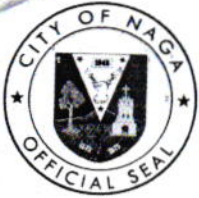


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Republic of the Philippines  
**Tangapan ng Sangguniang Panlungsod**  
 2/F City Hall Bldg., J. Miranda Ave., Con. Peq., Naga City  
 ☎ 472-79-19 • 473-20-51



**ORDINANCE NO. 2016-034**  
 VVVVVVVVVVVVVVVVVVVVVVVVVVVVVVV

**AN ORDINANCE GRANTING A THREE-YEAR FRANCHISE TO MR. JAMES JOHN L. MANUBAY TO OPERATE THE INTEGRATED TERMINAL LOCATED ALONG QUEBORAC DRIVE, BAGUMBAYAN SUR, NAGA CITY FOR THE NORTHBOUND PUBLIC UTILITY JEEPNEYS AND VANS, SUBJECT TO THE PROVISIONS OF ORDINANCE NO. 2006-044, AS AMENDED, AND OTHER PERTINENT ORDINANCES OF THE CITY OF NAGA:-**

Sponsors: Hon. City Councilor Mila Raquid Arroyo  
 Hon. City Councilor Jose A. Tuason  
 Hon. City Councilor Elmer S. Baldemoro  
 Hon. City Councilor David Casper Nathan A. Sergio

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

**SECTION 1. - Name and Location of Terminal.** - This Franchise is hereby granted to MR. JAMES JOHN L. MANUBAY to operate the Naga City Integrated Northbound Terminal located along Queborac Drive, Bagumbayan Sur, Naga City, for the northbound public utility jeepneys and vans;

**SECTION 2. - Period of Franchise.** - The period of the franchise herein granted to Mr. James John L. Manubay shall be for three (3) years effective upon the expiration of its existing franchise;

**SECTION 3. - Terminal fees.** - The terminal charges and rates imposed by the terminal operator shall be in such amounts as are just and reasonable to both the clientele/occupants and the operator subject to the terms and conditions as are consistent with City Ordinance No. 2006-044. At any time during the period of its operation, should the economic conditions change and it becomes necessary for it to make adjustments in such charges and rates, the City shall be duly informed. Any increase in the terminal fees during the period of the franchise shall be with prior consultation with all affected parties, and the proposed new rates shall be submitted to the Sangguniang Panlungsod for approval. The Sanggunian shall resolve the proposal within fifteen (15) days from submission by the operator.

**SECTION 4. - Inalienability of Franchise.** - The franchisee cannot transfer, sell, cede, convey, assign or in any way dispose of this franchise to any person, natural or juridical without the prior approval of the Sangguniang Panlungsod. The same prohibition and condition applies to leasing or other modes of transfer of administration of the terminal.

**SECTION 5. Applicability of Ordinance No. 2006-044, as amended.** All pertinent provisions of Ordinance No. 2006-044, as amended, are written in this Ordinance and shall govern the franchise herein granted. Pursuant thereto the following shall constitute a violation of the franchise:

- (1) Expansion of the area of the terminal not consistent with the City's land use and development plans and/or without prior approval from the City;



- (2) Failure of the franchisee to abide with Section 3 (b) of Ordinance No. 2006-044, and failure to fully implement the traffic design approved during the initial operation of Terminal. Any changes in the management of traffic in the aforementioned area shall be with prior consultation with the TECCom.
- (3) Failure to abide with the conditions of the Environmental Compliance Certificate (ECC) issued by the Department of Environment and Natural Resources (DENR), such as but not limited to:
  - 3.1. Disposal of solid waste materials on appropriate disposal areas, adoption of measures to control, abate, or minimize air, noise and odor pollution. The franchisee is mandated to regularly monitor the smoke and noise emission levels of each public utility vehicle using the terminal to conform to standards set by DENR and the law. The ENRO of the City is tasked to help the terminal operator in monitoring and effecting immediate compliance by public utility vehicle owners and drivers. The TECCom shall determine the regularity of the inspection.
  - 3.2. Provision for and maintenance of proper sanitary, sewerage and water distribution systems in accordance with approved plans and designs. Copies of the plans and designs required submitted to the DENR shall likewise be submitted to the TECCom. Establishment and maintenance of a waste water treatment facility/system may be imposed by the City, upon prior consultation with the franchisee and based on the recommendation of the ENRO of the City.
  - 3.3. Establishment of a 5 by 5 meters distance at two (2) strips of appropriate tree species, such as Talisay, Narra, other hardwood varieties, etc., around the periphery of the terminal to serve as buffer zone and as a pollution control measure.
  - 3.4. Upon the initiation of the franchisee, execution of a Memorandum of Agreement (MOA) between the proponent, homeowner's association, the City and the barangay/s concerned and other concerned entities regarding the establishment of appropriate drainage system, sidewalks and traffic design/plan, which must be accomplished within the period provided for in the ECC.
  - 3.5. Provision for security within the premises of the terminal to maintain peace and order. The City Mayor may require a minimum number of security personnel to be increased when circumstances clearly indicate

the need for additional security. Security on areas immediately abutting the terminal's entrance and exit points shall still be the responsibility of the franchisee.

