



Republic of the Philippines
Province of Sorsogon
CITY OF SORSOGON



Office of the Sangguniang Panlungsod

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SEVENTH CITY COUNCIL HELD AT THE SESSION HALL ON JANUARY 14, 2020.

PRESENT:

HON. MARK ERIC C. DIONEDA
City Vice Mayor/Presiding Officer

BACON DISTRICT

Hon. Jo Abegail C. Dioneda
Hon. Melchor P. Atutubo
Hon. Danilo A. Deladia

EAST DISTRICT

Hon. Ralph Walter R. Lubiano
Hon. Mary Ellen D. Jamisola
Hon. Franco Eric O. Ravanilla
Hon. Joven G. Laura

WEST DISTRICT

Hon. Erwin J. Duana
Hon. Rebecca D. Aquino

EX-OFFICIO MEMBERS

Hon. Ma. Teresa D. Perdigon
Hon. Lorenz S. Abenion

ABSENT: Hon. Hilario D. Dioneda
Hon. Nestor J. Baldon
Hon. Fernando David H. Duran, III

Resolution No. 008, Series of 2020

(Author: Hon. Franco Eric O. Ravanilla)

RESOLUTION ENACTING AN ORDINANCE PRESCRIBING RULES AND REGULATIONS ON THE PROPER USAGE OF FOUR-LANE NATIONAL HIGHWAY WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF SORSOGON AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, the Department of Public Works and Highways has already completed the road expansion of Maharlika Highway from Barangay Salvacion, West District to Barangay Abuyog, East District including the Salvador H. Escudero III Diversion Road and some portion of national highway from Rotonda to Bacon District, all within the territorial jurisdiction of the City of Sorsogon;

WHEREAS, at present statistics reveal that numerous accidents occurred due to improper and indiscriminate usage of four-lane national highway resulting in injuries, loss of lives and damage to properties;

WHEREAS, while the road expansion project of the national government aims to provide a wider and safer road network for the growing number vehicles plying the highways, its improper utilization defeats the noble intention of the concerned entity;

WHEREAS, Sangguniang Panlungsod Joint Committees on Transportation, Communication and Utilities and Public Order and Security have conducted Joint Committee Hearing attended by the representatives of the 1st and 2nd District Engineering Offices of the Department of Public Works and Highways and Land Transportation Office, it was then established that the local government is authorized to set speed limits on the road expansion within the territorial limits of the Province of Sorsogon, provided that specific parameters are prescribed in an ordinance, and such measures shall not contravene any existing national laws, rules and regulations;

WHEREAS, approved Provincial Ordinance No. 5-2016 entitled: “An ordinance prescribing rules and regulations on the utilization of road expansion project in Daang Maharlika within the territorial jurisdiction of the Province of Sorsogon” to the exclusion of the Salvador H. Escudero III Diversion Road and the national highway from Rotonda to Bacon District, all located in the territorial jurisdiction of Sorsogon City, henceforth the need to pass this measure;

WHEREAS, foregoing premises considered and after deliberation on the matter, the 7th City Council deemed it necessary to pass a resolution enacting an ordinance prescribing rules and regulations on the proper utilization of four-lane national highway within the territorial jurisdiction of the City of Sorsogon and providing penalties for the violation thereof;

NOW THEREFORE, on motion of **Hon. Franco Eric O. Ravanilla**, duly seconded by **Hon. Joven G. Laura**, resolved as it is hereby resolve to enact an ordinance prescribing rules and regulations on the proper utilization of four-lane national highway within the territorial jurisdiction of the City of Sorsogon and providing penalties for the violation thereof.

City Ordinance No. 02, Series of 2020

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS ON THE PROPER USAGE OF FOUR-LANE NATIONAL HIGHWAY WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF SORSOGON AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

Be it ordained, as it is hereby ordained by the Sangguniang Panlungsod in session assembled, that:

SECTION 1. TITLE. This Ordinance shall be known as “**Sorsogon City National Highway Regulation Ordinance of 2019**”.

SECTION 2. DECLARATION OF POLICY. It is hereby declared the policy of the City Government of Sorsogon to secure and safeguard its citizenry thru proper utilization of four-lane national highway. Likewise, the City Government shall pursue a more proactive and preventive approach to secure the safety of motorist, passenger, pedestrians and preserve and protect properties at all times by prescribing rules and regulations on the proper utilization of the four-lane national highway and appropriate speed limits to all kinds of vehicles, in each lane, plying the highway within the territorial jurisdiction in the City of Sorsogon.

