



Republic of the Philippines  
Province of Iloilo  
**MUNICIPALITY OF OTON**  
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT from the Minutes of Session of the Sangguniang Bayan of Oton, Iloilo recorded during its Regular Session held at the SB Session Hall on **October 14, 2009** at 2:30 in the afternoon.

<b>PRESENT:</b>	Hon. Jose Neil P. Olivares	Vice Mayor (Presiding Officer)
	Hon. Eusebio G. Villavicencio, Jr.	SB Member (Asst. Floor Leader)
	Hon. Felix L. Flores	SB Member
	Hon. Pablo S. Guevara, Jr.	SB Member (Floor Leader)
	Hon. Francisca C. Ezpeleta	SB Member
	Hon. Cesar B. Digao	SB Member
	Hon. Simplicio R. Carreon, Jr.	SB Member
	Hon. Antonio Hadji C. Gepayo	SB Member
	Hon. Margarito T. Clavel III	SB Member (Liga ng mga Barangay Representative)
	Hon. Michelle G. Babiera	SB Member (SKMPF Representative)
<b>ABSENT:</b>	Hon. Virginia F. Olivares	SB Member (On Sick Leave)

**ORDINANCE NO. 2009 – 17 (218)**

**AN ORDINANCE PRESCRIBING THE RULES AND REGULATIONS FOR THE USE AND OPERATION OF MOTORCYCLES ON HIGHWAYS AND ROADS IN THE MUNICIPALITY OF OTON, ILOILO.**

**As proposed** by Hon. Pablo S. Guevara, Jr. **on motion** of the Committee on Peace and Order and Public Safety namely: Hon. Pablo S. Guevara, Jr., Hon. Simplicio R. Carreon, Jr. and Hon. Antonio Hadji C. Gepayo and duly seconded by Hon. Eusebio G. Villavicencio, Jr.

**BE IT ORDAINED** by the Sangguniang Bayan of Oton, Iloilo, that:

**SECTION 1. Introduction.** Pursuant to Executive Order No. 295 otherwise known as the Administrative Code of 1987 and based on the directive of PNP National Headquarters to all its units down to Police Stations to enforce the "No Plate, No Helmet Travel Policy", it is part of the overall anti – criminality plan to deter and / or neutralize syndicated crime groups and other criminal elements for the safety and security of the populace. Further, the rising incidence of motorcycle accidents in highways is so alarming, which necessitates intervention and strict regulation of traffic ordinances by local government units.

To add more teeth in apprehending violators by the PNP–Oton and Traffic Aides, it is imperative to enact this Ordinance.

**SECTION 2. Definition of Terms.** As used in this Ordinance, the following terms are defined as:

- a) **Driver** – shall mean any licensed driver, operator or rider of a motorcycle.
- b) **Electrical Accessories** – shall mean the horn, brake, headlight, turn signals and the like of a motorcycle.
- c) **Highways / Roads** – shall mean every public thoroughfare, public boulevard, street, avenue, alley, callejon, but shall not include roadway upon grounds owned by private persons, colleges, universities, or other similar institutions.
- d) **Lane Splitting** – shall mean using or sharing a lane already occupied by one vehicle or another vehicle such as a motorcycle in a road or highway.
- e) **Motorcycle** – shall mean any two–wheeled motor vehicle regardless of stroke, having one or two riding saddles.
- f) **Passenger** – shall mean the back–rider of a motorcycle.
- g) **Protective Devices** – shall include helmet, goggles, leather boots and protective clothing such as heavy pants, heavy jackets, leather gloves and rain suit.
- h) **Standard Helmet** – shall mean the protective helmet approved by the Department of Trade and Industry (DTI) with PNS – UNECE 22 markings.

- i) **Temporary Operator's Permit / Municipal Temporary Operator's Permit (MTOPI)** – shall mean the citation ticket issued by LTO deputized agent to those who violate this Ordinance.

**SECTION 3. Regulated Acts.**

- a) **Use of Plate Numbers.** Every motorcycle driver shall, at all times display in a conspicuous part of a motorcycle, the reflective number plates, issued by the Land Transportation Office (LTO). The number plates shall be kept clean and shall be firmly affixed to the motor vehicle in such a manner as it will make it entirely visible and legible.
- b) **Duty of Driver to have license.** Except as otherwise specifically provided by laws, it shall be unlawful for any person to operate any motor vehicle without a valid license to drive.

The license with Restriction Code No. 1 shall be carried by the driver at all times when operating a motorcycle, and shall be shown and / or surrendered for cause to and upon demand by any person authorized under R.A. 4136 or deputized by proper authority to confiscate the same.

