



Republic of the Philippines
Province of Laguna
MUNICIPALITY OF LOS BAÑOS
Special Science and Nature City
OFFICE OF THE SANGGUNIANG BAYAN
Municipal Hall, National Highway, Brgy. Timugan,
Los Baños, Laguna 4030 Philippines
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EXCERPTS FROM THE MINUTES OF THE FORTY - FOURTH (44TH) REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD ON NOVEMBER 29, 2021 AT THE SANGGUNIANG BAYAN SESSION HALL, NATIONAL HIGHWAY, BRGY. TIMUGAN, LOS BAÑOS, LAGUNA.

Present : Vice Mayor Josephine H. Sumangil - Evangelista, Presiding Officer
S.B. Member Miko C. Pelegrina
S.B. Member Janos S. Lapiz
S.B. Member Geronimo A. Ciceron
S.B. Member Marlo PJ A. Alipon
S.B. Member Mike Dexter A. Concio
S.B. Member Mark Lester B. Dizon
S.B. Member Cris Dayril B. Bagnes
S.B. Member Rodora P. Loares
S.B. Member Arlene P. delos Santos, Liga President
S.B. Member Jozylyn N. Manansala, SK Federation President
Secretary Dona T. Alborida
Ms. Felomina I. Lincallo, LLSO I

Absent : None

Visitor : Mr. Levy Tatad, J101 J Big Radio
Mr. Leo Noel L. Katimbang, MSWDO Staff
Hon. Benito A. Ebron, Barangay Kagawad of Malinta
Ms. Heidi M. Dela Rosa - Baculo, HRMO III
Atty. Katrina D. Galang Bacani, Municipal Administrator

ORDINANCE NO. 2021- 2216

ORDINANCE SUSPENDING THE IMPOSITION OF SURCHARGE AND PENALTY FOR ALL PEDICAB/E-BIKE OPERATORS/DRIVERS WITH EXPIRED FRANCHISES WHO WILL APPLY FOR RENEWAL IN 2022.

Author: Councilor Marlo PJ A. Alipon, REE, RMP, MPA

WHEREAS, municipalities and cities, through their respective sanggunians, are granted the power to regulate the operation of tricycles and grant franchises within their respective jurisdictions subject to the guidelines prescribed by the Department of Transportation and Communication (DOTC) pursuant to Sections 447 (3) (vi) and 458 (3) (vi) of the Local Government Code of 1991;

WHEREAS, the Sangguniang Bayan of Los Baños enacted Municipal Ordinance 2011-1082 dated October 17, 2011 entitled "New Municipal Ordinance on the Franchise and Operation of Motorized Tricycles in Los Baños, Laguna to be known as the "New Ordinance for Tricycles in the Municipality of Los Baños"/ *Bagong Kautusang Pambayan na Nagsasaad ng Pagpapaprangkisa at Pamamahala ng Operasyon sa Lahat ng Traysikel na may Motor sa Bayan ng Los Baños, Laguna na Tatawaging "Bagong Ordinansa para sa mga Traysikel sa Bayan ng Los Baños;*

WHEREAS, the august body also enacted *Kautusan Blg. 2012-1162* dated August 13, 2012 entitled “*Kautusang Pambayan sa Pangagasiwa ng Pagbibigay ng Prangkisa sa Operasyon ng Pampasadang Pedicab (Padyak), Pagpapatupad ng Panuntunan at Multa para sa Paglabag ditto sa Bayan ng Los Baños, Laguna*”;

WHEREAS, the Sangguniang Bayan amended Article III Section 5 of Ordinance 2011-1082 thru Ordinance No. 2017-1618 dated March 13, 2017 entitled “An Ordinance Amending Municipal Ordinance 2011-1082, *Artikulo III, Pagpapatupad, Seksiyon 5. Municipal Tricycle Franchising and Regulatory Board (MTRFB), 5.1, Komposisyon. Ang Bumubuo sa “Municipal Tricycle Franchising and Regulatory Board (MTRFB)”*. Regulation on pedicab franchising was added to the function of the board. The name had been changed into “Municipal Tricycle Pedicab Franchising and Regulatory Board” or MTPFRB;

