

MUNICIPAL ORDINANCE NO. 2020 - 05
Series of 2020

Principal Author: Hon. JAYSON M. BARCELONA

Co-authors: Hon. Victoria Baes-Padullo, Hon. Alfonso A. Montalbo, DMD, Hon. Evelyn B. Alea, Hon. Arnold R. Vargas, Hon. Jeremy I. Enriquez, Hon. Niño G. Liwanag, Hon. Lovely Mae A. Anulao, Hon. Julio L. Ram-oy and Hon. Maynard M. Panganiban

AN ORDINANCE REGULATING THE OPERATION OF FRANCHISED TRICYCLE AND MANDATING THE OPERATORS AND DRIVERS TO STRICTLY OBSERVE PROPER HEALTH PRECAUTIONARY MEASURES AND OTHER PROTOCOLS DURING THE DURATION OF THE COMMUNITY QUARANTINE AND PROVIDING PENALTIES THEREFOR

WHEREAS, in view of the worldwide negative impact of the COVID-19, the World Health Organization (WHO) characterized COVID-19 as a pandemic;

WHEREAS, considering the increasing number of COVID 19 cases in the Philippines, a State of Public Health Emergency was declared by the President pursuant to Presidential Proclamation No. 992;

WHEREAS, on 16 March 2020, the President placed the entire Luzon including MIMAROPA (Mindoro, Marinduque, Romblon, Palawan) Region Under Enhanced Community Quarantine until midnight of 13 April 2020 to contain the spread of the novel coronavirus and was further extended until 30 April 2020;

WHEREAS, the Interagency Task Force-Emerging Infectious Disease (IATF-EID), on 27 April 2020, approved Resolution 219 revising the list of places under Enhanced Community Quarantine placing, among other places Oriental Mindoro under General Community Quarantine (GCQ).

WHEREAS, on 29 April 2020, the IATF-EID Omnibus Guidelines on April 29, 2020 on the Implementation of the Community Quarantine in the Philippines was approved which states that road, rail, maritime and aviation sectors of public transportation shall operate at a reduced capacity in accordance with the guidelines issued by the Department of Transportation; provided that in all public transport, a strict one (1) meter distance between passenger shall be observed and appropriate engineering controls in place;

WHEREAS, under Section (3)(1) of the Guidelines on the General Community Quarantine, minimum public health standards shall be complied with at all times within the duration of the General Community Quarantine (GCQ);

WHEREAS, it is incumbent upon the Municipal Government of Bongabong, pursuant to its duty under the doctrine of *parens patriae* to further protect the interest of

the people in its battle against the COVID-19 pandemic and such other pandemic as may be officially declared;

NOW THEREFORE, on motion of Hon. NIÑO G. LIWANAG seconded by all members present, be it ordained by the Sangguniang Bayan in session assembled that:

SECTION 1. SHORT TITLE. This Ordinance shall be known as “**REGULATED OPERATION AND PROTOCOLS OF TRICYCLES-FOR-HIRE DURING COMMUNITY QUARANTINE.**”

Section 2. APPLICABILITY. This Ordinance shall be enforced during the duration of community quarantine in view of Covid-19 and whenever such situation is officially declared thereafter;

Section 3. MANDATORY PRECAUTIONARY MEASURES AND PROTOOLS. All tricycle operators and drivers operating in the Municipality of Bongabong shall observe the following health precautionary measures and protocols at all times, to wit:

- a. a tricycle shall have a maximum of one (1) passenger only;
- b. no person shall be allowed to sit at the back of the driver;
- c. wearing of mask and gloves for the driver and mask for the passenger is mandatory;
- d. use of disinfected box/container for the collection of fare and returning of change is mandatory;
- f. there shall be, at all times, a plastic or acetate wall or any other non-permeable transparent barrier between the passenger and the driver

SECTION 4. ADMINISTRATIVE PENALTIES. Violation of this Ordinance shall be penalized as follows:

FIRST OFFENSE – a fine of FIVE HUNDRED PESOS (P500.00) per violation against the driver and suspension of tricycle franchise for one (1) month.

SECOND and SUCCEEDING OFFENSES. A fine of ONE THOUSAND PESOS (P1,000.00) for every violation against the driver and suspension of tricycle franchise for two (2) months.

SECTION 5. ENFORCEMENT. The Philippine National Police, together with the municipal traffic enforcers, and barangay officials within their respective barangays, shall implement this Ordinance. In case the apprehension is made by barangay officials, the offender shall be immediately brought to the police station for proper disposition.

The fines herein imposed shall be paid to the Municipal Treasurer and the official receipt evidencing payment thereof shall be the basis for the release of the offender. If the offender cannot immediately settle the administrative fine, he or she shall be properly charged in court. In case of apprehensions made by barangay officials within their

respective barangays, the barangay shall have a share in the fine equivalent to 50% thereof;

The penalty of suspension of tricycle franchise shall be imposed by the municipal tricycle franchising and regulatory committee;

SECTION 6. SEPERABILITY CLAUSE. If, for any reason, any section or provisions of this Ordinance is declared unconstitutional or invalid by competent court, the remaining sections or provisions not affected thereby shall continue be in full force and effect.

SECTION 7. REPEALING CLAUSE. All laws ordinances, issuances, resolutions, rules or regulations inconsistent with or contrary to the provision of this city ordinance are hereby repealed or modified accordingly.

SECTION 8. EFFECTIVITY. This Ordinance shall take effect immediately upon approval and shall cease to exist when the National Government declares the Municipality of Bongabong is no longer under community quarantine.

Certified true:

Atty. EDUARDO M. MAGSINO, REB, EnP
Secretary to the Sangguniang Bayan

Attested by:

Hon. RICHARD S. CANDELARIO
Vice-Mayor/Presiding Officer

Approved:

Hon. ELEGIO A. MALALUAN, O. D.
Municipal Mayor
Date: _____