WHEREAS, Republic Act No. 4136, otherwise known as the Philippine Transport and Traffic Code, as amended by Batas Pambansa No. 398, vests authority to the Land Transportation Office (LTO) to issue a driver’s license and its renewal;

WHEREAS, new driver’s license and its consequent renewal are issued by the LTO after a prescribed period of time with the assurance that a driver/motorist is qualified to operate a motor vehicle, whether private, government-owned, public utility vehicle (PUV), or utility vehicles (UV);

WHEREAS, public clamor concerning unruly drivers continue to infuriate the community not to mention their ominous role in incidence of road rages affecting public safety, more so in motor vehicle collisions which reportedly had increased drastically all over the country; the Philippine National Police-Highway Patrol Group (PNP-HPG) has recorded a one hundred percent (100%) rise in 2016, recording a total of 2,144 fatalities from at least 32,000 vehicular accidents;

WHEREAS, this persistent public concern involves the attitude of drivers/motorists who often neglect the duties and responsibilities accompanying their license to drive thereby disregarding the fact that having been issued with a driver’s license, they do driving as their “absolute right” when in reality it is just a privilege bestowed by the Philippine Government through the LTO;

WHEREAS, with the LTO’s new policy of 5-year driver’s license validity, subject drivers will continue to freely lord the streets inevitably causing more incidents of road mishaps that will put a bad impression to the City’s road safety condition;

WHEREAS, there is a need to implement a more stringent policy of making all drivers in the City practice road safety and adhere with the road rules and regulations under existing traffic laws, and to which the general welfare of all road users in the City of General Santos is being advocated;

WHEREAS, Local Government Units (LGUs) are mandated to adopt measures that redound for the protection of its citizens under its territorial jurisdiction, from all forms of safety hazards, or those that are detrimental to public interest, among others, pursuant to Section 16, or the General Welfare Clause of Republic Act 7160, otherwise known as the Local Government Code of 1991;

NOW THEREFORE, on motion of City Councilor Jose Edmar J. Yumang, duly seconded by City Councilors ____________________, be it-

RESOLVED, as it is hereby resolved, to enact this Ordinance:

ORDINANCE NO. ___
Series of 2018

AN ORDINANCE REQUIRING NEW APPLICANTS AND HOLDERS OF DRIVER’S LICENSE FOR RENEWAL SPECIFICALLY CITED WITH TRAFFIC VIOLATION/OFFENSE TO UNDERGO AN LTO-ACCREDITED SEMINAR ON ROAD SAFETY/ROAD RULES AND REGULATIONS, INCLUDING WRITTEN PRACTICAL EXAMINATION ON BASIC DRIVING THEORY/PRACTICAL DRIVING TEST, PROVIDING POLICIES, GUIDELINES AND PENALTIES/SANCTIONS THEREFOR, AND FOR OTHER PURPOSES

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Hon. Jose Edmar J. Yumang – Author/Sponsor
Hon. Elizabeth B. Bagonoc, Hon. Jose Orlando R. Acharon,
Hon. Dominador S. Lagare, Jr. –Co-Author/Co-Sponsor
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Be it enacted by the Sangguniang Panlungsod of General Santos City that:

SECTION 1. Short Title. – This Ordinance shall be known as the “Gensan Drivers Road Safety Enhancement Ordinance.”

SECTION 2. Declaration of Policy and Guiding Principles. – The City of General Santos and its law-abiding constituents strongly advocate the promotion of road safety and smooth implementation of traffic and road rules and regulations, pursuant to the provisions of Republic Act No. 4163, otherwise known as the Philippine Transportation and Traffic Code, as amended by Batas Pambansa No. 398, and such other laws subsequently enacted to promote the general welfare of all road users. Thus, the granting of driver’s license either Professional or Non-Professional to an individual should guarantee the general public of the driver’s driving proficiency and knowledge on road safety and road rules and regulations.

There is however a “gray area” wherein a truly-qualified holder of LTO-issued Driver’s License is obscured by certain drivers/motorists holding the same license yet lacking such driving proficiency and knowledge. This is because there is no stringent measure that would thoroughly screen new applicants and those renewing their driver’s license with citations for certain traffic violation and offense. In effect these drivers contribute to the rising number of road rages and accidents.

The policy of requiring subject applicants to undergo an LTO-accredited road safety/road rules and regulations seminar including written practical examination on basic driving theory/practical driving test is therefore necessary. Nonetheless, this policy does not intend to deprive in any way such applicants avail fast and efficient service. Rather, it is a measure resolved to protect the rights and privileges of the majority; the pedestrians, commuters and the truly-qualified drivers who are more concerned to promote road safety at all times.

SECTION 3. Mandate. – It is hereby mandated that all new applicants of driver’s license, and those applying for renewal with citations for certain traffic violation/offense, to undergo an LTO-accredited seminar on road safety/road rules and regulations, including written practical examination on basic driving theory/practical driving test. An ensuing road test shall be conducted for these applicants. As such, without this compliance to include the provisions detailed under Section 6 of this Ordinance, no issuance or approval of such driver’s license from the LTO shall be made in the City.