WHEREAS, Executive Order No. 149 Series of 2019 dated September 2, 2019 entitled “An Order Reconstituting the Municipal Tricycle and Pedicab Franchising and Regulatory Board (MTPFRB)” was signed by the Local Chief Executive;

WHEREAS, Ordinance No. 2011-1082 and Executive Order No. 149 Series of 2019 both state the powers and functions of the MTPFRB as a policy making body;

WHEREAS, Section 8 of *Kautusan Blg. 2012-1161* states that “*Ang bisa ng prangkisa ng pampasadang pedicab (padyak) ay isang taon at pagpapanibago nito sa parehong panahon, Ang hindi pagpapanibago ng prangkisa na lumampas ng isang (1) buwan mula sa takdang araw ay otomatikong KANSELADO NA*”. Furthermore, Section 10.3 of the same Ordinance states that “*... Sa mga lalampas ng takdang panahon ng “renewal”, ay ipatutupad ang 25% na patong (surcharge) mula sa halaga ng prangkisa*”;

WHEREAS, on March 16, 2020, President Duterte has declared a State of Calamity throughout the Philippines due to Coronavirus Disease 2019 (COVID-19) pandemic through Proclamation No. 929;

WHEREAS, pedicab/e-bike operators/drivers have not renewed their franchise since 2018 until the onset of COVID-19 pandemic. During the recently held meeting of the MTPFRB, the TRU was tasked to facilitate the renewal of pedicab franchise;

WHEREAS, during the same meeting, the Board agreed to recommend to the Sangguniang Bayan through passing a Resolution No. 2021-07 dated November 19, 2021 entitled : “ Resolution recommending to the Sangguniang Bayan to suspend the imposition of surcharge and penalties for all pedicab/e-bike operators/drivers with expired franchises who will apply for renewal;

WHEREAS, after careful review and deliberation, the august body agreed to adopt the recommendation of the MTPFRB to suspend temporarily the imposition of surcharge and penalties upon renewal of their expired franchise;

NOW THEREFORE, on motion of Councilor Marlo PJ A. Alipon duly seconded by Councilor Geronimo A. Ciceron and approved by the councilors present;



BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF LOS BAÑOS, LAGUNA, in session assembled, **THAT:**

SECTION 1. TITLE. This Ordinance is entitled as Ordinance temporarily suspending the imposition of surcharge and penalty for all pedicab/e-bike operators/drivers with expired franchises who will apply for renewal in 2022.

SECTION 2. SUSPENSION OF IMPOSITION OF SURCHARGE.
There will be no imposition of surcharge for all pedicab/e-bike operators/drivers with expired franchises who will apply for renewal in 2022. Implementation of Section 10.3 of Ordinance No. 2012-1161 is hereby suspended until December 31, 2022


SECTION 3. SEPARABILITY CLAUSE. If, for any reasons, any part or provision of this Ordinance shall be declared unconstitutional or invalid by the court, or suspended or revoked by competent authorities, other parts or the provisions thereof which are not affected thereby shall continue to be full force and effect.

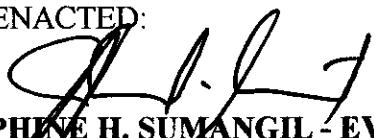
SECTION 4. REPEALING CLAUSE. All ordinances, rules and regulations or parts not consistent with any provision of this Ordinance are hereby repealed, amended or modified accordingly.

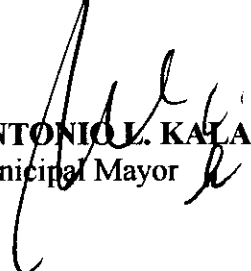
SECTION 5. EFFECTIVITY. This Ordinance shall take force and effect upon approval.

ENACTED : November 29, 2021

I HEREBY CERTIFY to the correctness of the above-quoted Ordinance.


DONA T. ALBORIDA
Secretary to the Sangguniang Bayan

CERTIFIED ENACTED:

HON. JOSEPHINE H. SUMANGIL - EVANGELISTA
Vice Mayor / Presiding Officer

APPROVED:

HON. ANTONIO L. KALAW
Municipal Mayor