



Republic of the Philippines  
City of Bago  
**OFFICE OF THE SANGGUNIAN PANLUNGSOD**

**ORDINANCE NO. 13-07**

**AN ORDINANCE REGULATING THE OPERATION OF MOTORIZED TRICYCLES AND GRANTING OF FRANCHISE FOR THE OPERATION THEREOF WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF BAGO AND PROVIDING PENALTIES THEREOF.**

**WHEREAS**, the power to regulate and issue franchise to tricycles is a power granted to the Local Government Unit by virtue of Art. 99, Sec. 3 (vi) of Republic Act 7160, otherwise known as the Local Government Code of 1991;

**WHEREAS**, the City recognizes the vital role of the tricycle transport business in its development and advancement. With this, regulation of the operation and issuance of franchises to Tricycles for the promotion and protection of the interests of the stakeholders in the business, the general public and the peace and order of the City of Bago become an imperative;

**WHEREAS**, the City shall endeavor to protect the rights of the consumers to a competitive transport system which is responsive to their rights;

**NOW, THEREFORE**, upon motion of SP Member Allan C. Galunan, duly seconded by SP Member Bernadette M. Somcio, be it ordained by the Sangguniang Panlungsod of the City of Bago in session assembled, that:

**Section 1 – TITLE ORDINANCE.** This Ordinance shall be called:

**"AN ORDINANCE REGULATING THE OPERATION OF MOTORIZED TRICYCLES AND GRANTING OF FRANCHISE FOR THE OPERATION THEREOF WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF BAGO AND PROVIDING PENALTIES FOR VIOLATION THEREOF."**

**Section 2 – DEFINITION OF TERMS:**

a) **TRICYCLE-FOR-HIRE** - is a motor vehicle composed of a motorcycle fitted with a single wheel side car or a motorcycle with two wheel cab operated to render transport service to the general public for a fee.

b) **MOTORIZED TRICYCLE OPERATOR'S PERMIT OR MTOP** - is the document granting franchise or license to operate, issued to a person, natural or juridical, allowing himself to operate tricycle for hire over zones specified therein.

c) **ZONE** – is a contiguous land area or block, for example, subdivisions, barangays or 2 or 3 barangays, sitio or puroks.

d) **REQUEST FOR SYSTEM UPDATE (RSU)** – is a document from the Land Transportation Office (LTO) showing that the applicant has applied for change of status of his tricycle unit from "Private" to "For Hire".

e) **ONE-WAY-IN, ONE-WAY-OUT** – is a local policy approved by the Sangguniang Panlungsod through a Resolution wherein tricycles are allowed to operate outside of their prescribed route before 7:00 o'clock in the morning and after 4:30 o'clock in the afternoon.

### **Section 3 - GENERAL RULES OF ENTRY:**

a) Only Filipino citizens and residents of the City of Bago as certified to by their respective Punong Barangays or a partnership or corporation with sixty (60) percent Filipino equity whose office address is in Bago City, likewise as certified by the concerned Punong Barangay, are qualified to be operators of tricycles within the territorial jurisdiction of the City of Bago, subject to the authorized routes in the MTOP.

b) Only applicants in possession of units with valid registration papers from the Land Transportation Office (LTO) shall be granted MTOP.

c) The applicants must carry a common carrier insurance sufficient to answer for any liability it may cause to passenger and third parties in case of accidents.

### **Section 4 - PROCEDURES FOR THE GRANT OF MTOP:**

a) The applicants for MTOP shall file his application in three (3) legible copies with the license division of the City Treasurer Office together with the following: (a) original copy of the Registration Papers from the Land Transportation Office; (b) SSS clearance; (c) certification from the Punong Barangay certifying as to the residency of the applicant; (d) community tax certificate (cedula); (e) Association certification; (f) certified true copy of COMELEC ID certification or registration showing the applicant's residency; (g) old franchise (in case of renewal); (h) General Services Office's (GSO) clearance; and (i) the original copy of insurance coverage showing a common carrier's insurance sufficient to answer for any liability it may incur to passenger and third parties in case of accident.

b) The Applicant shall then proceed to the Treasurer's Office for payment of corresponding fees.

c.) The Applicant shall then proceed to the Office of the City Mayor for the issuance of MTOP.