- c) **Drivers with newly acquired / bought motorcycles for registration with no issued yet permanent plate number should present to any PNP member and / or traffic aide of Oton any authorized paper / document that same is for registration within three (3) months and justify the same.**
- d) **Speed Limit – the uniform speed limit for nationwide application as provided under Section 35, Article I, Chapter IV of R.A. No. 4136 is hereby incorporated as part of this Ordinance as follows:**
- 1) **Section 35, Restriction as to speed.** a) Any person driving a motor vehicle on a highway shall drive the same at a careful and prudent speed, not greater or not less than is reasonable and proper, having due regard for traffic, the width of the highway, and or any other condition then and there existing, and no person shall drive any motor vehicle upon a highway at such a speed as to endanger the life, limb and property of any person, not at a speed greater than will permit him to bring the vehicle to a stop within the assured clear distance ahead.
  - 2) **Subject to the provisions of the preceding paragraph, the rate of speed of any motor vehicle shall not exceed the following:**
    - 2.A. On "through streets" or boulevards clear – 40 kms per hour of traffic with no "blind corners" when so designated.
    - 2.B. On Municipal streets with light traffic when – 30 kms per hour not designated "through streets"
    - 2.C. Through crowded streets, approaching – 20 kms per hour intersections at "blind corners", passing school zones, passing other vehicles which are stationary or similar dangerous circumstances.
- e) **Passenger and Cargo Load.** Only one (1) back rider shall be allowed on a motorcycle who must be provided with a seat and footrest with helmet.
- The motorcycle shall not carry cargo other than the saddle bags or luggage carriers specifically designed and approved by the DTI.
- f) **Wearing of standard helmet.** It shall be the duty of the motorcycle driver or rider to ensure that he / she and the back rider wear standard helmets.
- g) **Motorcycle Accessories.** Motorcycles shall be equipped with required accessories such as headlight, tail light, signal light, brake light, side mirror and horn.
- The driver shall, at anytime of the day, switch on the headlight of the motorcycle while it is being operated in the highway. He shall dim the headlight or lower the beam

whenever the motorcycle is being operated on well-lighted streets and thickly populated barangays or whenever it meets another vehicle along the highway.

**SECTION 4. Miscellaneous Traffic Rules.**

- a) No driver / rider shall operate a motorcycle while under the influence of liquor or narcotic drug.
- b) The driver / rider shall not use a cellular phone or other gadgets while operating a motorcycle.
- c) A driver / rider shall observe the rule of "one vehicle per one lane only." Lane splitting is prohibited along the road or highway. Motorcycles shall not be operated on sidewalks.

**SECTION 5. Penal Provisions.** The following fines / penalties shall be imposed against violators of this Ordinance:

- a) For failure of driver / rider and / or back rider to wear prescribed helmet, he / she shall be meted a fine of Five Hundred Pesos (P500.00) and be required to attend a seminar on traffic safety management to be conducted by the traffic NCO.
- b) For carrying more passengers, other than the back rider or cargo, or other than the saddle bags and luggage carriers shall be meted a fine of Four Hundred Pesos (P400.00).
- c) For defective accessories such as headlight, tail light, signal light, brake light, side mirror and horn, he / she shall be meted a fine of Four Hundred Pesos (P400.00).

**SECTION 6. Repealing Clause.** All related provisions of existing ordinances inconsistent herewith are hereby revoked and superseded accordingly.

**SECTION 7. Separability Clause.** If any provision of this Ordinance is held invalid, the other provisions not affected thereby shall continue in operation.

**SECTION 8. Effectivity Clause.** Based on Section 511 of the Local Government Code, this Ordinance with penal sanctions shall take effect either on the day following its publication, or at the end of three (3) consecutive weeks period of posting, whichever occurs later.

**SECTION 9. Copies.** This Ordinance shall be furnished to the Office of the Mayor; PNP – Oton; Liga ng mga Barangay; LTO, Iloilo Provincial Command, PNP; MTO; MTC; President of Bikers Associations in Oton; OFTODAI; Motorcycle clubs or associations in Oton; and the Sangguniang Panlalawigan of Iloilo for information, guidance and review respectively.

**UNANIMOUSLY APPROVED.**

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.


Concurred:

  
PABLO S. QUEYARA, JR.  
Floor Leader

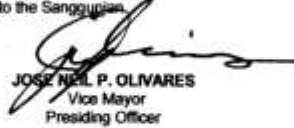
Approved:

  
VICENTE B. FLORES, JR.  
Municipal Mayor

Date Approved: November 11, 2009

  
KERRY ANN T. LACIFICAR  
Secretary to the Sangguniang

Attested:

  
JOSE NEIL P. OLIVARES  
Vice Mayor  
Presiding Officer

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