



Republic of the Philippines
 PROVINCE OF CAGAYAN
 City of Tuguegarao
SEVENTH CITY COUNCIL



EXCERPTS FROM THE MINUTES OF THE 56th REGULAR SESSION
 OF THE SEVENTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
 HELD ON SEPTEMBER 19, 2017, 9:00 A.M., TUESDAY,
 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

PRESENT:

Hon. Jude T. Bayona	Sangguniang Panlungsod Member, Temporary Presiding Officer
Hon. Kendrick S. Calubaquib	Sangguniang Panlungsod Member
Hon. Arnel T. Arugay	-do-
Hon. Gilbert S. Labang	-do-
Hon. Winnoco R. Abraham	-do-
Hon. Imogen Claire M. Callangan	-do-
Hon. Raymund P. Guzman	-do-
Hon. Grace B. Arago	-do-
Hon. Anthony C. Tuddao	-do-
Hon. Jose G. Velasco	-do-

ABSENT:

Hon. Bienvenido C. De Guzman II	City Vice Mayor, Regular Presiding Officer (on Official Business)
Hon. Danilo L. Baccay	Sangguniang Panlungsod Member (on Official Business)
Hon. Maila Rosario T. Que	-do- (on Official Business)
Hon. Mary Marjorie P. Martin-Chan	-do- (on Official Time)

CITY ORDINANCE NO. 45-2017

AN ORDINANCE REGULATING THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF PUBLIC/PRIVATE TRANSPORT TERMINALS WITHIN THE TERRITORIAL JURISDICTION OF TUGUEGARAO CITY, CAGAYAN AND PROVIDING PENALTIES THEREOF

Introduced by: **Hon. Danilo L. Baccay**
Hon. Raymund P. Guzman

WHEREAS, Section 458, Paragraph 3 of Republic Act 7160, otherwise known as the Local Government Code of 1991, provides that the Sangguniang Panlungsod shall enact ordinances granting franchises and authorizing the issuance of permits or licenses upon such conditions and for purposes intended to promote the general welfare;

WHEREAS, Article IV, Section 10, Item Number 3 of Republic Act 8755, otherwise known as the "Tuguegarao City Charter", also provides that "subject to the provisions of the Local Government Code of 1991, the Sangguniang Panlungsod shall enact ordinances granting franchises and authorizing the issuance of permits or licenses, upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the city";

WHEREAS, Section 17 of the Local Government Code further provides that LGUs particularly cities shall endeavor to provide adequate, effective and efficient transportation facility that would provide access and mobility for its people to pursue socioeconomic activities as reflected in the Comprehensive Land Use Plan and the Zoning Ordinance;

WHEREAS, LGUs are in a better position to identify local public transport service requirements and formulate plans for improving connectivity between socioeconomic activities;

WHEREAS, Tuguegarao City as the regional government center and the center of education and commerce which continues to develop as a premier city in Northeast Luzon recognizes the growing need for an adequate public transport terminal;

WHEREAS, adequate, effective and efficient transport terminals are essential for reliable, organized and convenient areas for loading and unloading of passengers and cargoes that would provide access and mobility for its people to pursue socioeconomic activities as reflected in the CLUP and Zoning Ordinance;

WHEREAS, illegal transport terminals have proliferated in many parts of Tuguegarao City, causing traffic congestions and creating inconveniences and confusions among commuters;

WHEREAS, LTFRB issued Memorandum Circular No. 2008-013, s. of 2008 prescribing the standard classifications and guidelines in the establishment, maintenance and operations of Public Transport Terminals;

WHEREAS, DILG-DOTC issued Joint Memorandum Circular No. 01-2008 providing the guidelines in the review of local ordinances concerning public transportation;

WHEREAS, there is a need to revise or repeal all existing ordinances and to enact an updated ordinance regulating the establishment of public transport terminals in order to be attuned to the needs of the present time and to comply with the guidelines, rules and regulations issued by DILG-DOTC and LTFRB, HLURB Board Resolution No. R-408, Series of 1988, other Pertinent National Issuances, pertinent City Ordinances and Resolutions and MC No. 2011-150 of DILG.

