



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



EXCERPTS FROM THE MINUTES OF THE 118th REGULAR SESSION
 OF THE SEVENTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
 HELD ON FEBRUARY 19, 2019, 9:00 AM, TUESDAY,
 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

PRESENT:

Hon. Bienvenido C. De Guzman II	City Vice Mayor, Presiding Officer
Hon. Danilo L. Baccay	Sangguniang Panlungsod Member
Hon. Jude T. Bayona	-do-
Hon. Kendrick S. Calubaquib	-do-
Hon. Maila Rosario T. Que	-do-
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. Gil G. Pagulayan	Ex Officio Member (Liga ng mga Barangay President)
Hon. Karen L. Taguinod	Ex Officio Member (SK Federation President)



ABSENT:

Hon. Mary Marjorie P. Martin-Chan Sangguniang Panlungsod Member (on Maternity Leave)

CITY ORDINANCE NO. 04-2019

AN ORDINANCE GRANTING AUTHORITY TO TUGUEGARAO TRANSPORT TERMINAL MANAGEMENT, INC. TO OPERATE A TERMINAL WHICH CATERS LESS THAN FOUR (4) MODES OF TRANSPORTATION (BUS, PUV AND PUJ) LOCATED AT MAHARLIKA HIGHWAY, TUGUEGARAO CITY

WHEREAS, the Tuguegarao Transport Terminal Management, Inc. has applied for a legislative franchise to construct, operate and maintain a terminal located at Maharlika Highway, Tuguegarao City;

WHEREAS, Paragraph 3 of Section 458 of the Local Government Code provides that “the Sangguniang Panlungsod shall enact ordinances granting franchises to public conveyances and authorizing the issuance of permits for their operation upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the City and pursuant to Legislative Authority”;

WHEREAS, Section III of City Ordinance No. 45, series of 2017, otherwise known as “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”, provides that:

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.

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WHEREAS, Section IV of City Ordinance No. 45, series of 2017, also provides that:

1. The authority of 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 public/private transport terminal shall be established, operated and maintained without any authority granted by the Sangguniang Panlungsod of Tuguegarao City.

WHEREAS, the application of Tuguegarao Transport Terminal Management, Inc. is in accordance with the requirements and conditions of Tuguegarao City Ordinance No. 45-2017 and LTFRB Memorandum Circular No. 2017-030.

NOW, THEREFORE, be it **ORDAINED** by the Sangguniang Panlungsod of Tuguegarao City in session assembled, to enact the following:

SECTION 1. TITLE: This ordinance shall be known as “**AN ORDINANCE GRANTING AUTHORITY TO TUGUEGARAO TRANSPORT TERMINAL MANAGEMENT, INC. TO OPERATE A TERMINAL WHICH CATERS LESS THAN FOUR (4) MODES OF TRANSPORTATION (BUS, PUV AND PUJ) LOCATED AT MAHARLIKA HIGHWAY, TUGUEGARAO CITY.**”

SECTION 2. COMPLIANCE TO REQUIREMENT. The applicant has complied with the documentary requirements to operate a terminal pursuant to LTFRB Memorandum Circular No. 2017-030 and other pertinent national issuances, and also able to meet the additional requirements provided under Paragraph 3, Section 6 of City Ordinance No. 45-2017 which include the following:

1. Duly accomplished and verified Application Form
2. Corporation By-Laws (SEC)
3. Application/Representative Cedula
4. Corporate Cedula
5. Barangay Business Clearance for the purpose of Franchise Application
6. Memorandum of Agreement between Lessee and Lessor (Contract of Lease)
7. Real Property Tax Clearance of the existing building
8. Real Property Tax Clearance of the lot
9. Land Title and Tax Declaration
10. Locational Clearance
11. Site Development Plan and design of the proposed terminal in compliance with the ordinance

SECTION 3. DEFINITION OF TERMS. For the purpose of this Ordinance, the following words shall be construed and defined as follows:

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. 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.
4. Public Utility Vehicles (PUVs) - refer to all public utility vehicles like vans, jeepneys, buses, mini buses and other conveyances for hire.
5. Passing-Through Public Utility Vehicles - refer to public utility vehicles playing the routes between points of origin and destination.
6. Terminal - refers to an off-street area where passengers board and alike usually located at the start and at the end of the route.
7. **SECTION 3. FEES AND CHARGES.**
8. Franchise Fee - The franchise fee shall be Two Pesos (P2.00) per square meter per annum.
9. Mayor's Permit Fee and other charges shall be connected pursuant to the Local Revenue Code of Tuguegarao City.



SECTION 4. DURATION OF THE FRANCHISE. The authority or franchise to operate public/private transport terminals shall remain valid for a period of five (5) years, renewable for the same period.

SECTION 5. Pursuant to the provision of the LTFRB Memorandum Circular and the decision of the Honorable Supreme Court, other means of transport services operating within Tuguegarao City are not forced or compelled to use this terminal.

SECTION 6. CANCELLATION OF FRANCHISE. The franchise of the Tuguegarao Transport Terminal Management, Inc. shall be cancelled in the instance it fails to comply with the lacking requirements as provided for in the LTFRB Clearance and the Inspection Report of the Technical Working Group and for the applicant to execute an Affidavit of Undertaking upon receipt of the Ordinance approving the said application to comply with such deficiency within a period of six (6) months reckoning from November 6, 2018.

The franchise of the Tuguegarao Transport Terminal Management, Inc. shall also be cancelled when requirements and guidelines provided by LTFRB Memorandum Circular No. 2017-030 and City Ordinance No. 45-2-17 are not maintained.

SECTION 7. The Technical Working Group (TWG) is hereby directed to conduct subsequent site inspection and to submit its Progressive Report to the august Body every two (2) months as to compliance of the applicant with the aforesaid lacking requirements.

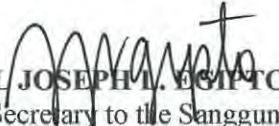
SECTION 8. REPEALING CLAUSE. Any Ordinance, executive order, or rules and regulations or part thereof which is inconsistent with this Ordinance is hereby repealed accordingly.

SECTION 9. SEPARABILITY CLAUSE. If for any reason, any portion or provision of this Ordinance is declared unconstitutional or invalid, the other sections or provisions thereof which are not affected shall continue to be in full force and effect.


SECTION 10. EFFECTIVITY. This Ordinance shall take effect upon approval.

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I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH M. ESCIPTO, Ph.D.
Secretary to the Sanggunian *pe*

ATTESTED:


HON. BIENVENIDO C. DE GUZMAN II
City Vice Mayor
Presiding Officer
Date: 02/20/19

APPROVED:


HON. ATTY. JEFFERSON P. SORIANO
City Mayor
Date: 02/20/19

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