

ORDINANCE NO. 2007-024
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AN ORDINANCE AMENDING SECTIONS 112, 113, 114 AND 116 OF ORDINANCE NO. 93-049, AS AMENDED, OTHERWISE KNOWN AS “THE TRANSPORT AND TRAFFIC CODE OF NAGA CITY”, PROVIDING MECHANISM FOR THE TRANSFER OF TRICYCLE FRANCHISE, IMPOSING TRANSFER FEE, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF:-

Authored by: **Hon. Salvador M. del Castillo**
Hon. William G. del Rosario

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

SECTION 1. – Section 112 of Ordinance No. 93-049, as amended by Ordinance Nos. 99-049, 2001-075 and 2003-038, otherwise known as the “THE TRANSPORT & TRAFFIC CODE OF NAGA CITY” is hereby further amended, by providing mechanism for the transfer of Trimobile Franchise from duly registered franchise grantee, to other person/s, whether natural or juridical, including Transport Cooperatives.

SECTION 2. – Section 3 of Ordinance No. 99-049, as amended by Ordinance No. 2001-075, is hereby further amended, now to read as follows:

“Section 3.- Non-Transferability of Trimobile Franchise. – As a general rule, trimobile franchise, being a privilege is hereby declared non-transferable, except as herein provided:

a) Provided, that transfers made to legitimate spouse, parents, children, brother/sister, or where the franchise holder is a Transport Cooperative, duly registered with the Cooperatives Development Authority and the transferee is a member thereof, or where the transferee is a driver of a trimobile unit driving the same under the “boundary-hulog system”, and voluntary transfer from driver under the “boundary-hulog system” to the cooperative of which he is a member.

As used herein, “boundary-hulog system” pertains to the written contract, duly acknowledged before a Notary Public, between the trimobile operator/franchisee and the driver of the trimobile unit, that such driver pays the operator for the value of the trimobile unit on installment basis, so that such driver shall eventually be the owner thereof after full payment.

b) Provided, further, that, the transferee is a bonafide registered voter and actual resident of the City of Naga at the time the trimobile unit was acquired, and still a voter and resident of Naga City, duly certified by the Local Election Registrar and the concerned Barangay Secretary and attested to by the Punong Barangay.

c) Provided finally, that transfers made in accordance with the exceptions enumerated herein, shall be recognized by the City of Naga, subject to the requirements and qualifications imposed under Ordinance No. 93-049, as amended.”

SECTION 3. – Transfer Fee. a) For transfer of Trimobile Franchise covered under Section 3, Sub-section a of this Ordinance, a transfer fee in the amount of One Thousand Pesos (P1,000.00) per unit, is hereby imposed;

b) For transfer of Trimobile Franchise covered under Section 3, Sub-section b of this Ordinance, on which the trimobile unit was acquired prior to the approval of this Ordinance, but not earlier than January 1, 2005, a transfer fee in the amount of FIFTEEN THOUSAND (Php. 15,000.00) Pesos, per unit, is hereby imposed;

c) For Transfer of Trimobile Franchise covered under Sub-section b hereof, on which the trimobile unit was acquired after the approval of this Ordinance, a transfer fee in the amount of TWENTY FIVE THOUSAND (Php. 25,000.00) Pesos, per unit, is hereby imposed, PROVIDED, that, when the consideration is more than ONE HUNDRED FORTY THOUSAND PESOS (P140,000.00), the transfer fee per unit shall be THIRTY FIVE THOUSAND (P35,000.00)Pesos;

d) The transfer fee imposed herein shall be paid to the Office of the City Treasurer, prior to the filing of application for transfer of the Trimobile Franchise to the Trimobile Franchising Board and submission thereof for approval by the Sangguniang Panglungsod.

SECTION 4. Section 113 of Ordinance No. 93-049, as amended, otherwise known as the "THE TRANSPORT & TRAFFIC CODE OF NAGA CITY" is hereby amended, now to read as follows:

"Section 113. – Qualifications of Trimobile Franchise Applicants.- All applicants for a franchise to operate a trimobile as a public utility must possess the following qualifications:

- a) A Filipino citizen, and if a juridical person, 100% of the capitalization of which must be owned and held by Filipino citizens;
- b) A resident and registered voter of the City of Naga during last preceding election duly certified by the Local Election Registrar, and the concerned Barangay Secretary and attested to by the Punong Barangay as to actual residency of not less than two (2) years at the time of the filing of his application;
- c) Must not be less than twenty one (21) years old;
- d) Financially capable of maintaining the operation of tricycle/s and answering/shouldering any liability that may arise in the course of the operation of the said tricycle/s."

SECTION 5.– In addition to the Attachments to Franchise Applications provided under Section 114 of Ordinance No. 93-049, as amended, the following documents shall be attached to the application for transfer of trimobile franchise:

1. An affidavit executed by the transferor to the effect that transfer of Trimobile Franchise was from the original franchise grantee;
2. Original copy of the duly executed Deed of Absolute Sale or Deed of Transfer;
3. A duly executed Affidavit of Undertaking of the Transferee/Vendee, categorically declaring that no subsequent transfer or disposition of the unit and franchise shall be executed, and that violation of the same shall mean automatic cancellation of the franchise;

Section 6. - Section 116 of Ordinance No. 93-049, as amended, otherwise known as the "THE TRANSPORT & TRAFFIC CODE OF NAGA CITY" is hereby amended, now to read as follows:

"Section 116. – Limitation of the number of Trimobile Unit. – Each qualified applicant or transferee whether single proprietorship, partnership or corporation shall be limited to a maximum of Five (5) units of public utility trimobiles only, except, Transport Cooperatives engaged in Trimobile operations duly registered with the Cooperatives Development Authority, whose principal office and actual area of operation is within the City of Naga."

SECTION 7. – Penalty – Any Trimobile Franchise grantee who have sold, transfer or dispose the trimobile franchise to any person, whether natural or juridical, except those allowed under Section 3, sub-section a of this Ordinance, shall pay an administrative fine of Five Thousand (5,000.00)Pesos, before any trimobile franchise can be recommended by the Committee on Public Utilities to the Sangguniang Panlungsod for dropping from the rolls and/or cancellation of the franchise;

SECTION 7. – Repealing Clause – The provisions of Ordinance No. 93-049, as amended, orders, rules and regulations, or parts thereof, which are contrary to, or inconsistent with any provision of this Ordinance are hereby amended, repealed and/or modified accordingly;

SECTION 7. – Separability Clause – If any provision of this Ordinance is declared invalid by a court of competent jurisdiction, the other provisions hereof not so declared, shall continue to be in full force and effect.

SECTION 8. – Effectivity – This Ordinance shall take effect upon its approval and publication in a newspaper of local circulation.

APPROVED.

Enacted, August 28, 2007

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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

JOSE L. GRAGEDA
Secretary to the
Sangguniang Panlungsod

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

APPROVED:

JESSE M. ROBREDO
City Mayor