d.) The Applicant shall then proceed to the Bago City Police Office for verification and assignment of color control, body number, loading capacity and terminal. The Bago City Police Office shall cause the posting of these information on each and every terminal of the association.

e.) The applicant shall then secure a clearance from the Bureau of Fire Protection;

f.) The Traffic Division of the Bago City Police Office after verifying the authenticity of the Applicant's documents and payment of the appropriate filing fee, shall forward the said documents to the City Mayor for approval.

g) The Applicant shall, within sixty (60) days, present to the Licensing Division the certification of request of system update (RSU).

h) Failure to convert the Tricycle from Private to For Hire within the period of ten (10) months shall be a cause for the cancellation of MTOP.

i) The franchisee shall be required to pay all the franchise and other fees to the City Treasurer as enumerated in Section 6, the receipt of which shall be the basis for the PNP Traffic Division to issue a side car number and a zone number.

### **Section 5 - OPERATING CONDITIONS.**

a) Except as provided under this ordinance, no tricycle shall operate on national highways utilized by 4-wheel vehicles and the allowable speed limit for the tricycles shall be 40 kilometers per hour only. Tricycles shall, at all times, occupy the right most lane of the road and not to occupy lanes of trucks and other motorized vehicles. Occupying the lane other right most lane shall be considered as traffic obstruction.

b) Tricycles shall ply only within their approved zones as authorized in their respective MTOP. Where proposed zone has an origin in one Barangay and a destination in another, or an intertwined point in its territory, the joint approval of the Barangay Councils shall be sought and both Barangay Councils shall have jurisdiction over the areas covered by zone. The “one way in, one way out” scheme as already authorized under the existing laws is hereby adopted as an exception to the rule.

c) A common color for tricycles operating in the same zone shall be imposed. Each unit shall be assigned a side car number by the PNP Traffic Division aside from its LTO License plate number. **The applicant shall be required to print the loading capacity of each tricycle unit in its sidecar as determined by the Bago City Police Office.**

d) The MTOP shall be valid for a year, renewable for the same period. Transfer to another zone, change of ownership of unit or transfer of MTOP shall be referred back to the Mayor’s Office for proper amendment and payment of appropriate filing fee for amendment of MTOP to the City Treasurer.

e) Operators shall employ only drivers duly licensed by the LTO for tricycles.

**f) Tricycles should be allowed to carry passengers within its allowed loading capacity as determined by the Traffic Division of the Bago City Police Office.**

**Section 6 – FRANCHISE AND OTHER FEES.**

a) The following fees are hereby imposed:

Franchise fee	-	P 75.00
Filing fee	-	200.00
Supervision & Regulatory fee	-	50.00
Mayor’s permit	-	50.00
Registration fee	-	50.00
Driver’s permit	-	50.00
HCF	-	20.00
Occupational tax	-	20.00
Penalty	-	25%
Surcharge	-	2% per month

b) Fare adjustment Fee for Fare Increase – to accrue upon approval of fare increase and shall be paid together with the annual franchise fee which adjustment fee shall be P10.00 per unit.

c) Filing Fee for Amendment of MTOP – shall be paid upon application for amendment (Transfer of zone, change of ownership, transfer of MTOP), which shall be 50% of the filing fee charged per unit.

**Section 7 – AREA WHERE MOTORIZED TRICYCLE MAY BE ALLOWED AND THEIR RESPECTIVE ROUTES.**

I.	
AREA	: City Center (Brgy. Poblacion, Lag-asan & Balingasag)
Number of units	: 1,200
Associations	: BACTODA – Bago City Tricycle Operators’ and Drivers’ Association
	: CAPTODA – Citywide Alliance of Progressive Tricycle Owners and Drivers Association
	: PBL-TODA – Poblacion, Balingasag & Lag-asan Tricycle

