



Republic of the Philippines
PROVINCE OF NEGROS OCCIDENTAL
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
South Wing, Provincial Capitol Building
South Capitol Road, Bacolod City, Negros Occidental 6100
Tel. Nos. 435-7698 * 447-5657 * 707-8075

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF NEGROS OCCIDENTAL HELD IN THE CITY OF BACOLOD ON THE 15TH DAY OF OCTOBER, 2024

PRESENT:

Hon. Valentino Miguel J. Alonso	Temporary Presiding Officer
Hon. Rommel T. Debulgado	Member - 1st District
Hon. Araceli T. Somosa	Member - 1st District
Hon. Sixto Teofilo Roxas V. Guanzon, Jr.	Member - 2nd District
Hon. Samson C. Mirhan	Member - 2nd District
Hon. Manuel Frederick O. Ko	Member - 3rd District
Hon. Andrew Martin Y. Torres	Member - 4 th District
Hon. Anthony Dennis J. Occeño	Member - 5 th District
Hon. Rita Angela S. Gatuslao	Member - 5th District
Hon. Jeffrey T. Tubola	Member - 6th District
Hon. Mayvelyn L. Madrid	Member - SKF Rep.
Hon. Richard Julius L. Sablan	Member - ABC Rep.

ON OFFICIAL BUSINESS:

Hon. Jeffrey P. Ferrer	Vice-Governor/Presiding Officer
Hon. Andrew Gerard L. Montelibano	Member - 3rd District
Hon. Jose Benito A. Alonso	Member - 4 th District
Hon. Julius Martin D. Asistio	Member - PCL Rep.

RESOLUTION NO. 1185
Series of 2024

RESOLUTION DECLARING CITY ORDINANCE NO. 12, SERIES OF 2024 OF THE CITY OF SILAY, NEGROS OCCIDENTAL, ENTITLED: "AN ORDINANCE GRANTING AN ADDITIONAL SIXTY (60) FRANCHISES/MOTORIZED TRICYCLE OPERATOR'S PERMIT (MTOP) WITH AUTHORIZED ROUTE, FROM BARANGAY GUIMBALA-ON PROPER TO SITIOS, PUROKS AND HACIENDAS OF BARANGAY GUIMBALA-ON AND VICE VERSA, THIS CITY AND FIXING THE AUTHORIZED FARES OF THE SAID ROUTE" AS A VALIDLY ENACTED ORDINANCE UPON SUBMISSION OF PROOF OF COORDINATION WITH THE BARANGAYS AND REQUIREMENTS UNDER PROVINCIAL ORDINANCE NO. 2023-007 AND THE LTO MEMORANDUM

WHEREAS, Section 56 of the Local Government Code of 1991 expresses the reviewing power of the Sangguniang Panlalawigan on Component City and Municipal Ordinances and Resolutions declaring the Ordinance or Resolution valid if it is consistent with the law or invalid in whole or in part if the Sangguniang Panlalawigan finds the Ordinance or Resolution to be beyond the power conferred upon the Sangguniang Panlungsod or Sangguniang Bayan concerned;

WHEREAS, Ordinance No. 12, Series of 2024 of the City of Silay, Negros Occidental, entitled: "AN ORDINANCE GRANTING AN ADDITIONAL SIXTY (60) FRANCHISES/MOTORIZED TRICYCLE OPERATOR'S PERMIT (MTOP) WITH AUTHORIZED ROUTE, FROM BARANGAY GUIMBALA-ON PROPER TO SITIOS, PUROKS AND HACIENDAS OF BARANGAY GUIMBALA-ON AND VICE VERSA, THIS CITY AND FIXING THE AUTHORIZED FARES OF THE SAID ROUTE" was submitted for review by the City of Silay to the Sangguniang Panlalawigan of Negros Occidental;



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Page 2 of SP Resolution No. 1185, Series of 2024

WHEREAS, after prompt examination by the Provincial Legal Office, it is the recommendation of the said Office that the subject Ordinance is within the conferred power of the Sangguniang Panlungsod of Silay to enact, thus, the same may be given due course by the Sangguniang Panlalawigan;