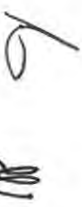
NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod (Seventh City Council) duly assembled in session, to enact the following:

SECTION I. COVERAGE

This Ordinance shall govern the establishment, maintenance and operation of Public/Private Terminals that cater to all types of Public Utility Vehicles (PUVs) except Tricycles for hire and Calesas.

SECTION 2. DEFINITION OF TERMS

1. **Public Transport Terminal** - as used in this Ordinance, shall refer to any structure or facility primarily for the purpose of loading and unloading of passengers and cargoes by Public Utility Vehicles (PUVs).
2. **Garage/Parking** - as used in this Ordinance, shall refer to an off-street area where public utility vehicles are stored or parked while not in operation and where repair or maintenance is done.
3. **Inter-Modal Transport Terminal** - is one which can simultaneously accommodate/serve at least three (3) types of public land transport vehicles such as PUBs, PUJs, taxicabs, Multi-Cabs, Vans/AUVs, etc.
4. **Operator** - refers to the owner/lessor of any real property of agent and/or any other person or entity acting in behalf of the said owner/lessor duly authorized by the Sangguniang Panlungsod of Tuguegarao City to establish, maintain and operate a public transport terminal in accordance with the provisions of this ordinance.
5. **Poblacion** - for purposes of this ordinance, poblacion shall consist of Barangays Centro 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 (Balzain East) and 12 (Balzain West) including Caritan Centro, Caritan Norte, Caritan Sur, San Gabriel, Ugac Norte, Ugac Sur, Pallua Norte, Pallua Sur and Buntun.
6. **Public Utility Vehicles (PUVs)** - refer to all public utility vehicles like vans, jeepneys, buses, mini buses and other conveyances for hire.
7. **Passing-Through Public Utility Vehicles** - refer to public utility vehicles playing the routes between points of origin and destination.



8. **Zoning Ordinance** – refers to a written regulation and law that defines how property in a specific geographic zone can be used. It is a legally binding set of rules and regulations affirming the usage of land in Tuguegarao City.
9. **CLUP** - Refers to the Comprehensive Land Use Plan which is the plan for the long term management of a local territory, identifying areas where development can and cannot be located and directing public and private investments accordingly.
10. **LTFRB** - Land Transportation, Franchising and Regulatory Board.
11. **DOTr** - Department of Transportation.
12. **HLURB** - Housing, Land Use and Regulatory Board.
13. **DILG**- Department of the Interior and Local Government.
14. **LTO** - Land Transportation Office.
15. **SEC** – Securities and Exchange Commission.
16. **LTFRB MC No. 2008-13** - refers to the Memorandum Circular issued by LTFRB prescribing the guidelines in the establishment, maintenance and operation of public transport terminals.
17. **JMC No. 01-2008** - refers to the Joint Memorandum Circular of the DOTC and DILG dated September 10, 2008 prescribing the guidelines in the review of local ordinances, orders, rules and regulations concerning public transportation issued by DOTC and DILG.
18. **MC NO. 2011-150 dated October 12, 2011** – Reiteration of DILG-DOTC Joint Memorandum Circular No. 01, s. 2008, dated September 10, 2008, particularly on the Guidelines in the establishment and operation of Public Transport Terminals.
19. **Choke Points** – refer to areas where heavy traffic congestions occur
20. **Local Public Transport Plan** - refers to a plan detailing the route networks mode and required number of units per mode for delivering public land transport service. This is prepared by the LGU and approved by the LTFRB.
21. **Terminal** – refers to an off-street area where passengers board and alight usually located at the start and at the end of the route.

