and conditions therefor.
- b) Determine and periodically adjust fares or rates relative to the Service provided in a zone after public hearing.
- c) Prescribe and regulate zone or areas of service in coordination with the barangay.
- d) Impose, fix and adjust every three years reasonable fees and other related charges in the regulation of tricycles.

Section 3. The Tricycle Operator's Permit (TOP). No tricycle operators shall be allowed to operate within the municipality of Pinamalayan without the TOP.

- a) Requirements in the Application for TOP

The applicant shall furnish all the pertinent papers consistent to the provisions in Kautusan Blg. 4-92 including the following :

- 3.a.1. ID Picture 2 X 2
- 3.a.2. Filled-Up Application Form

Section 4. Creation of Zones of Operation and the Corresponding Tricycle Fares. Zones of operation are hereby created for tricycles with the corresponding fares prescribed according to the existing fare rate as follows :

- 4.a. Fare Rate By Distance

Zones	Fare Rate
1. Poblacion	₱ 2.00
2. Poblacion to Sta. Rita	2.50
3. Poblacion to Panggulayan	2.75
4. Poblacion to Palayan	3.00
5. Poblacion to Nabuslot	3.00
6. Poblacion to Sto. Nino	3.00
7. Poblacion to Pagala-gala	4.00
8. Poblacion to Sta. Maria	5.00
9. Poblacion to Pambisang Malaki	6.00
10. Poblacion to Inclanay	
11. Poblacion to Marayos	
12. Poblacion to Quinabigan (hi-way)	4.00
13. Poblacion to Quinabigan (loob)	5.00
14. Poblacion to Pili	7.00
15. Poblacion to Lumang-bayan	4.00
16. Poblacion to Papandayan (hi-way)	3.00
17. Poblacion to Papandayan (loob)	4.00
18. Poblacion to Del Razon	5.00
19. Poblacion to Malaya	10.00
20. Poblacion to Calingag	10.00
21. Poblacion to Bangbang	4.00
22. Poblacion to Bacungan	6.00
23. Poblacion to Anoling	7.00
24. Poblacion to Maningcol	7.00
25. Poblacion to Sta. Isabel	3.50



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26. Poblacion to Guinhawa	₱ 5.00
27. Poblacion to Buli	
28. Poblacion to Pambisan Munti	10.00
29. Poblacion to Maliancog	10.00
30. Poblacion to Sabang	

Section 5. Tricycle Fare : The prevailing tricycle fare in the municipality of Pinamalayan shall be initially adopted as shown in Section 4 hereof.

The table of fare rate shall be posted prominently at the tricycle terminal and in the visible part of the vehicle unit.

Increase of tricycle fares can be granted by TFRB upon filing of application of operators and upon public hearing and payment of corresponding fees.

### Section 6. Modified Franchise Fees and Other Charges

- a) The annual franchising fee and other fees in the granting of franchise and regulation of tricycle operation are as follows :

a.1. For operators only

Application Fee	₱ 20.00	
Tricycle Operator's Permit (TOP)	150.00	for the first 3 units plus ₱25.00 for every unit in excess of three (3)
Annual Franchise Fee	50.00	
Mayor's Permit (Annual)	50.00	
Sticker (original)	50.00	
Sticker (renewal) Upon	15.00	
Occupational Fee (Annual)	20.00	
Medical Fee	10.00	

a.2. For the Tricycle Drivers Employed by the Operator

Occupational Fee (Annual)	₱ 20.00
Medical Fee	10.00

a.3. Limitations

The applicant operator however shall employ only drivers with a license from LTO, community tax certificate, a medical certificate from the Municipal Health Center, and the receipt of the driver's Occupational Permit Fee.

The operator shall hire only tricycle drivers with ages ranging from 18 to 55 years old. No operator will be allowed to employ minors.

Section 7. Additional Rules and Regulations in the granting of Franchise and the Operation of Tricycles.

- a) The grant of franchise applies only to the operators of tricycle and owners of tricycles they are driving.
- b) The term of TOP is two (2) years subject to renewal every two years.
- c) After one year of operation the operator shall pay only the annual

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franchise fee, the occupational permit fee and the renewal fee, the occupational permit fee and the renewal fee for stickers.

