



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 ng Oton, Iloilo recorded during its Regular Session held at the SB Session Hall on **September 07, 2023** at 9:00 in the morning.

<p>PRESENT:</p> <p>Vice Mayor Jose Neil Portugalete Olivares Hon. Jimmy Robles Olivares Hon. Ma. Loma Tumambo Geonigo Hon. Dennis Quillo Geroche Hon. Ernesto Cordova Ticao Hon. Lee Cereneo Alison – Bretaña Hon. Grace Marie Escanlar-Cruz Hon. Rodolfo Zurita Alconga, Jr. Hon. Vanessa Turita Salinas Hon. Antonio Prias Masculino, Jr. Hon. Ella Mae Seguisa Yeoh</p> <p>ON OFFICIAL BUSINESS: None. ABSENT: None</p>	<p>Vice Mayor and Presiding Officer SB Member SB Member SB Member SB Member SB Member SB Member SB Member SB Member SB Member (LNB Representative) SB Member (PPSK Representative)</p>
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ORDINANCE NO. 2023 – 423

AN ORDINANCE ORDAINING THE CODE ON PUBLIC UTILITY TRI-SIKAD IN THE MUNICIPALITY OF OTON, ILOILO.

AS REQUESTED by the Local Chief Executive, **DRAFTED** by Vice Mayor Jose Neil P. Olivares, Chair of the Committee on Public Utilities and Facilities, **ON MOTION** of Hon. Jimmy R. Olivares duly seconded by Hon. Lee Cereneo Alison – Bretaña;

BE IT OBTAINED by the Sangguniang Bayan ng Oton, Iloilo, that:

SECTION 1. INTRODUCTION.

Since the implementation of Municipal Ordinance No. 020 series of 1988, there have been a number of passed and approved municipal ordinances regulating the operation of Tri-sikad in the Municipality of Oton, to wit: Municipal Ordinances Nos: 021-1988 , 004 – 1989, 04A-1990, 07-1990, 21-1993, 42-1996, 69-1999, 2023-405 and 2023-409.

With the advent of upgraded electric tri-sikad, the Sangguniang Bayan ng Oton has to codify these ordinances on manual and electric tri-sikad for the purpose of promoting the general welfare of the inhabitants through a clear and streamlined ordinance on tri-sikad.

SECTION 2. DECLARATION OF POLICY

It is the policy of the Local Government Unit of Oton that all types of tri-sikad, public or private, electric or manual, shall be properly classified and regulated for purposes of public safety and welfare as enshrined in the General welfare clause of the Local Government Code (Section 16, RA 7160).

SECTION 3. LEGAL BASES.

This ordinance is anchored on the following:

- a. Section 447, RA 7160, Powers, Duties and Functions of the Sangguniang Bayan
- b. Administrative Order No. 2021 – 039 of the Department of Transportation, Guidelines in the Classification, Registration and Operation of all Types of Electric Motor Vehicles
- c. Memorandum Circular 2007-01 of the DILG, Basic Considerations in the Preparation of the City or Municipal Tricycle and Pedicab Franchise and Regulatory Ordinance or Code
- d. Memorandum Circular 2020-04 of the DILG, Guidelines in the Review or Revisiting the City or Municipal Ordinance or Code and Barangay Ordinance on the use of Public Roads, Pathways and Alleys

- e. Legal Opinion of the Land Transportation Office VI (LTO 6) through Regional Director Eric Lenard E. Tabaldo dated 24 July 2023, interposing no objection if the Sangguniang Bayan will allow L1 and L2 electric vehicles to operate as public tri-sikad subject to limitations under AO 2021-039.

SECTION 4. DEFINITION OF TERMS.

For purposes of this ordinance, the following terms are defined as:

- a. Public Utility Tri-sikad (PUT) – It is a manually or electrically powered 3-wheeled vehicle having an attached sidecar with a single or double pneumatic tires, manually operated or powered by electrical energy categorized as L1 and L2 (e-Moped 2w and 3w as classified in AO 2021-039 of the DOTR), capable of propelling the unit to a maximum speed of fifty (50) km/hour, intended for transporting passengers or cargoes for a fee.
- b. Private Tri-sikad (PT) – a privately-owned tri-sikad purposely for private use only, its characteristics similar to Section 4.a above but may belong to any category under AO 2021 – 039.
- c. Barangay Roads – are roads within the barangay funded or maintained by either the barangay concerned or the municipality and not covered by the definitions of national, provincial or municipal roads (M.O. No. 2023 – 411).
- d. National Roads/Highways – are primary, secondary and tertiary national roads/highways under the maintenance jurisdiction of the Department of Public Works and Highways (DPWH) as classified in Municipal Ordinance No. 2023 – 411.
- e. Provincial Roads – are roads that connect the municipality to the city without traversing national roads, connect national roads to barangays through rural areas, and connect the municipality to a major provincial government infrastructure (M.O. 2023 – 411).
- f. Municipal roads – are roads within the población, roads that connect to provincial and national roads that provide inter-barangay connections to major municipal infrastructure without traversing provincial roads (M.O. 2023 – 411).
- g. Private Roads – are roads owned, regulated and maintained by private persons, natural or juridical.
- h. Alley – a narrow street or thoroughfare through a middle of a block giving access to the rear of lots or buildings (M.O. No. 2023 – 411)
- i. Street – a road in a town, village or poblacion of a town that has houses or other buildings on one or both sides that is wider than an alley.
- j. PUTDOA- Public Utility Drivers and Operators Association