SECTION 3. ESTABLISHMENT, MAINTENANCE AND OPERATION OF PUBLIC/PRIVATE TRANSPORT TERMINALS

1. Public/Private Transport Terminals may be established, operated and maintained by the City Government or any private individual, partnership, cooperative or corporation upon authorization of the Sangguniang Panlungsod.
2. Only Filipino citizens and bonafide residents of Tuguegarao City for at least One (1) year, and partnerships, corporations, associations or cooperatives at least fifty (50%) percent of the ownership thereof shall be owned by residents of Tuguegarao City, duly registered/accredited with Securities and Exchange Commission (SEC), Cooperative Development Authority (CDA) and/or Department of Trade and Industry (DTI) and not otherwise prohibited by law shall be allowed to establish, operate, maintain and manage public/private transport terminals within Tuguegarao City.

SECTION 4. AUTHORITY/FRANCHISE TO OPERATE

1. The authority or franchise to operate a public/private transport terminal shall be granted by way of an ordinance enacted by the Sangguniang Panlungsod of Tuguegarao City.
2. No private/public transport terminal shall be established, operated and maintained without any authority granted by the Sangguniang Panlungsod of Tuguegarao City.



SECTION 5. DURATION OF THE AUTHORITY/FRANCHISE TO OPERATE

The authority or franchise to operate public/private transport terminals shall be for a period of five (5) years, subject to renewal for a like period.

SECTION 6. REQUIREMENTS

1. All public and private terminals shall comply with the requirements and standards pursuant to LTFRB Memorandum Circular No. 2008-13 and Joint Memorandum Circular No. 01-2008 by DILG-DOTC and LTFRB, HLURB Board Resolution No. R-408, Series of 1988, other Pertinent National Issuances, pertinent City Ordinances and Resolutions and MC No. 2011-150 of DILG, to wit:

1. For Inter-Modal Transport Terminal

The owner/operator of such terminals shall install/provide the following:

1. Separate and sufficient parking slots/spaces for each mode of transport.
2. Adequate and comfortable benches and/or seats with backrests for waiting passengers.
3. Concrete pavement and flooring.
4. Roofing that would provide sufficient shade to passengers from heat of the sun or rain.
5. Wide entrances and exits for easy mobility to and from the terminal.
6. Communication Facilities (such as Telephone, Fax Machines, Internet, Etc.)
7. Public Address System Facilities and CCTV Cameras/Monitors.
8. Information and Passenger Assistance Counters.
9. Appropriate and Adequate Signages.
10. Sufficient number of Security Personnel for the protection of passengers from abusive vendors, pickpockets and other lawless elements and for the proper inspection of baggage.
11. Separate restrooms for Male, Female and Disabled passengers which must, at all times, be clean, sufficiently lighted, foul odor-free, ventilated with cleaning running water, flush system, toilet seat with cover, lavatory, waste bin, toilet paper, mirror, dispenser with soap, hand drier, dry flooring, functional door lock and janitorial/maintenance personnel.
12. Diaper-Changing Tables inside the female restrooms for female passengers travelling with infants/babies.
13. Priority lane for persons with special needs specifically pregnant women, mothers travelling with infants and/or small children, and those with physical disabilities.

2. For Bus Terminals and Terminals which Cater to Less than Three (3) Vehicles Type One of which would be PUBs.

The owner/operator of such terminals shall install/provide the following:

1. Adequate and Comfortable benches and/or seats with backrests for waiting passengers.
2. Concrete Pavement and Flooring.
3. Roofing that would provide sufficient shade to passengers from heat of the sun or rain.
4. Wide entrances and exits for easy mobility to and from the terminal.
5. Communication Facilities (such as Telephone, Fax Machines, Internet, Etc.)
6. Public Address System Facilities and CCTV Cameras/Monitors.
7. Information and Passenger Assistance Counters.
8. Appropriate and Adequate Signages.
9. Sufficient number of Security Personnel for the protection of passengers from abusive vendors, pickpockets and other lawless elements and for the proper inspection of baggage.
10. Separate restrooms for Male, Female and Disabled passengers which must, at all times, be clean, sufficiently lighted, foul odor-free, ventilated with cleaning running water, flush system, toilet seat with cover, lavatory, waste bin, toilet paper, mirror, dispenser with soap, hand drier, dry flooring, functional door lock and janitorial/maintenance personnel.
11. Priority lane for persons with special needs specifically pregnant women, mothers travelling with infants and/or small children, and those with physical disabilities.

