Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga

ORDINANCE NO. 99-052

AN ORDINANCE GOVERNING THE AWARD AND OPERATION OF THE SPECIAL TRIMOBILE FRANCHISE FOR VILLACORAZON SUBDIVISIONS I AND II AND DOÑA CONCHITA SUBDIVISION, BARANGAY DEL ROSARIO, NAGA CITY AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF: -

Author: Hon. Mila Raquid-Arroyo

Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

ARTICLE I - TITLE AND SCOPE

SECTION 1. - TITLE. - This Ordinance shall be known as the Ordinance Governing the Special Trimobile Franchise for Villacorazon Subdivisions I, II, and Doña Conchita Subdivision, Barangay Del Rosario, Naga City.

SECTION 2. - SCOPE. - This Ordinance shall cover and apply to the award and operation of the Special Trimobile Franchise for Villacorazon Subdivisions I and II and Doña Conchita Subdivision, Del Rosario, Naga City.

ARTICLE II - QUALIFICATIONS OF FRANCHISE APPLICANTS AND AWARD OF TRIMOBILE FRANCHISE

SECTION 3. - QUALIFICATIONS OF FRANCHISE APPLICANTS. - Applicant for the Special Trimobile Franchise approved under Ordinance No. 99-046 for Villa Corazon Subdivisions I and II and Doña Conchita Subdivision should possess the following qualifications:

1. For applicants who are natural persons, he/she must be a registered voter of Naga City. For corporations, cooperatives, organizations, or any other juridical persons, the same must be a registered entity and duly accredited by the Sangguniang Panlungsod of Naga;

2. He/She must be a registered owner of a tricycle/trimobile unit duly registered with the Land Transportation Office;

3. He/She must submit all the requirements provided for under the pertinent provisions of Ordinance No. 93-049 as amended, Provided, however, that applications duly endorsed by existing transportation cooperative based in and operating within the aforementioned subdivisions shall enjoy priority; Provided, further, that applications for franchise made and submitted by the said transportation cooperative itself shall enjoy the first priority.

SECTION 4. - SUBMISSION OF APPLICATIONS AND AWARD OF FRANCHISE. - The application for and award of special franchise to operate tricycles within the areas covered by this Ordinance shall follow the same procedure as that provided for under Ordinance No. 93-049.

ARTICLE III - LIMITATIONS ON THE FRANCHISE

SECTION 5. - Limitations on the Franchise. - The franchise to operate tricycles within the areas covered under this Ordinance shall have the following limitations:

1. Franchise awarded under this Ordinance shall not be sold, mortgaged, or under any manner transferred by the franchise holder to any individual or entity;

2. Franchise holders who decide to cease from exercising the privilege granted under the franchise shall surrender the franchise back to the Sangguniang Panlungsod of Naga;

3. The enjoyment of the privilege granted under the franchise shall be subject to the provisions of existing laws, and ordinances/local regulations which are not otherwise inconsistent with the provisions herein and to future ordinances/regulations whether or not inconsistent herewith, unless such future ordinances/regulations would specifically provide for the exemption there from of the franchise subject herein.

ARTICLE IV - OPERATION OF THE TRICYCLES WITH SPECIAL FRANCHISE GRANTED UNDER THIS ORDINANCE

SECTION 6. - GOVERNING LAWS, RULES AND REGULATIONS. - In addition to pertinent laws, ordinances, rules and regulations, the operation of the tricycles granted with Special Trimobile Franchise under this Ordinance shall be subject to the internal rules and regulations jointly promulgated by the franchise holders and the respective homeowner's associations in the subdivisions mentioned under this Ordinance, in consultation with the Barangay Council of Del Rosario, Naga City. These Internal Rules and Regulations shall also define the penalties to be imposed for violations of any of its provisions.

SECTION 7. - FORMULATION AND PROMULGATION OF THE INTERNAL RULES AND REGULATIONS. - The Internal Rules and Regulation mentioned under the preceding section shall be formulated and promulgated before the commencement of the operation of the tricycles subject of this Ordinance.

For the purpose of this section, the Barangay Council of Del Rosario, Naga City is hereby mandated to convene the conference between the franchise holders and the authorized representatives of the aforementioned subdivisions within fifteen (15) days from date of final award of the twenty-five (25) units of trimobile franchise defined under Ordinance No. 99-046 and facilitate the formulation of the aforementioned internal rules and regulations. Within fifteen (15) days thereafter, the internal rules and regulations thus agreed upon shall be submitted to the Sangguniang Panlungsod for endorsement; Provided, however, that points not agreed upon shall be submitted for final disposition by the Sangguniang Panlungsod.

SECTION 8. - GRIEVANCE MACHINERY. - A grievance machinery or procedures which shall be resorted to in case of conflict in the interpretation and implementation of the provisions of the Internal Rules and Regulations provided for under the preceding section shall be a mandatory provision therein.

Any complaint or grievance arising from conflicts in the interpretation or implementation of the provisions of the Internal Rules and Regulations mentioned under Section 7 hereof shall not be entertained unless the same has already passed through the grievance machinery provided for under this section.

ARTICLE V - PENAL PROVISIONS

SECTION 9. - PENALTIES. - For violations falling under Section 5 of this Ordinance shall be imposed the penalty of imprisonment of not less than two (2) months but not more than four (4) months and a fine of not less than Two Thousand (P2,000.00) Pesos but not more than Five Thousand (P5,000.00) Pesos plus perpetual disqualification from being a tricycle operation franchisee shall be imposed.

SECTION 10. - OTHER VIOLATIONS. - For violations of any of the other provisions of this Ordinance, the penalty of imprisonment of not less than thirty (30) days but not more than two months imprisonment and fine of not less than One Thousand (P1,000.00) Pesos but not more than Two Thousand (P2,000.00) Pesos plus perpetual disqualification from being a tricycle operation franchisee shall be imposed.

ARTICLE VI - SEPARABILITY, REPEALING AND EFFECTIVITY CLAUSES

SECTION 11. - SEPARABILITY CLAUSE. - Should any provision hereof be declared unconstitutional or ultra vires, the others not so declared shall remain in full force and effect.

SECTION 12. - REPEALING CLAUSE. - All other provisions of existing ordinances, resolutions and executive issuances inconsistent with this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 13. - EFFECTIVITY. - This Ordinance shall take effect immediately upon its approval.

ENACTED: July 14, 1999.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

J. ANTONIO A. AMPARADO
City Secretary

GABRIEL H. BORDADO, JR.
Acting City Vice Mayor & Presiding Officer

APPROVED:

SULPICIO S. ROCO, JR.
City Mayor