SECTION 4. Definition of Terms and Acronyms. – As used in this ordinance, the following terms shall mean:

a) Driver/motorist – refers to the person who drives or operates a motor vehicle.

b) New applicant of driver’s license – refers to a person who has already acquired a Student Driver’s License.

c) Professional Driver’s License – refers to a license issued by the LTO to a driver who receives income or monetary compensation for his function as a driver.

d) Non-Professional Driver’s License – refers to a license issued by the LTO to a driver who drives a private vehicle and does not receive any monetary compensation for functioning as such.

e) Student Driver’s License – a license issued by the LTO as a prerequisite in acquiring a Professional or Non-Professional Driver’s License.
f) Motor vehicle collision/vehicular accident – refers to the incident when a motor vehicle collides with another vehicle, pedestrian, animal, road debris, or other stationary obstruction, e.g., tree, pole or building.

g) Pedestrian – refers to any person who walks especially in areas where motor vehicles go, or travels on foot, whether walking or running in roads or highways; this includes persons using roller skates, skateboards, scooters, as well as wheelchairs.

h) Motor Vehicle – means any self-propelled vehicle powered by a motor or an internal combustion engine that uses public highways or major thoroughfares of General Santos City, e.g., cars, buses, trucks, motorcycles and motor tricycles.

i) Public Safety Office (PSO) – refers to the local government agency tasked to promote all matters relative to public safety.

j) LTO – refers to Land Transportation Office in General Santos City

k) PUV – means “Public Utility Vehicle” providing transport services to the public, i.e. tricycle-for-hire.

l) UV – means “Utility Vehicle” particularly a van, as an alternative mode of public transportation;

SECTION 5. Objective. – This Ordinance is hereby promulgated with the following objectives:

a.) To support, strengthen and enhance the road safety advocacy of General Santos City;

b.) To reinforce the strict implementation of the Land Transportation and Traffic Code (RA 4163) as amended by Batas Pambansa No. 398, and Republic Act No. 10913, otherwise known as the “Anti-Distracted Driving Act”, and such other existing laws promoting road safety and general welfare of road users;

c.) To protect the safety and interest of all pedestrians in the City;

d.) To instill in the minds of the general public that acquiring a driver’s license does not give the license holder an absolute right but a privilege with corresponding duties and responsibilities that must be followed at all times;

e.) To promote an atmosphere of safety-conscious motorist/drivers and pedestrians utilizing all roads or major thoroughfares in the City;

f.) To promote the safety of the riding public banking on the merit of making all future motorists/drivers, especially of PUVs and UVs, on the importance of road safety and obedience to traffic rules and regulations;

g.) To avert the occurrence of “information vacuum” of the general public’s lack of knowledge and consciousness on road safety, traffic, and road rules and regulations.

h.) To help eradicate the malpractice or abuse of unscrupulous traffic enforcers, operatives or police officers who intentionally collect money from apprehended traffic violators, especially those who lack the knowledge about traffic and road rules and regulations, which is considered as “kotong” or “lagay”, thereby reminding and instilling the general public that there is no law, whether national, city or municipal ordinance that authorizes any traffic enforcer, operative or police officer to collect money or funds right
on the spot, with or without receipt, for the settlement or fines/penalties for any traffic violation.

SECTION 6. Coverage. – This Ordinance shall be implemented and enforced within the territorial jurisdiction of General Santos City.

SECTION 7. Implementation/Enforcement. – All new applicants of driver’s license, and those who intend for driver’s license renewal particularly cited with certain traffic violation, upon complying among other requirements of the LTO, shall be required to undergo the following:

a.) Seminar on road safety/road rules and regulations to be facilitated by the Public Safety Office (PSO); Land Transportation Office (LTO), and other concerned government agencies;

b.) Written examination test containing proper driving methods, road rules and regulations, and emergency procedures;

c.) Attendance A Certificate of Attendance to a lecture/Seminars about traffic, road rules and regulations shall be issued by the Public Safety Office;

c.) Upon full compliance of the foregoing, a certificate from the PSO shall be issued to the subject applicants for them to proceed to proper driver’s license processing at the LTO. A written examination test containing proper driving methods, road rules, and regulations, and emergency procedures shall be conducted by the LTO;

d.) Road test that to be conducted by LTO will measure the driver's proficiency based on the following:

1.) The applicant’s awareness and capability of performing a check on the primary components of the motor vehicle, i.e., engine, transmission, clutch, brakes, tires, battery, lights, and windshield wipers;

2.) Awareness on the proper use and correct positioning of the hands on the steering wheel;

3.) Awareness on the proper engine control and use of the gearshift lever and foot pedals;

4.) Awareness on the proper speed control and observance and practice of road discipline;

5.) Awareness on the proper knowledge and interpretation of road signs and markings;

6.) Awareness on the proper turning procedures;

7.) Awareness on the proper backing up methods; and

8.) Awareness on the responsibility and proper parking procedures.

e.) Upon full compliance of the foregoing, a certificate from the PSO shall be issued to the subject applicants for them to proceed to proper driver's license processing at the LTO.
SECTION 8. Penalty/Sanctions. – Any violation of this Ordinance shall prevent the new applicant for driver’s license, and holder of an LTO-issued driver’s license for renewal cited with a traffic violation/offense from proceeding and acquiring any driver’s license from the LTO. Any further defiance to the mandate of this Ordinance shall be subjected to the pertinent provisions of Section 56, Article I, Chapter V of RA 4163, and such other pertinent stipulations provided by other existing laws of the land.

SECTION 9. Information Campaign. – There shall be a Citywide information campaign via print and broadcast media emphasizing the importance of road safety, in line with the mandate and objectives of this Ordinance, to be conducted by concerned local government offices.

SECTION 10. Repealing Clause. - All previous ordinances, rules and regulations inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

SECTION 11. Separability Clause. If for any reason any part or provisions of this Ordinance shall be held unconstitutional or invalid, or found to be inconsistent with Section 62, Article III of RA 4163, other parts of provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 12. Effectivity. – This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation within the City.

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City Councilor

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For 3rd & final: CCDelgado- 5/10/18 @ 10:22