3. For Public Utility Vehicles Terminals Not Falling Under the First Two Categories

The owner/operator of such terminals shall install/provide the following:

1. Adequate and Comfortable Benches and/or Seats with backrests for waiting passengers.
 2. Roofing that would provide sufficient shade to passengers from heat of the sun or rain.
 3. Availability of Information and Passenger Assistance Counters of Personnel.
 4. Appropriate and Adequate Signages.
 5. Sufficient number of Security Personnel for the protection of passengers from abusive vendors, pickpockets and other lawless elements and for the proper inspection of baggage.
 6. Priority lane for persons with special needs specifically pregnant women, mothers travelling with infants and /or small children, and those with physical disabilities.
2. Public hearing publication and posting
 - a. Prior to the commencement of the construction, a public hearing must be held and publication of the construction of the public transport terminals in local newspapers of general circulation and/or posting in at least four conspicuous and publicly accessible places including the main entrance of the City Hall must be observed.
 - b. Public hearing includes an official notification of authorized representatives of the LTO, LTFRB and other concerned agencies, public transport operators/drivers and stakeholders.
3. In addition to the requirements stated herein, all applicants for an authority or franchise to operate public transport terminal shall comply and submit the following:
 - a. Minimum area shall be the following:
 1. For Inter-Modal Transport Terminal – Ten Thousand (10,000) square meters
 2. For Bus Terminals and Terminals which Cater to Less than Three (3) Vehicles Type One of which would be PUBs – Three Thousand (3,000) square meters
 3. For Public Utility Vehicles Terminals Not Falling Under the First Two Categories – Two Thousand (2,000) square meters
 - b. Site development plan and design of the proposed public transport terminal showing compliance to the requirements and standards prescribed in this Ordinance
 - c. Duly accomplished and verified Application Form
 - d. Barangay Certificate/Clearance
 - e. Community Tax Certificate
 - f. Certification of Incorporation issued by the Securities and Exchange Commission
 - g. Locational Clearance
 - h. Real Property Tax Clearance
 - i. Certified True Copy of Land Title, Tax Declaration or any Evidence of Ownership
 - j. Memorandum of Agreement (MOA) entered into by the owner of the lot and lessor/operator
 - k. Building Permit

SECTION 7. FEES AND CHARGES

1. **Franchise Fees.** The franchise fee shall be Two Pesos (P2.00) per square meter per annum.
2. Mayor's Permit Fee and other charges shall be collected pursuant to the Local Revenue Code of Tuguegarao City.

SECTION 8. RULES AND REGULATIONS.

1. No public/private transport terminal shall be established within the poblacion as defined in Section 2, Paragraph 5 of this ordinance, except the whole stretch of Diversion Road from Tanza up to the intersection of Diversion Road and Luna Extension or at the Shell Station to portion of Luna Extension up to the foot of Buntun Bridge.
2. No terminal shall be established within three hundred (300) meter radius from identified choke points or those areas where heavy traffic congestions occur such as, but not limited to, the intersections of the whole stretch of Diversion Road from Junction Tanza-Balzain up to the intersection of Luna Extension and Diversion Road, and such other areas as may be identified in the Implementing Rules and Regulations of this Ordinance.
3. The establishment of two (2) or more terminals within the distance of Five Hundred (500) meters from one terminal to another shall be discouraged.