SECTION 3. COVERAGE. This ordinance shall cover all Four-lane National Highways and all other future identification and declaration of national highways within the territorial jurisdiction of the City of Sorsogon.

SECTION 4. DEFINITION OF TERMS.

The following terms are adopted from RA 4136 for purpose of, and whenever any the following word, term or phase is used herein, it shall have the meaning as follows:

“Motor Vehicle” shall mean any vehicle propelled by any power other than muscular power using the public highways, but excepting road rollers, trolley cars, street sweepers, sprinklers, lawn mowers, bulldozers, graders, fork-lifts, amphibian trucks, and cranes if not used on public highways, vehicles which run only on rails or tracks and tractors, trailers and traction engines of all kind used exclusively for agricultural purposes. Trailers having any number of wheels, when propelled or intended to be propelled by attachment to a motor vehicle shall be classified as separate motor vehicle with no power rating.

“Passenger automobiles” shall mean pneumatic-tire vehicles of types similar to those usually known under the following terms: touring car, command car, speedster, sports car, roadster, jeep, cycle, car (except motor wheel and similar small outfits which are classified with motorcycles) coupe, landaulet, closed car, limousine, cabriolet and sedan;

Motor vehicles with changed or rebuilt bodies such as jeepneys, jitneys, or station wagons, using a chassis of the usual pneumatic passenger automobile type, shall also be classified as passenger automobile, if their net allowed carrying capacity as determined by the Commissioner of Land Transportation, does not exceed nine passengers and if they are not used primarily for carrying freight or merchandise;

The distinction between “passenger truck” and “passenger automobile” shall be that of common usage: Provided that a motor vehicle registered for more than nine passengers shall be classified as “truck”. And Provide, further, that a “truck” with seating compartments at the back not used for hire shall be registered under special “S” classifications. In case of dispute, the Commissioner of Land Transportation shall be determining the classification to which any special type of motor vehicle belongs;

“Driver” shall mean every and any licensed operator of a motor vehicle;

“Professional driver” shall mean every and any driver hired or paid for driving or operating a motor vehicle whether for private use or for hire to the public;

“Owner” shall mean the actual legal owner of a motor vehicle, in whose name such vehicle is duly registered with the Land Transportation Commission;

The “owner” of a government-owned motor vehicle is the head of the office or the chief of the Bureau to which they said motor vehicle belongs;

“Garage” shall mean any building in which two or more motor vehicles, either with or without drivers, are kept ready for hire to the public, but shall not include street stands, public service stations or other places designated by proper authority as parking spaces for motor vehicles for hire while awaiting or soliciting business;

“Highways” shall mean every public thoroughfare, public boulevard driveway, avenue, park, alley and callejon, but shall not include roadway upon grounds owned by private persons, colleges, universities, or other similar institutions; and

“Parking or parked” for the purposes of this Act, shall mean that a motor vehicle is “parked” or “parking” if it has been brought to a stop on the shoulder or proper edge of a highway, and remains inactive in that place or close thereto for an appreciable period of time. A motor vehicle which properly stops merely to discharge a passenger or to take in a waiting passenger, or to

load or unload a small quantity of freight with reasonable dispatch shall not be considered as “parked”, if the motor vehicle again moves away without delay.

SECTION 5. RESTRICTIONS AS TO SPEED.

Any person driving a motor vehicle on a highway shall drive the same at a careful and allowable speed, not greater nor less than is reasonable and proper, having due regard for the traffic, the width of the highway at such a speed as to endanger the life, limb and property of any person, nor at a speed greater than will permit him to bring the vehicle to a stop within the assured clear distance ahead;

Subject to the provisions of the preceding paragraph, the rate of speed of any motor vehicle shall not exceed the speed restrictions as prescribed under Section 3 of RA 4136;

Under this Ordinance, the four-lane national highway within the territorial jurisdiction of the City Government of Sorsogon, on open country roads, with no “blind” corners not closely bordered by habitation , shall be utilized as follows:

INNER LANE	OUTER LANE
1. Any fast moving motor vehicle moving not slower than 40 km per hour	1. Any slow moving motor vehicle moving not faster 40 km per hour
2. For tri-mobiles, not slower than 40 km per hour when overtaking only.	2. For tri-mobiles, at all times, moving not faster than 40 km per hour;
3. For motorcycles with at least 125 cc and up.	3. For motorcycles with 110cc and below

Provided, however, that when overtaking, all vehicles shall use the inner lane to overtake and go back to outer lane immediately after overtaking and follow the prescribed maximum speed limit under RA 4136;

The maximum allowable speed provided under Section 35 of RA 4136 is hereby adopted.