- d) The employed tricycle driver shall annually pay the fees required of them.
- e) The operator must have a common carriers insurance sufficient to answer for any liability it may incur to passenger in case of accident.
- f) Tricycles should bear an identification number with the photo and name of operator and the employed tricycle driver as maybe determined by the Association of Tricycle Drivers and Operators.
- g) The transfer of ~~ownership~~ or zone shall be construed as amendment to the TOP and thus require appropriate approval of TFRB and the payment of corresponding fees.
- h) An operator who wish to stop service completely or to suspend service for more than one month, should report such termination to the TFRB.
- i) All tricycle drivers must strictly follow traffic rules and regulations.

Section 8. Administrative Provisions

A sticker with a corresponding registry number shall be provided by the Office of the Municipal Treasurer for every motorized tricycle duly registered to be paid at cost, by the owner of the tricycle. The Municipal Treasurer shall keep a registry of all motorized tricycles which shall include information on its make and brand, the name and address of owner, the number of sticker issued and other informations that maybe necessary. A list of all registered tricycles shall be submitted by the Municipal Treasurer to the Business Permits, Licensing and Inspection Division copy furnished the Office of the Municipal Mayor and the Office of the Local Philippine National Police.

All the fees required in the grant of franchise and all the fees required of the tricycle drivers shall be paid to the Business Permits, Licensing and Inspection Division of the Municipal Office of Pinamalayan. The Municipal Treasurer is not authorized to separate the legal research fund fee, certification fee and supervision from the General Fund.

Whatever disbursements that shall be made to finance the TFRB projects shall be determined by the Municipal Mayor with the concurrence of at least 2/3 vote of all the members of the Sangguniang Bayan of Pinamalayan.

Section 9. Time and Manner of Payment

The registration and other fees imposed shall be paid on the first day of January and payable to the Municipal Treasurer's Office under the Business Permits, Licensing and Inspection Division within the first twenty (20) days of January. The registration and other fees shall be paid without penalty within the first twenty (20) days following its acquisition.



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### Section 10. Surcharge for Late Payment

Failure to pay the fee prescribed in this Ordinance within the time required shall subject the taxpayer to a surcharge of 25% of the original amount of fee due, such surcharge to be paid at the same time, in the same manner as the original amount of fee due.

### Section 11. Penalty Provision

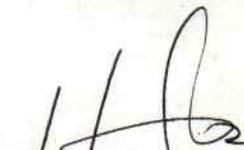
The penalty for the violation provided in Kautusan Blg. 4-92 shall continue to be in full force and effect.

### Section 12. Effectivity Clause

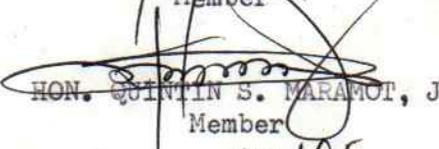
This Ordinance shall take effect upon its approval.

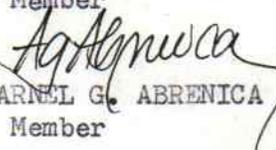
APPROVED : November 27, 1995

  
HON. SUSAN F. COBRADO  
Member

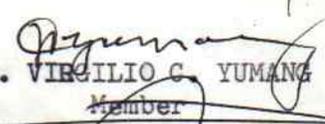
  
HON. FORTUNATO J. LOZANO  
Member

  
HON. MICHAEL V. KING  
Member

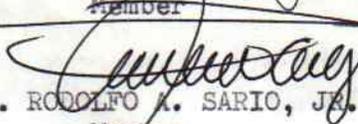
  
HON. QUINTIN S. MARAMOT, JR.  
Member

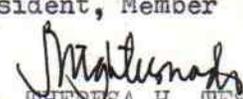
  
HON. ARNEL G. ABRENICA  
Member

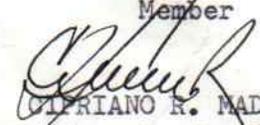
  
HON. MARCELITO N. MAPACPAC  
Member

  
HON. VIRGILIO C. YUMANG  
Member

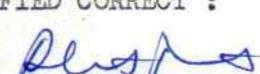
  
HON. ISMAEL M. MADRID  
ABC President, Member

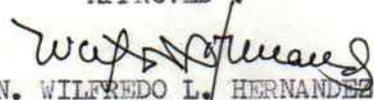
  
HON. RODOLFO A. SARIO, JR.  
Member

  
HON. MA. THERESA H. TESNADO  
SK President, Member

ATTESTED :   
CIPRIANO R. MADRIGAL  
Secretary to the Sanggunian

CERTIFIED CORRECT :

  
HON. ROBERTO A. MORENTE  
Vice Mayor, Presiding Officer

APPROVED :  
  
HON. WILFREDO L. HERNANDEZ  
Municipal Mayor