4. Public utility vehicles shall load and/or unload passengers only in an authorized terminal or in designated loading/unloading areas.
5. Only PUVs duly registered with the LTO and issued with corresponding franchise Certificate of Public Conveyance (CPC) by the LTFRB shall be allowed to use the terminal.
6. No gambling of any kind shall be allowed within the premises of the terminals by the operator/owner or any person within.
7. The operator of authorized terminal shall provide adequate lighting facilities within the premises and potable water supply, and shall at all times maintain sanitary facilities within the premises. Food stalls and other business establishments are allowed therein, provided that the Mayor's Permit and other pertinent documents be first secured from the Office of the City Mayor and the other fees are paid.
8. In addition, standards set by HLURB Board Res. No. R-408, series of 1988 on Locational Guidelines for Land Transportation Terminals must be complied with, to wit:
 - a. The terminal should be more than 100 meter away from institutional establishments particularly school and hospital.
 - b. The terminal must be accessible to commuters, i.e. transfer routes are available or within its service radius. However, direct access to major thoroughfares especially high speed highways and expressways should be discouraged for safety and smooth traffic flow purposes.
 - c. The approved zoning ordinance should indicate the location of bus stations/terminals and freight/truck terminals which should be at the periphery of a commercial zone.
 - d. If the municipality has no approved zoning ordinance, the location of bus stations/terminals and freight/truck terminals should be outside the center of commercial activities to reduce and minimize street congestion.
 - e. Jeepney/taxi terminal may be located within the central business district or commercial zone, provided it should not be a major road intersection.
 - f. Garage must be located at the outskirts of the business center or commercial zone.
 1. Should there be an existing LGU-operated or owned Inter-Modal Grand Terminal which is compliant with LTFRB standards, the existing transport terminals of franchise grantees within the said LGU should be considered as garage and the use of the LGU-operated or owned Inter-Modal Terminal is hereby encouraged.
 2. Existing public Transport Terminals not in compliance with the provision of this ordinance shall be given Six (6) Months to fully comply from the effectivity of this ordinance.
 3. PUVs merely passing through cannot be compelled to use the public transport terminal established/designated by the City Government

SECTION 9. IMPLEMENTING RULES AND REGULATIONS

The City Mayor shall adopt an implementing rules and regulation for the smooth and effective implementation of this ordinance in consultation with stakeholders.

SECTION 10. PENALTY

1. Operators, agents or any other person or entity, partnership, corporation, cooperatives, its board of directors and officers acting in his/her, its or their behalves, of authorized terminals shall be held liable for any violation of the provisions of this ordinance and shall be penalized as follows:
 - a. First Offense: A fine of P2,000.00 shall be imposed;
 - b. Second Offense: A fine of P5,000.00 shall be imposed; and,
 - c. Third Offense: Cancellation of the authority to operate and Mayor's Permit
2. Any person, driver or operator of any vehicle unloading passengers outside the established terminal in violation of this Ordinance shall be meted the following penalties:

- a. First Offense – fine of One Thousand Pesos (P1,000.00);
- b. Second Offense – fine of Three Thousand Pesos (P3,000.00); and,
- c. Third Offense – fine of Five Thousand Pesos (P5,000.00) and revocation of Mayor's Permit.

SECTION 11. TRANSITION PERIOD

All existing parking terminals not compliant with this ordinance shall be given a period of six (6) months upon the effectivity of this ordinance to comply, subject to the provisions of applicable existing laws, rules and regulations.

SECTION 12. SEPARABILITY CLAUSE

Should any provision of this Ordinance or any part hereof be found inconsistent with existing laws, the other provisions, as far as they are separable from the inconsistent ones, shall remain in force and effect.

SECTION 13. REPEALING CLAUSE

Ordinance No. 07-2006 and all other Ordinances or Resolutions and Executive Orders/Memoranda concerning public terminals and parking areas are hereby repealed.

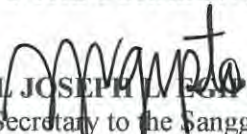
SECTION 14. EFFECTIVITY

This Ordinance shall take effect after fifteen (15) days from its publication in a local newspaper of general circulation.

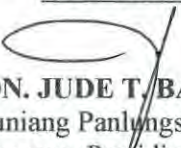
On motion of Hon. Raymund P. Guzman and without any objection, **CITY ORDINANCE NO. 45-2017** was **APPROVED** on its Third and Final Reading under suspended rules.

X-X-X

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH LEGASPI, Ph.D.
Secretary to the Sanggunian

ATTESTED:


HON. JUDE T. BAYONA
Sangguniang Panlungsod Member
Temporary Presiding Officer
Date: 09/26/17

APPROVED:


HON. ATTY. JEFFERSON P. SORIANO
City Mayor
Date: 10/20/17

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