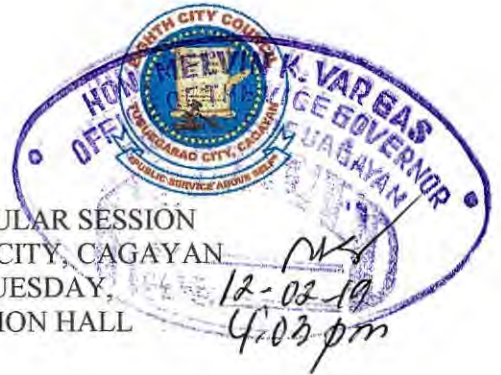




Republic of the Philippines
PROVINCE OF CAGAYAN
City of Tuguegarao
EIGHTH CITY COUNCIL



EXCERPTS FROM THE MINUTES OF THE 20th REGULAR SESSION
OF THE EIGHTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
HELD ON NOVEMBER 19, 2019, 9:00 A.M., TUESDAY,
AT THE SANGGUNIAN PANLUNGSOD SESSION HALL

PRESENT:

- | | |
|-----------------------------------|-----------------------------------|
| Hon. Bienvenido C. De Guzman II | City Vice Mayor/Presiding Officer |
| Hon. Imogen Claire M. Callangan | -do- |
| Hon. Gilbert S. Labang | -do- |
| Hon. Ronald S. Ortiz | -do- |
| Hon. Arnel T. Arugay | -do- |
| Hon. Mary Marjorie P. Martin-Chan | -do- |
| Hon. Winnoco R. Abraham | -do- |
| Hon. Grace B. Arago | -do- |
| Hon. Raymund P. Guzman | -do- |
| Hon. Karine S. Gauani | -do- |
| Hon. Gil G. Pagulayan | Ex Officio Member |
| Hon. Karen L. Taguinod | -do- |

ABSENT:

- | | |
|------------------------------|--|
| Hon. Maila Rosario T. Que | Sangguniang Panlungsod Member (on Official Time) |
| Hon. Danilo L. Baccay | Sangguniang Panlungsod Member |
| Hon. Victor Herbert N. Perez | -do- |

CITY ORDINANCE NO. 48-08-2019

ORDINANCE AMENDING CITY ORDINANCE NO. 25-2019, PARTICULARLY SECTIONS 4.1 AND 4.2, TITLED “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”

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 No. 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;

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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, the City Mayor, Hon. Atty. Jefferson P. Soriano, indorsed to the Seventh City Council the request for amendments of the said City Ordinance;

WHEREAS, two public hearings were held on January 29, 2019 and June 14, 2019 for the said purpose;

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, Tuguegarao City being a Business-Friendly City 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 (Eighth City Council) duly assembled in session, to enact the following:

SECTION 1. TITLE. This Ordinance shall be known as “**AN ORDINANCE UPDATING CITY ORDINANCE NO. 45-2017 TITLED “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.”**”

SECTION 2. COVERAGE. This Ordinance shall govern the establishment, maintenance and operation of Public/Private Transport Terminals that cater to all types of Public Utility Vehicles (PUVs) except Tricycles for hire and Calesas.

SECTION 3. 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. Integrated Terminal Exchange**- 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 be confined to Barangays 1-12.

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 plying the routes prescribed under their respective franchises which extend beyond the territorial jurisdiction of Tuguegarao City, and those that do not necessarily be compelled to use any public/private terminals for purposes of loading/unloading passengers.
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.
22. **PUV Stops** – refer to the designated locations or areas where dropping-off/picking-up of passengers is allowed.

SECTION 4. 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 *subject to compliance with existing laws (Article 12, Sections 10-11 of the 1987 Philippine Constitution) and other laws, rules and regulations* upon authorization of the Sangguniang Panlungsod.
2. **Use of Public Transport Terminal Not Compulsory.** The use of public transport terminals established or designated by the City Government shall not be imposed compulsorily, directly or

indirectly, on operators/drivers using existing terminals in compliance with DILG-DOTC Joint Memorandum Circular No. 1, Series of 2008. Public transport services which are merely passing through cannot be compelled to use such public transport terminals.

3. **Non-Closure of Private Terminals.** Except in cases where any of the provisions of the City Ordinance on Traffic or any pertinent ordinance or law is violated, the City Government shall not close down existing private terminals or curtail the operation of said terminals for the purpose of compelling the use of the public transport terminals established by the city government.
4. The establishment of Public/Private Transport Terminals shall conform with the updated Comprehensive Land Use Plan (CLUP) and Zoning Ordinance.