MAXIMUM ALLOWABLE SPEED	Passenger Cars and Motorcycle	Motor trucks and busses
1. On open country roads, with no “blinds corners” not closely bordered by habitations.	80 km. per hour	50 km. per hour
2. On “through streets” or boulevards, clear of traffic, with no “blind corners,” when so designated.	40 km. per hour	30 km. per hour
3. On city and municipal streets, with light traffic, when not designated “through streets”.		

	30 km. per hour	30 km. per hour
4. Through crowded streets, approaching intersections at “blind corners,” passing school zones, passing other vehicles which are stationery, or for similar dangerous circumstances.	20 km. per hour	20 km. per hour

The rates of speed herein above prescribed shall not apply to the following, as mandated under Section Ra 4136;

- (1.) A physician or his driver when the former responds to emergency calls
- (2.) The driver of a hospital ambulance on the way to and from the place of accident or other emergency;
- (3.) Any driver bringing a wounded or sick person for emergency treatment to a hospital. Clinic, or any other similar place;
- (4.) The driver of a motor vehicle belonging to the Armed Forces while in use for official purposes in times of riot, insurrection or invasion ;
- (5.) The driver of a vehicle, when he or his passengers are in pursuit of a criminal;
- (6.) A law-enforcement officer who is trying to overtake during the conduct of operation against traffic violations and other criminal offense; and
- (7.) The driver officially operating a motor vehicle of any fire department, provided that exemption shall not be construed to allow unless or unnecessary fast driving of drivers aforementioned.

SECTION 6. PARKING PROHIBITED IN SPECIFIED PLACES.

Section 46 or RA 4136 is hereby adopted, which states that; “No drivers shall park vehicles, or permit it to stand whether attended or unattended, upon a highway in any of the following places:

- a. Within an intersection;
- b. On a crosswalk;
- c. Within six meters of the intersection of curb lines;
- d. Within four meters of the driveway entrance to and fire station;
- e. Within four meters of fire hydrant;
- f. In front of a private driveway;
- g. On the roadway side of any vehicles stopped or parked at the curb or edge of the highway; and
- h. At any place where official signs have been erected prohibiting parking.

Whenever a motor vehicle is parked unattended on any highway, the driver thereof must turn off the ignition switch and stop the motor and notch effectively the hand brake.

SECTION 7. OBSTRUCTIONS ON FOUR-LANE NATIONAL HIGHWAYS

No person shall be allowed to use any part or section of four-lane national highway except as provided by law. It is prohibited to put any signage such as school barriers, advertisements, traffic signs, palay, copra, quarantine signs/barriers, parking of trucks and other vehicles, and other forms of obstruction within the four-lane national highway except when authorized by law, ordinance or local executive order.

The Highway Patrol Group (HPG), Department of Environment and Natural Resources (DENR) or Philippine National Police (PNP) checkpoint barriers shall only be used during red alert or by order of competent authority and being manned by competent personnel thereof.

The school administration is hereby enjoined to limit the putting of school traffic signs or barriers in the outer lanes of four-lane national highway during school days in front of their school or campus within reasonable period of time before and during the flag raising and flag lowering ceremonies to ensure the safety of children crossing the street/s. However, in no other time as provided under this section, that such school traffic signs or barriers shall be placed in any part of four-lane national highway. The Barangay Tanods, in coordination with the school administration and upon authorization of the Mayor, shall be tasked to provide said traffic assistance to concerned schools or barangays.

SECTION 8. OBSTRUCTION OF TRAFFIC. No person shall drive his motor vehicle in such a manner as to obstruct or impede the passage of any vehicle, nor, while discharging or taking on passengers or loading or unloading freight, obstruct the free passage of other vehicles on the highway.

SECTION 9. TRI-MOBILES. Tri-mobiles shall be allowed to utilize any part of four-lane national highway where there is no available alternate route/secondary road subject to speed limits applicable in the preceding sections and pertinent laws.

SECTION 10. PROHIBITED ACTS. It shall be prohibited to put any kind or form of obstruction in any part of four-lane national highway in the territorial jurisdiction of the City Government of Sorsogon, as provided under the preceding section, except:

- a. When authorized by law;
- b. When authorized by an ordinance or local executive order;
- c. Trucks or any kind of vehicle during inclement weather;
- d. Stranded or parked vehicle secondary to accident; and
- e. Any broken-down or malfunctioning vehicle with appropriate early warning device.