		Operators' and Drivers' Association
Route	:	From their respective terminals in Bago City Public Market, Brgy. Poblacion to Brgy. Poblacion Proper, Brgy. Lag-asan & Brgy. Balingasag & vice versa;
II.		
AREA	:	Sampinit-Poblacion area
Number of units	:	90
Associations	:	POSATODA – Poblacion-Sampinit Tricycle Operators' and Drivers' Association
Route	:	From the boundary of Brgy. Sampinit and Brgy. Calumangan, boundary of Brgy. Sampinit and Brgy. Busay, Puroks Kalayugan, Kapahuan 1 & 2, Calubay, Anahaw to terminal at Bago City Public Market, Brgy. Poblacion, Bago City and vice versa;
III.		
AREA	:	Calumangan-Poblacion area
Number of units	:	100
Associations	:	POCATODA – Poblacion-Calumangan Tricycle Operators' and Drivers' Association
Route	:	From kilometer 14, National Highway, excluding Purok Anahaw, Calubay, Crossing Camatis, Sampinit Proper, Pinanuy-an, Sibud to terminal in Bago City Public Market & vice versa;
IV.		
AREA	:	Busay-Poblacion area
Number of units	:	90
Associations	:	TRODAB – Tricycle Operators' and Drivers' Association of Busay Association
Route	:	From Brgy. Busay to terminal in Bago City Public Market, Brgy. Poblacion & vice versa, excluding Crossing Camatis, Sampinit Proper, Pinanuy-an, Sibud;
V.		
AREA	:	Napoles area
Number of units	:	80
Association	:	BLNTODA – Bago, Lumangub, Napoles Tricycle Operators and Drivers Association
Route	:	From Brgy. Napoles to terminal in Bago City Public Market, Brgy. Poblacion & vice versa;
VI.		
AREA	:	Malingin area
Number of units	:	60

Association	:	BAMANATODA – Bago-Malingin, Napoles Tricycle Operators and Drivers Association
Route	:	Brgy. Malingin to terminal in Bago City Public Market, Brgy. Poblacion & vice versa;
VII.		
AREA	:	Pacol Area
Number of units	:	60
Association	:	PABATODA
Route	:	Brgy. Pacol to terminal in Bago City Public Market, Brgy. Poblacion & vice versa;
IX.		
AREA	:	Sagasa-Caridad area
Number of units	:	100
Association	:	SACATODA
Route	:	Brgys. Caridad and Sagasa to terminal in Bago City Public Market, Brgy. Poblacion & vice versa;
X.		
AREA	:	ZONE 1, Taloc Area
Number of units	:	100
Association	:	BITATODA – Baybay, Ilaya, Taloc Tricycle Operators and Drivers Association
Route	:	From Purok Dangal terminal to Purok Ilaya terminal traversing the national highway & vice versa;
XI.		
AREA	:	ZONE 2, Taloc area
Number of units	:	70
Association	:	TAPACAMODA – Taloc, Para, Camingawan Motorbike Operators and Drivers Association
Route	:	Km. 13.5, Camingawan, Para, Newton Jison up to Brgy. Taloc Brgy. Hall & vice versa;
XII.		
AREA	:	Tabunan, Abuanan, Dulao Area
Number of units	:	185
Association	:	STADTODA – Sum-ag Tabunan,Abuanan, Dulao Tricycle Operators and Drivers Association
		SDUTTODA – Sum-ag, Dulao, Tabunan, Tricycle Operators and Drivers Association

Route : From boundary of Bago City and Bacolod City to Brgys. Tabunan, Dulao and Abuanan & vice versa;

XIII.

AREA : Atipuluan area

Number of units : 30

Association : BAMACETODA – Brgy. Atipuluan, Ma-ao Central Tricycle Operators and Drivers Association

Route : From Crossing Mining to the boundary of Brgy. Atipuluan and Brgy. Abuanan & vice versa;

XIV.

AREA : Ma-ao, Binubuhan and Mailum area

Number of units : 220

Association : TODABAMA – Tricycle Operators and Drivers Association of Brgy. Ma-ao via Binubuhan and Mailum

Route : Brgys. Ma-ao, Binubuhan and Mailum & vice versa;

XV.

AREA : Don Jorge L. Araneta (DJLA)area

Number of units : 120

Association : LACMATODA – La Carlota Central Ma-ao Tricycle Operators and Drivers Association

MAMACETODA – Ma-ao Barrio, Maaao Central Tricycle Operators and Drivers Association

Route : Brgy. Don Jorge L. Araneta to Brgy. Ma-ao & vice versa;

XVI.

AREA : Ilijan area

Number of units : 60

Association : IMMATODA – Ilijan, Mailum Ma-ao Tricycle Operators and Drivers Association

Route : From Brgy. Ma-ao to Brgy. Ilijan & vice versa;

XVII.