WHEREAS, Land Transportation Office (LTO) Memorandum Circular No. 94-199 dated May 02, 1994, provides that in lieu of the Land Transportation Franchising and Regulatory Board (LTFRB) in the Department of Transportation and Communication, the Sangguniang Panlungsod (SP) shall perform the following:

- a. *Issue, amend, revise, renew, suspend, or cancel MTOP and prescribe the appropriate terms and conditions therefor;*
- b. *Determine, fix, prescribe or periodically adjust fares or rates for the service provided in a zone after public hearing;*
- c. *Prescribe and regulate zones of service in coordination with the barangay;*
- d. *Fix, impose and collect, and periodically review and adjust but not oftener than once every three (3) years, reasonable fees and other related charges in the regulation of tricycles-for-hire;*
- e. *Establish and prescribe the conditions and qualifications of service.*

WHEREAS, a reading of Section 3, Chapter IV of Provincial Ordinance No. 2023-007 otherwise known as the Negros Occidental Transport Route Plan of 2023, provides that:

"SECTION 3. Tricycles. - In the preparation of the LPTRP, the Sanggunians shall ensure that there is no other alternative route for tricycles except national roads before they could allow tricycles operation in routes that should be traversed by higher modes of public Through public hearings, Sanggunian concerned is required to obtain inputs and/or comments of all stakeholders within their respective jurisdiction in preparing their LPTRP"

WHEREAS, the cited Provincial Ordinance supports the creation of the Tricycle Modernization Program as outlined in Section 2, Chapter I. In addition to setting the authorized fare, Ordinance No. 12, Series of 2024, addresses the identification of routes, which must be included in the city's Public Route Transportation Plan and requires a public hearing before its passage. If national roads are involved, the enactment must also include a provision or certification stating that "there is no other alternative route for tricycles other than the national roads";

WHEREAS, the ordinance complies with the six (6) generally accepted principles for a valid ordinance, as adopted by the Sangguniang Panlalawigan of Negros Occidental, which are:

- It must not contravene the Constitution or any statute.*
- It must not be unfair or oppressive.*
- It must not be partial or discriminatory.*
- It must not prohibit but may regulate trade.*
- It must be general and consistent with public policy.*
- It must not be unreasonable.*



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Page 3 of SP Resolution No. 1185, Series of 2024

WHEREAS, the reviewing authority of the Sangguniang Panlalawigan finds that the city in question has not provided proof of coordination with the concerned component barangays as required in LTO Memorandum Circular No. 94-199 nor the certification indicating that there is no alternative route for tricycles other than national roads if the additional franchises involve national roads in compliance with Provincial Ordinance No. 2023-007;

NOW THEREFORE, premises considered, on motion of Hon. Sixto Teofilo Roxas V. Guanzon, Jr. unanimously seconded by all the members present during the regular session of the Sangguniang Panlalawigan of Negros Occidental,

THE SANGGUNIANG PANLALAWIGAN RESOLVED, as it hereby resolves, to pass and approve this resolution, to wit:

RESOLUTION DECLARING CITY ORDINANCE NO. 12, SERIES OF 2024 OF THE CITY OF SILAY, NEGROS OCCIDENTAL, ENTITLED: "AN ORDINANCE GRANTING AN ADDITIONAL SIXTY (60) FRANCHISES/MOTORIZED TRICYCLE OPERATOR'S PERMIT (MTO) WITH AUTHORIZED ROUTE, FROM BARANGAY GUIMBALA-ON PROPER TO SITIOS, PUROKS AND HACIENDAS OF BARANGAY GUIMBALA-ON AND VICE VERSA, THIS CITY AND FIXING THE AUTHORIZED FARES OF THE SAID ROUTE" AS A VALIDLY ENACTED ORDINANCE UPON SUBMISSION OF PROOF OF COORDINATION WITH THE BARANGAYS AND REQUIREMENTS UNDER PROVINCIAL ORDINANCE NO. 2023-007 AND THE LTO MEMORANDUM

ADOPTED UNANIMOUSLY.

This resolution shall take effect immediately upon approval.

CERTIFIED CORRECT:

HON. VALENTINO MIGUEL J. ALONSO
Temporary Presiding Officer

ATTESTED:

ATTY. MAKI ANGEL O. ASCALON
Provincial Secretary