WHEREAS, public clamor concerning unruly drivers continue to infuriate the community, not to mention their ominous role in recurring incidents of road accidents or rages affecting public safety;

WHEREAS, motor vehicle collisions 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 these drivers who often neglect the duties and responsibilities accompanying their license to drive, and in so doing disregard 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 Land Transportation Office (LTO);

WHEREAS, drivers of tricycle-for-hire functioning as a public utility vehicle (PUV) need to practice road safety measures at all times whereby they have to abide by such privilege to operate a PUV free from dubious qualification and track record as they provide transport services to the general public;

WHEREAS, renewal of franchise for tricycle-for-hire is done almost without having its driver fully-scrutinized for certain traffic violation/offense, or some involvement in road rages and accidents that may compromise the safety of the riding public or even other motorists and pedestrians;

WHEREAS, the driver’s lack of qualification to operate a tricycle-for-hire may further contribute to the rise of road accidents, hence there is an urgent need to enhance their qualification to operate such PUV, which in effect would further boost the requirements set by the MTFRB towards strengthening the City’s road safety advocacy;

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 DRIVERS/OPERATORS OF TRICYCLE-FOR-HIRE WHO HAVE BEEN CITED WITH TRAFFIC VIOLATION/OFFENSE TO UNDERGO AN LTO-ACCREDITED SEMINAR ON ROAD SAFETY/ROAD RULES AND REGULATIONS, AS A REQUISITE TO RENEWAL OF FRANCHISE WITH THE MOTORIZED TRANSPORT FRANCHISING AND REGULATORY BOARD (MTFRB), PROVIDING POLICIES, GUIDELINES AND PENALTIES THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. – This Ordinance shall be known as “The PUV Driver's Tricycle For Hire Drivers Qualification Enhancement Ordinance.”

SECTION 2. Statement of Policy. – Road safety is one of the most important advocacy that the City has to implement. First and foremost, it has to start with the drivers’ qualification to operate a motor vehicle, particularly tricycle-for-hire which functions as a public utility vehicle (PUV) in this City. As most accidents road crashes are caused by human error, the policy to enhance the driver’s qualification therefore becomes a paramount priority and importance. Hence, this policy would further boost and standardize the MTFRB’s existing requirement for tricycle-for-hire franchise, which in turn would fully enhance the driver’s qualification to operate a PUV in the City of General Santos.

SECTION 3. Mandate. – Any driver/operator of tricycle-for-hire whose character and license to drive has been cited with an offense or traffic violation, upon renewal of his/her PUV’s franchise with the MTFRB is hereby mandated to undergo an LTO-accredited seminar on road safety/road rules and regulations. Without this compliance, including the provisions detailed under Section 7 of this Ordinance, no issuance or approval of tricycle-for-hire franchise from the MTFRB shall be made in the City.

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

a) Tricycle-for-hire – refers to a motor vehicle composed of a motorcycle fitted with a single-wheel side car which authority to render transport services to the general public has been sanctioned by the MTFRB of the City Government through the issuance of a valid franchise.

b) 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.

c) PUV – refers to public utility vehicle.

d) Motor vehicle collision/vehicular accident road crashes – 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.

e) 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.

f) Driver/Operator – refers to the person who drives tricycle-for-hire functioning as PUV.

h) Driver/Motorist – shall mean every and any licensed operator of a motor vehicle.

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

j) MTFRB – refers to Motorized Transport Tricycle Franchising and Regulatory Board.
SECTION 5. Objective. – This Ordinance is hereby promulgated with the following objectives:

a.) To protect the safety and interest of the riding public patronizing tricycle-for-hire in the City;

b.) To reinforce/standardize the MTFRB’s requirement for tricycle-for-hire franchise;

c.) To support and strengthen the City’s road safety advocacy;

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 make all future PUV drivers Tricycle in the City heed the importance of road safety and obedience to traffic rules and regulations;

g.) To avert the occurrence of “information vacuum” of the PUV drivers Tricycle for-hire Drivers lack of knowledge and consciousness on road safety, and obedience to traffic, and road rules and regulations.

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

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

SECTION 7. Implementation/Enforcement. – The MTFRB under the Office of the City Mayor, shall:

a.) Require all drivers/operators of tricycle-for-hire, whose license to drive has been cited with a traffic violation or any offense relative to his/her character as a professional driver of PUV Public Utility Vehicle, upon renewal of franchise to operate, to undergo an LTO-accredited seminar on road safety/road rules and regulations, as a requisite to application for renewal of franchise with the MTFRB.

b.) The MTFRB shall coordinate with the Public Safety Office (PSO), the LTO and other concerned government agencies with regard to the formulation of a road safety sort of program or course to include the personnel who shall conduct the seminar.

c.) The concerned local government office such as the PSO shall issue a certification certifying the driver’s attendance and completion of such road safety course, thus allowing the driver/operator to proceed with the application for renewal of tricycle-for-hire Franchise with the MTRFB.

d.) There shall be a Citywide information campaign to be spearheaded by the MTFRB; print and broadcast media emphasizing the importance of road safety as it relates to this PUV Driver’s Tricycle for-hire Drivers Qualification Enhancement Ordinance.
SECTION 8. Penalty/Sanction. – Any violation of this Ordinance shall prevent the driver/operator from acquiring a renewed tricycle-for-hire Franchise with the MTFRB, or such defiance shall further be subjected to the pertinent provisions of Section 56, Article I, Chapter V of RA 4163, and such other relevant stipulations provided by other existing laws of the land.

SECTION 9. Repealing Clause. - All previous ordinances, rules and regulations inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

SECTION 10. Separability Clause. If for any reasons any part or provisions of this Ordinance shall be held unconstitutional or invalid, other parts of provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 11. Effectivity. – This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation within the City.