SECTION 5. REGULATORY CLAUSE

- a. No PUT shall operate without being registered, with a duly LGU - issued License to Operate as PUT and the Driver shall have a Driver's License issued by the LGU.
- b. Public Utility Tri-sikad (PUT) shall operate in a barangay, zone within the barangay or subdivision only. No PUT shall operate in an inter-barangay route.
- c. No PUT shall operate in a national road or highway. It can only cross the national road/highway but not operate along.
 - c.1. L1a (e-Moped 2w) shall be limited within barangay local roads only. It can pass national roads and other types of roads for purposes of crossing only when the road/lane it is allowed to traverse is divided by the former (AO 2021-039)
 - c.2. L1b (e-Moped 2w) – Operation of these vehicles may be allowed to go beyond barangay roads to cover other local roads, provided that it will take the outermost part of the road close to the edge. It can pass main thoroughfares

and national roads for purposes of crossing only when the road it is allowed to traverse is divided by the former and shall yield to the right of way to all oncoming traffic that constitute an immediate hazard (AO 2021 - 039).

c.3. L2a (e-Moped 3w) – Operation shall be limited within or along private and barangay roads only. It can pass main thoroughfares and national roads and other types of roads for purposes of crossing only when the road/lane it is allowed to traverse is divided by the former and shall yield the right of way to all oncoming traffic that constitute an immediate hazard (AO 2021 - 039).

c.4. L2b (e-Moped 3w) – The operation of these vehicles may be allowed to go beyond barangay roads to cover other local roads provided that it will take the outermost part of the road close to the edge. It can pass main thoroughfares and national roads for purposes of crossing only when the road it is allowed to traverse is divided by the former and shall yield the right of way to all oncoming traffic that constitute an immediate hazard (AO 2021 – 039).

- d. Loading Limitation – Loading of passengers and cargoes shall be regulated:
- d.1. For passengers, no PUT shall carry more than two (2) passengers, and no back rider shall be allowed. A child more than seven (7) years of age shall be considered as passenger.
- d.2. For cargoes, no PUT shall carry more than one hundred (100) kilograms in weight or exceeding the length of two (2) lineal meters (M.O. 020-1988)
- e. Registration Limitation – A PUT Operator shall be allowed to register a maximum of five (5) units only under his/its name.
- f. Age Limitation – A PUT Operator shall be at least twenty – one (21) years old, while a PUT Driver shall be at least Eighteen (18) years old (M.O. 020-1988)
- g. Routes – A PUT may operate in any barangay subject to operational area limitations provided by Sections 5.b and C.1 to C.4 above and AO 2021 – 039
- h. Fares – A Flat rate fare for all PUT shall be determined by the OMFRB which shall be endorsed to the Sangguniang Bayan for adoption, thereupon a Fare Matrix for PUT shall be issued through a Resolution. The same procedure shall be applied in the case of issuance of new fare matrix.
- i. Identification Card – A PUT Driver who passed the requirements shall be issued an Identification Card which shall serve as his Driver's License. It (ID) shall be worn at all times when conveying passengers. It shall be a laminated 5x5 inches ID containing the important personal data and the 2x2 picture of the driver. The ID shall be valid for two (2) years (M.O. 1996 – 42).
- j. Road worthiness at Night – PUT shall be equipped with devices or fixtures needed for night operation. It shall have reflectorized stickers at its front, back and side wheel. It shall have head and park lights powered by dynamo or electric energy. Drivers shall have flashlights in case of energy failure of the unit (M.O. 1993-21)
- k. Prohibition on Radio or Stereo – No Radio (for FM or AM) or stereophonic device shall be installed in both PUT and PT (M.O. No. 1990 – 04)
- l. Terminals and Parking Areas – manual or electric-powered PUT shall orderly share one terminal or parking area that has been adopted by the association or as prescribed by an enabling legislative measure.
- m. Color Coding – Routes of PUT, except for routes of EPT (Category L3, e-Motorcycle) as provided under Municipal Ordinance No. 2023 – 405 shall be assigned a specific color code through an ordinance.
- n. Maximum Number of PUT Allowed for Each Route – There shall be fixed a maximum number of PUT that will be allowed to operate in every route to be ascertained by the OMFRB by adopting a Route Measure Capacity Formula

that shall be adopted by the Sangguniang Bayan through a Resolution. Any amendment to the maximum number of PUT per route shall be also prescribed by a sanggunian resolution.

