ORDINANCE NO. 2012-017

AN ORDINANCE PROHIBITING THE OPERATIONS OF "HABAL-HABAL" WITHIN THE JURISDICTION OF NAGA CITY AND IMPOSING PENALTIES FOR VIOLATION THEREOF:-

Author: Hon. Jose A. Tuason

WHEREAS, Section 16 (General Welfare Clause) of the R.A. 7061, otherwise known as the "Local Government Code 1991", provides the powers granted to every Local Government Unit to protect and preserve the comfort and convenience of its inhabitants;

WHEREAS, it will be observed that due to the continuing population growth, illegal and dangerous modes of transportation like "Habal-habal" proliferates and being patronized by the riding public from far-flung areas;

WHEREAS, in order to ensure the welfare and safety of its constituents, it is imperative that the operation of "Habal-habal" in the City of Naga be prohibited;

NOW, THEREFORE, be it ordained as it is ordained by the Sangguniang Panlungsod of the City of Naga, that:

SECTION 1. DEFINITION OF TERMS:

- Motorcycle/Scooter/Moped Refers to a two-wheeled motor vehicle powered by fuel or electricity;
- "Habal-Habal" A local term for a motorcycle, scooter or moped illegally used to transport passengers for a fee.

SECTION 2. PROHIBITION - It is hereby prohibited within the jurisdiction of Naga City the operation of any motorcycle, scooter or moped used as "habal-habal" to transport any passenger for a fee;

SECTION 3. PENALTY - Any person or persons found guilty of violating any provision of this ordinance shall be meted with the following penalties:

First Offense - Three Thousand (P3,000.00) pesos fine Second Offense - Four Thousand (P4,000.00) pesos fine Third Offense - Five Thousand (P5,000.00) pesos fine or imprisonment of Six (6) months or both such fine and imprisonment at the discretion of the court. ORDINANCE NO. 2012-017 Series of 2012

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SECTION 4. ADMINISTRATIVE REMEDY - Any violator of this ordinance may avail of a 25% discount of the fine within 12-hour from apprehension, and after such period, a case will be filed in court.

SECTION 5. SEPARABILITY CLAUSE - If any provision or part thereof is declared unconstitutional, such declaration shall not invalidate the other provisions of this ordinance.

SECTION 6. EFFECTIVITY. This Ordinance shall take effect upon its approval and after publication in the local newspaper of general circulation.

ENACTED: March 27, 2012

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WE HEREBY CERTIFY to the correctness of this foregoing ordinance.

GIL A. DE LA TORRE

Secretary to the Sangguniang Panlungsod

GABRIEL H. BORDADO, JR. City Vice Mayor &

Presiding Officer

APPROVED:

JOHN G. BONGAT

City Mayor