SECTION 5. 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 6. DURATION OF THE AUTHORITY/FRANCHISE TO OPERATE. The authority or franchise to operate public/private transport terminals shall be for a period of fifteen (15) years, renewable every five (5) years.

SECTION 7. 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:

A. For Integrated Terminal Exchange

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

1. The terminal area requirement shall be based on the feasibility study as approved by the DOTR;
2. Separate and sufficient parking slots/spaces for each mode of transportation;
3. Separate departure and arrival bays for each mode of transportation;
4. Wide entrances and exits for easy mobility to and from the terminal;
5. Drop-off and pick-up areas for private vehicles;
6. Concrete flooring of the entire terminal, not only of the loading and unloading areas;
7. Roofing that would provide sufficient shade to passengers from heat of the sun or rain;
8. Installed Communication Facilities (such as Telephone, Fax Machines, Internet, Etc.);
9. Adequate CCTV cameras and/or monitors which must be: a) continuously recording the last seventy-two (72) hours of operation; and, b) positioned to capture video of (1) all entry and exit points and (2) loading and unloading areas;
10. Availability of Information and Passenger Assistance Counters Personnel;
11. Online Ticketing and dispatching;
12. Detailed schedule of regular trips for each mode of transportation;
13. Appropriate and Adequate Signages;
14. 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;
15. Walk-through metal detectors installed in all entry points;
16. Adequate and comfortable benches and/or seats with backrests for waiting passengers;
17. Separate restrooms for Persons with Disabilities (PWDs) and Male and Female passengers which must, at all times, be: a) clean, b) sufficiently lighted, c) ventilated; d) provided with clean water, flush system, toilet seat with cover, lavatory, waste bin, toilet paper, mirror, soap, hand drier and functional door lock; e) exclusive space for diaper-changing tables; and f) regularly maintained by janitorial personnel;
18. Priority lane for senior citizens, PWDs and persons with special needs specifically pregnant women, mothers travelling with infants and/or small children, and those with physical disabilities;



19. Elevators and/or escalators to facilitate easy access for Senior Citizens, PWDs, pregnant women and passengers travelling with luggage, infants, or small children;
 20. Availability of ramps for PWDs; and,
 21. Other facilities such as driver's retiring rooms, canteen and administrative office.
- B. 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. The minimum terminal size must be at least 130% of the total space requirement of 50% of the franchised units that will use the terminal;
2. Separate departure and arrival bays for each mode of transportation;
3. Wide entrances and exits for easy mobility to and from the terminal;
4. Concrete flooring of the entire terminal, not only of the loading and unloading areas;
5. Roofing that would provide sufficient shade to passengers from heat of the sun or rain;
6. Availability of Information and Passenger Assistance Counters Personnel;
7. Detailed schedule of regular trips;
8. Appropriate and Adequate Signages;
9. Sufficient number of Security Personnel (with hand-held metal detectors at entry points) for bag inspection and manning of the entire terminal, particularly the entry and exit points;
10. Adequate and comfortable benches and/or seats with backrests for waiting passengers;
11. Separate restrooms for Persons with Disabilities (PWDs) and Male and Female passengers which must, at all times, be: a) clean, b) sufficiently lighted, c) ventilated; d) provided with clean water, flush system, toilet seat with cover, lavatory, waste bin, toilet paper, mirror, soap, hand drier and functional door lock; e) exclusive space for diaper-changing tables; and f) regularly maintained by janitorial personnel;
12. Priority lane for senior citizens, PWDs and pregnant women; and,
13. Availability of ramps for PWDs.

C. 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 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 of the following transport terminals as categorized under DOTr Department Order No. 2017-11 and LTFRB Memorandum Circular No. 2017-030 shall be:

SECTION 8. FEES AND CHARGES. A terminal franchise fee of twenty pesos (P20.00) per square meter per annum shall be charged to the applicants for the duration of the 5-year validity of franchise.

SECTION 9. RESTRICTED AREAS FOR THE ESTABLISHMENT OF PUBLIC/PRIVATE TERMINALS.