AREA : Bacong area

Number of units : 80

Association : BAMATODA – Bacong Maaao Tricycle Operators and Drivers Association

Route : From Bacong to Brgy. Ma-ao & vice versa;

XVIII.

AREA : Pataan area

Number of units : 15

Association : MANAPATODA – Mailum, Najaba, Pataan Tricycle Operators and Drivers Association

Route : Brgy. Ma-ao, Humayan, Najaba & Pataan & vice versa;

### Section 8 – PENALTIES

The following Administrative penalties shall be imposed for the following violations:

- a) For operating without the required Motorized Tricycle Operators Permit (MTOP) or colorum or expired MTOP:
  - a.1. 1st offense – P1,000.00 or impoundment of tricycle unit, in case of non-payment;
  - a.2. 2<sup>nd</sup> offense – P2,000.00 or impoundment of tricycle unit, in case of non-payment;
  - a.3. 3<sup>rd</sup> offense – P3,000.00 or impoundment of tricycle unit, in case of non-payment and revocation of MTOP.
- b) For operating outside the prescribed route:
  - b.1. 1st offense – P 500.00 or impoundment of tricycle unit, in case of non-payment;
  - b.2. 2<sup>nd</sup> offense – P1,000.00 or impoundment of tricycle unit, in case of non-payment;
  - b.3. 3<sup>rd</sup> offense – P2,000.00 or impoundment of tricycle unit, in case of non-payment and revocation of MTOP.
- c) For driving without License or expired drivers license – One Thousand Pesos (P1,000.00) or impoundment of unit in case of non-payment. Violation of this provision for three times in a year shall be a cause for the revocation of MTOP.
- d) For operating without the proper plate number and body number painted on the side car – Three Hundred Pesos (P300.00).
- e) For driving while under the influence of liquor or drugs – One Thousand Five Hundred Pesos (P1,500.00).
- f) Arrogant or abusive conduct of driver towards passenger. - Two Hundred Pesos (P200.00).
- g) Failure to convey passenger or cargo – Two Hundred Pesos (P200.00) or impoundment of unit in case of non-payment.
- h) For traffic obstruction: Three Hundred Pesos (P300.00);
- i) Unauthorized establishment of terminal: Five Hundred Pesos (P500.00);
- j) For Overloading of Passengers
  - First Offense – Three Hundred Pesos (P300.00) or impoundment of tricycle unit, in case of non-payment;
  - Second Offense – Five Hundred Pesos (P500.00) or impoundment of tricycle unit, in case of non-payment;
  - Third and Subsequent Offenses – One Thousand Pesos (P1,000.00) or impoundment of tricycle unit, in case of non-payment.
- k) For Overspeeding
  - First Offense – Two Hundred Pesos (P200.00) or impoundment of tricycle unit, in case of non-payment;

Second Offense – Three Hundred Pesos (P300.00) or impoundment of tricycle unit, in case of non-payment;

Third and Subsequent Offenses – Five Hundred Pesos (P500.00) or impoundment of tricycle unit, in case of non-payment.

- l) For violation of any provision of this ordinance not included in the above-enumeration: an administrative fine of One Hundred Pesos (P100.00) for the first offense, Two Hundred Pesos (P200.00) for the subsequent offenses plus impoundment of the unit. For every day that the unit is impounded, the operator shall pay a storage fee of P20.00 per day.

**Section 9. Repealing Clause.** - All ordinances, rules and regulations, and other issuances or parts thereof which are inconsistent with this ordinance are hereby repealed or modified accordingly.

**Section 10. Separability Clause.** - If for any reason any section or provision of this Ordinance is declared as unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.


**Section 11. Effectivity Clause.** – This Ordinance shall take effect immediately after compliance with the posting and publication requirements set forth under the 1991 Local Government Code.


Enacted, May 29, 2013.

---

I hereby certify to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Panlungsod during its regular session held on May 29, 2013.

Attested:

  
**NICHOLAS M. YULO**  
City Vice Mayor-Presiding Officer

  
**ATTY. BRIAN N. MARTIR**  
City Secretary

Approved this 10th day of June, 2013.

  
**RAMON D. TORRES**  
City Mayor