SECTION 11. PENALTY. The following fines and penalties shall be applied:

1. for drying of palay, copra buri, other agriculture products and handicraft materials:

Individual:

- | | |
|---|---|
| 1 st Offense | : Fine of P100.00 per 50 kilos or a fraction thereof |
| 2 nd Offense | : Fine of P200.00 per 50 kilos or a fraction thereof |
| 3 rd Offense and succeeding offenses | : Fine of P 500.00 and confiscation of all agriculture products and handicraft materials. |

Juridicial :

- 1st Offense : Fine of P1,000.00 per 50 kilos or fraction thereof
- 2nd Offense : Fine of P 2,500.00 per 50 kilos or a fraction thereof
- 3rd Offense and succeeding offenses : Fine of P 2,500.00 and confiscation of all agriculture products and handicraft materials

2. For using any part of four-lane national highway for loading and /or storing any kind of construction material – The owner of the construction materials or the project contractor or engineer shall be liable.

- 1st Offense : Fine of P 1,500.00
- 2nd Offense : Fine of P 3,000.00
- 3rd Offense : Fine of P 5,000.00 and confiscation of materials

3. Unauthorized school barriers, traffic signs , government quarantine signs and barriers – The head of school, or principal, department head or person in authority of the concerned department, office or agency shall be held liable.

- 1st Offense : Verbal Warning
- 2nd Offense : Written warning
- 3rd Offense : Confiscation of sign and barriers

4. Unauthorized advertisement signs, posters, signage, barriers and similar items, such as but not limited to halved tries by vulcanizing or repair shops.

- 1st Offense : Fine of P1,500.00
- 2nd Offense : Fine of P2,500.00
- 3rd Offense and succeeding offenses : Fine of P5,000.00 and confiscation of signages and/or barriers.

5. Unauthorized parking of motorcycle or tricycle –The owner of the vehicle shall be held liable.

- 1st Offense : Fine of P200.00 and one (1) hour seminar on proper utilization of four-lane national highway;
- 2nd Offense : Fine P500.00 and one (1) hour seminar on proper utilization of four-lane national highway; and
- 3rd Offense and succeeding offense : Fine of P1,000.00 and one (1) hour seminar on proper utilization of four-lane national highway.

6. Unauthorized parking of trucks and other vehicles

- 1st Offense : Fine of P 1,500.00 and one (1) hour seminar on proper utilization of four-lane national highway;
- 2nd Offense : Fine P 2,500.00 and one (1) hour seminar on proper utilization of four-lane national highway; and
- 3rd Offense and succeeding offenses : Fine of P5,000.00 and one (1) hour seminar on proper utilization of four-lane national highway.

SECTION 12. APPLICABILITY CLAUSE. The penalties/fines prescribed under Traffic Code, if applicable, shall be imposed for violations committed within the territorial jurisdiction,

otherwise the pertinent provisions of applicable laws and penalties and fines under this Ordinance shall apply.

However, in case the violator shall be penalized under this Ordinance, said violator can no longer be penalized by traffic code ordinance. Herein penalties prescribed under the preceding section shall be penalized or fined based on the Citation Tickets issued by the City Government among Deputized Traffic Enforcers, LTO Personnel, HPG, TMG and PNP Deputized Enforcers.

SECTION 13. SHARING SCHEME. Apprehension made by the citation officer, there shall be a sharing scheme for fine/s collected which shall be: Apprehending citation officer – 60 %; City Government – 40%. This sharing scheme shall hold true for any proceeds that may be derived from the disposal of unredeemed confiscated items.

SECTION 14. CITATION TICKET. The apprehending officer or personnel shall issue a citation ticket indicating therein the specific violation/s of the Ordinance and corresponding fine thereon who shall likewise inform the City Legal Office for appropriate action among those who failed to pay the fines as embodied in the Citation Ticket.

SECTION 15. DUTY OF THE OFFICE OF THE CITY TREASURER. It is hereby made the duty of the Office of the City Treasurer collecting the fines imposed under this Ordinance to submit to the Land Transportation Office - Sorsogon City Field Office on a regular basis reports on the violations involving any provision of this Ordinance such as report shall specifically contain the name of the driver or owner of the vehicle involved, his/her address, the number of his/her license and/or of the certificate or registration of his/her vehicle, the date thereof, the offense of which he/she was fined and whether or not said violator paid the fines imposed under this Ordinance.