1. No public/private transport terminal shall be established within the poblacion as defined in Section 2(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 Road 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 shall not be within the distance of Three Hundred (300) meters from one terminal to another except for bus companies and other existing terminals which have to comply with the requirements stated herein upon the effectivity of this ordinance.
 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 meters 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. 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.
 - d. Jeepney/taxi terminal may be located within the central business district or commercial zone, provided it should not be a major road intersection.
 - e. 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 three (3) 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 10. PROHIBITED ACTS.

- a. Only FUVs duly registered with the LTO and issued with corresponding franchises or Certificate of Public Convenience (CPC) by the LTFRB shall be allowed to use the terminal.
- b. Public Utility Vehicles shall operate or ply only along their designated franchise route. Colorum and Out-of-Line operations shall be strictly prohibited.
- c. Public Utility Vehicles shall load and/or unload passengers only at authorized terminals or at loading/unloading areas designated by the PSSO.
- d. PUVs are allowed to maneuver beyond their route ends or turning points and turn-back to their authorized terminals to resume operation, provided that they should take the routes designated by the PSSO.
- e. Parking, waiting or standing along national roads to pick-up/drop off passengers shall be strictly prohibited.
- f. Ambulant vendors, solicitation, display of pornographic materials in any forms shall be strictly prohibited.
- g. Drinking alcoholic beverages, gambling of any kind and other illegal activities shall not be allowed within the premises of the terminal.
- h. Public Utility Jeepneys and UV Express Services are prohibited from entering Poblacion as defined in this Ordinance.

SECTION 11. FINES AND PENALTIES

Terminal Operators, Public Transport Operators/Drivers, agents or any other person or entity, partnership, corporations, cooperatives, its board of directors and officers acting in his/her, or their behalves, whether authorized or unauthorized public/private transport terminals shall be held liable for any violation of the provisions of the Ordinance and shall be penalized as follows:

Item	Violation	Person/s liable	Penalty
1	Submission of fake documents in relation to the application of the "franchise to operate."	Terminal operator	1 st Offense: Fine of P2,000.00 2 nd Offense: Fine of P5,000.00 3 rd Offense: Cancellation of the authority to operate and Mayor's Permit without prejudice to filing of appropriate criminal charges
2	Operating an unauthorized/illegal terminal.	Terminal operator	Fine of P5,000.00 plus outright closure of the terminal without prejudice to filing of appropriate criminal charges
3	Cuddling/allowing a PUV Operator/Driver to engage in colorum and out-of-line operations.	Terminal operator	1 st Offense: Fine of P2,000.00 2 nd Offense: Fine of P5,000.00 3 rd Offense: Cancellation of the authority to operate and Mayor's Permit
4	Abetting discourteous/arrogant terminal employees and staff.	Terminal operator	1 st Offense: Fine of P2,000.00 2 nd Offense: Fine of P5,000.00 3 rd Offense: Cancellation of the authority to operate and Mayor's Permit
5	Loading/unloading of passengers at prohibited areas or outside the designated terminal and pick-up/drop off points.	PUV Operator/Driver	1 st Offense: Fine of P2,000.00 2 nd Offense: Fine of P3,000.00 3 rd Offense: Fine of P5,000.00 and revocation of Mayor's Permit
6	Colorum and Out-of-Line operation.	PUV Operator/Driver	Fine of P5,000.00 plus impoundment of vehicle
7	Refusal to render passenger/trip-cutting.	PUV Operator/Driver	1 st Offense: Fine of P1,000.00 2 nd Offense: Fine of P3,000.00 3 rd Offense: Fine of P5,000.00 and revocation of Mayor's Permit



8	Violation of pertinent provisions of the ordinance.	PUV Operator/Driver and/or Terminal Operator	1 st Offense: Fine of P2,000.00 2 nd Offense: Fine of P5,000.00 3 rd Offense: Cancellation of the authority to operate and Mayor's Permit
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SECTION 12. 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 13. 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 14. REPEALING CLAUSE

City Ordinances or Resolutions and Executive Orders/Memoranda concerning public terminals and parking areas are hereby repealed.

SECTION 15. EFFECTIVITY

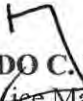
This Ordinance shall take effect after fifteen (15) days from its publication in a local newspaper of general circulation.

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I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. EGIPITO, Ph.D.
 Secretary to the Sanggunian

ATTESTED:


HON. BIENVENIDO C. DE GUZMAN II
 City Vice Mayor
 Presiding Officer
 Date: _____

APPROVED:


HON. ATTY. JEFFERSON P. SORIANO
 City Mayor
 Date: _____

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