SECTION 6. ADMINISTRATIVE PROVISIONS

- A. Trisikad operators and drivers shall create their association based on the route they are plying for purposes of internal policies especially on discipline of their members. Membership of the PUT operator and driver to the association shall be a prerequisite prior to the issuance of the license to operate and the driver's license for better enforcement of this code, to enable proper discipline, supervision and control of all PUT drivers in strictly abiding to the provisions of this code, most especially to the traffic and route provisions hereof.
- B. The Office of the Municipal Administrator shall issue yellow plates for public utility trisikads and green plates for private utility trisikad. It shall adopt its own numbering and record systems.
- C. Before or upon the effectivity of this Ordinance, the SB, Oton PNP, Municipal Administrator and MDRRMO shall conduct a joint IEC to existing trisikad owners/ drivers.
- D. A concerned PUTDOA may adopt a Body Numbering System for all its members.
- E. All rules and regulations of a PUTDOA shall be adopted / approved by the SB through the OMFRB.

F. The procedure in the granting of License to Operate shall be:

1. Application Form containing the letter of application to operate a PUT by the PUT Owner/ Operator addressed to the Mayor or to his duly delegated office.
2. Application for a Driver's ID / License by the PUT Driver. The PUT Owner & Driver shall attend a Seminar to be conducted by the MDRRMO.
3. Inspection of the unit/ s by the joint team of Municipal Administrator and TMU (MDRRMO). The inspection includes Driver's ID issued by the LGU, color code of the unit, trash can, reflector stickers, lights and other requirements provided by the ordinance.
4. If passed, the PUT owner shall pay the fees at the Municipal Treasurer's Office.
5. After the payment of fees, the Office of the Mayor or any delegated office will issue the License to Operate a Public Utility Trisikad.
6. The Office of the Municipal Administrator will issue the corresponding plates. The plate is a sign that the owner / operator can now start operating. Yellow plate for Public Utility Trisikad and green plates for Private Trisikad.
7. Other regulations for Trisikad or provisions of Municipal Ordinances governing the operation of Trisikad shall remain effective if not expressly amended by any provision of this ordinance.

8. The same procedure in this subsection shall apply to Registration of Private Trisikad.

9. FEES:

Trisikad Classification	Registration Fee	License to Operate	Driver's ID/ License
Manual	150.00	150.00	150.00
Electric	200.00	200.00	200.00
Private	150.00	-	-

SECTION 7. PENALTY CLAUSE:

- A. An Owner / operator of PUT found violating this Ordinance shall be meted a fine of Five Hundred pesos (500.00) or imprisonment of one (1) day for the first offense and fine of One thousand Pesos (P1, 000.00) or imprisonment of Three (3) days for the second or succeeding offenses or both fine or imprisonment at the discretion of the court.
- B. An owner / operator of PUT found violating this ordinance for the third (3rd) time shall be denied issuance of License to Operate.
- C. For reasons of public safety, aside from fine or imprisonment, the unit shall be impounded and will be released upon compliance of fine or imprisonment.
- D. Drivers violating this ordinance (i.e. driving without driver's license or ID) shall pay a fine of Three Hundred Pesos (Php300.00) or one day imprisonment or both fine and imprisonment at the discretion of the court.

SECTION 8. REPEALING CLAUSE - All municipal ordinances or parts of any municipal ordinance inconsistent with the provisions of this Ordinance, are hereby repealed or modified accordingly.

SECTION 9. SEPARABILITY CLAUSE If any provision of this Ordinance is held invalid, the other provisions not affected thereby shall remain valid and effective.

SECTION 10. 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 11. COPIES. This Ordinance shall be furnished to the Office of the Mayor; MTO, MBO, Acctg, MDRRMO; MPDO; GSO; MEEDO; BPLO, Administrator, Legal Officer, All TCH Associations; All Trisikad Associations, Oton-PNP; Liga ng mga Barangay, 37 Barangays, MLGOO 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:

Vanessa T. Salinas
VANESSA T. SALINAS
 Chair - Committee on Rules and Privileges

Attested:

Kerry Ann T. Lacificar
KERRY ANN T. LACIFICAR
 Secretary to the Sanggunian

Jose Neil P. Olivares
JOSE NEIL P. OLIVARES
 Vice Mayor and Presiding Officer

Approved:

Sofronio L. Fusin, Jr.
SOFRONIO L. FUSIN, JR.
 Municipal Mayor

Date Approved: SEP 18 2023

Date Posted: SEP 18 2023