- (4) Failure to abide with Section 3 (e) and (f) of Ordinance No. 2006-044 on maintenance of trees and greenery as a bufferzone for the terminal area.
- (5) Failure or refusal to consult with the primary clientele of the terminal, as enumerated in Section 3 (h) of Ordinance No. 2006-044, on all matters directly affecting the terminal and the clientele's interest/s.
- (6) Failure to abide with Section 3 (j) of Ordinance No. 2006-044 on sufficiency of facilities. The City Mayor may require the franchisee to increase the number and quality of facilities when circumstances warrant.
- (7) Voluntary suspension of operation at any given day, unless due to factors beyond the control of the franchisee. Suspension of operation in parts of the terminal is allowed to conduct repairs, maintenance and beautification.
- (8) Unauthorized increase in terminal fee/s as provided for in Section 3 above.
- (9) Non-compliance with Section 4 above.

**SECTION 6. Compliance and Penalties.** - (1) Pursuant to Section 8, Ordinance No. 2006-044, the franchisee shall be given a period of not more than ten (10) calendar days from the time a citation for violation is issued by the City Mayor within which to rectify/correct/comply with any of the violations/requirements/limitations set forth in the immediately preceding section. After the period given, penalties shall be imposed accordingly with due observance of due process.

(2) Completely unjustified refusal, or failure on the part of the operator to comply with the specified terms of the City Mayor's order through gross negligence, shall cause the cancellation of the franchise.

(3) If there be ground, but insufficient to justify failure, to comply with the City Mayor's order, or that the failure to comply is merely due to simple negligence, which in both cases do not result in the cancellation of the franchise, the operator shall be fined by the City Mayor Ten Thousand Pesos (₱10,000.00) for the first offense, Fifteen Thousand Pesos (₱15,000.00) for the second commission of the same offense, and Twenty Thousand Pesos (₱20,000.00) for the third commission of the same offense. Commission of the same act or violation for at least four (4) times shall cause the automatic cancellation of the franchise and the forfeiture of the performance bond.



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**SECTION 7. Regulatory Authority of the City Government.** The franchise herein granted is at all times subject to the regulatory authority of the City Government for the protection of public interest and the promotion of the general welfare.

**SECTION 8. Terminal Operation After Cancellation of Franchise.** - Pursuant to Section 8 of Ordinance No. 2006-044, after cancellation of the franchise due to causes mentioned in Section 6 of this Franchise Ordinance, a provisional permit shall be deemed to have taken effect in favor of the same operator. In case of provisional permits and applicants other than the original operator, the pertinent provisions of Ordinance No. 2006-044 shall apply.

**SECTION 9. Reportorial Requirement.** - The franchisee shall submit an annual report to the Sangguniang Panlungsod, through the TECCOM, and the City Mayor of its compliance with the terms and conditions of the franchise and on its operations within thirty (30) days from the end of every year.

**SECTION 10. Equality Clause.** - Any advantage, privilege, exemption, or immunity that may hereafter be granted, shall ipso facto become part of this franchise and shall be accorded immediately and unconditionally to the herein franchisee: Provided, however, That the foregoing shall neither apply to nor affect provisions of the franchise concerning terminal location and the type of service authorized by this franchise.

**SECTION 11. Separability Clause.** - If any of the sections or provisions of this ordinance is held invalid by any court of competent jurisdiction, all other provisions not affected thereby shall remain valid and enforceable.

**SECTION 12. Effectivity Clause.** - This Ordinance shall take effect upon its approval.

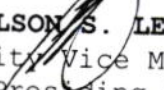
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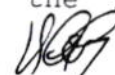
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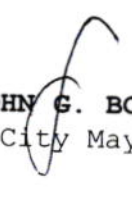
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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

  
NELSON S. LEGACION  
City Vice Mayor  
& Presiding Officer

  
GIL A. DE LA TORRE  
Secretary to the  
Sangguniang Panlungsod

APPROVED:

  
JOHN G. BONGAT  
City Mayor  
6/29/16