SECTION 16. DISPOSAL OF MONIES COLLECTED AND CONFISCATED ITEMS. Monies collected under the provisions of this Ordinance shall be deposited in a special trust account, which shall be apportioned and expended in accordance with the usual budgeting, accounting and auditing rules and regulations. Provided, however, that said trust account shall only be utilized in furtherance of this Ordinance.

Unredeemed confiscated items within fifteen (15) days shall be disposed of in accordance with pertinent existing rules and regulations.

SECTION 17. REDEMPTION PERIOD. The confiscated items may be redeemed within fifteen (15) days from the date of confiscation, provided that the payment of fine/s, hauling and storage fees are made prior to its redemption. When redeeming the confiscated items, the owner/s shall be responsible for the hauling of the confiscated items from the designated storage facility at his own expense.

SECTION 18. PERSONS AUTHORIZED TO IMPLEMENT THE ORDINANCE. All LTO deputized PNP personnel, HPG Personnel and other line agencies concerned including LGU personnel shall be authorized to implement the ordinance. It is hereby enjoined that a reasonable number from the transport sector shall be trained and deputized by LTO to augment the complementary personnel to implement the Ordinance. The city government shall coordinate with the Land Transportation Office insofar as the training or deputation of its personnel, including the representatives from the local transport sector concerned. It is understood that the expenses incurred during such training shall be under the account of the city.

SECTION 19. CONTESTED APPREHENSION OR FINDINGS BY DEPUTIZED PERSONNEL. Any person apprehended in violation of this Ordinance may choose to contest said apprehension in which

case the apprehending deputized personnel shall initiate the filling of the appropriate case at the /City Court with the assistance of the City Legal Officer, as the case may be.

If uncontested, the apprehended person shall pay the fine within five (5) days, otherwise an interest of ten percent (10) % per month shall be imposed.

SECTION 20. APPROPRIATION. The amount needed for the initial implementation of this Ordinance shall be charged against any available current year's appropriation of the Office of the Mayor. Thereafter, such sums as may be necessary for the continuous implementation of this Ordinance shall be included the Annual Performance Budget of the City.

The procurement of speed guns by the City Government shall be given priority. The City Government shall purchase at least three (3) speed gun subject to the usual budgeting, accounting and auditing rules and regulations.

SECTION 21. FORMULATION OF IMPLEMENTING RULES AND REGULATIONS. Within three (3) months after the approval of this Ordinance, the Office of the Mayor shall convene a Technical Working Group composed of authorized representatives of the City Engineer's Office, City Budget Office, Land Transportation Office - Sorsogon, Highway Patrol Group, PNP Sorsogon City and 1st District Engineering Office of the Department of Public Works and Highways - Sorsogon who shall then formulate and issue the appropriate rules and regulations necessary for the efficient and effective implementation of any and all provision of this Ordinance.

SECTION 22. INFORMATION CAMPAIGN –The City Government, through the concerned line agencies, shall undertake a comprehensive media campaign to raise public awareness as to the purpose and objectives this Ordinance. It shall conduct necessary information campaign through broadcast announcement, advertisements, social media, posters, brochures and other materials.

The Land Transportation Office - Sorsogon is hereby enjoined to include in their briefing /awareness seminar or information campaign on the provisions of this ordinance.

SECTION 23. MISCELLANEOUS – Notwithstanding the provisions of this Ordinance, other existing ordinance and laws to the contrary, the City Mayor is hereby given full power and authority to issue Executive Orders and Rules and Regulations appurtenant hereto, with the end in view of making this ordinance truly reflective of the ideals of good governance, especially in providing a safer four-lane national highway.

SECTION 24. REPEALING CLAUSE - All previous issuances, order, ordinances, rules and regulations or parts thereof which are inconsistent or in conflict with the provision of this Code are hereby amended, modified or repealed accordingly.

SECTION 25. SEPARABILITY CLAUSE - If for any reason, any provision of this Code shall be held unconstitutional and invalid by a court of competent jurisdiction, such judgment or order shall not affect or impair the remaining provisions hereof which are not affected thereby shall remain in force and effect.

SECTION 26. EFFECTIVITY - This ordinance shall take effect fifteen (15) days after compliance with the law on public dissemination and of publication.


DATE APPROVED: **January 14, 2020**

I HEREBY CERTIFY to the correctness of the foregoing resolution and ordinance.



NOEL G. DREU
Secretary to the Sangguniang Panlungsod

Attested:



MARK ERIC C. DIONEDA
City Vice Mayor/Presiding Officer

Approved:



MA. ESTER E. HAMOR
City Mayor