

**SECTION 10. DOCUMENTS NEEDED FOR APPLICATION FOR CHANGE OF FRANCHISEE.** In case of death of the Franchise Holder, the franchise shall automatically be cancelled. The surviving spouse or children of the late Franchisee may apply within 30 days to the MTOPRB Staff In-Charge of the franchising if he/she is qualified and upon complying the following additional requirements aside from the requirements cited in Section 6 of this ordinance, to wit;

- 10.1 Death Certificate of the Franchise Holder
- 10.2 Provisional Authority issued by MTOPRB for cancellation;
- 10.3 Marriage Contract/Birth Certificate of the Successor/Applicant
- 10.4 Diagram to determine the relationship with the deceased franchise holder and other necessary supporting documents to prove relationship.

Upon approval, the MTOPRB In-Charge shall direct the franchisee to proceed to the Business Permit & Licenses Division in the Office of the Municipal Mayor for other requirements and pay necessary fees to the office of the Municipal Treasurer prior to the issuance of a new Franchise/Provisional Authority.

**SECTION 11. REQUIREMENTS FOR CHANGE UNIT/MOTOR OF A FRANCHISED TRICYCLE.** The application for change unit shall be required by the MTOPRB In-Charge of the franchising to submit the following documents;

- 11.1 Accomplished Franchise Application Form;
- 11.2 Original Franchise/Provisional Authority issued by the MTOPRB for cancellation;
- 11.3 Original and photocopies of LTO Certificate of Registration (CR) and Official Receipt (OR) of the new motorcycle;
- 11.4 Two (2) valid ID's of the applicant photocopied and attached to the application.

No application for change unit shall be received where the owner of the old and new motorcycles shall pertain to different persons.

The MTOPRB In-Charge of the franchising shall direct the applicant to proceed to the Business Permit & Licenses Division of the Office of the Municipal Mayor for other requirements and pay necessary fees to the Municipal Treasurer's Office, before the issuance of new franchise/Provisionary Authority.

**SECTION 12. CHANGE OF FRANCHISED ROUTE.** In case the Franchise Holder desire to change his/her franchised route, he/she shall proceed to the MTOPRB In-Charge of the franchising to comply the following requirements aside from the requirements cited in Section 6 of this ordinance;

- 12.1 Accomplished Franchise application form;
- 12.2 Original Franchise/Provisionary Authority issued by the MTOPRB for cancellation;

The MTOPRB Staff In-Charge shall direct the applicant of franchise to proceed to the Business Permit & Licenses Division of the Municipal Mayor's Office for other requirements and shall pay necessary fees required for the change of Franchised Route to the office of the Municipal Treasurer's Office.

**SECTION 13. SALE OF FRANCHISE.** Sale of franchise is strictly prohibited and shall not be allowed. Any franchise holder found violating this provision shall be automatically disqualified to apply for a new franchise.

Use of dummy, rental of franchise, or any manner or form of transfer is hereby deemed illegal. Violation of this Section shall cause for the permanent revocation of the franchise.

### **ARTICLE III MOTORIZED TRICYCLE OPERATOR'S PERMIT (MTOPI)**

**SECTION 14. MOTORIZED TRICYCLE OPERATOR'S PERMIT (MTOPI).** MTOPI shall be issued by the Municipal Licensing Officer duly approved by the Municipal Mayor pursuant to a Franchise Ordinance which shall constitute a permit to operate within the municipality which shall expire on the Thirty First Day of December of each year.

MTOPIs that are still existing at the time of the approval of this ordinance shall continue to be effective until its expiration, unless otherwise revoked or cancelled.

**SECTION 15. REQUIREMENTS IN SECURING MOTORIZED TRICYCLE OPERATOR' PERMIT (MTOPI).** MTOPIs shall be secured by the applicant who desire to operate Motorized Tricycle for hire in the municipality by complying with the following requirements, viz;

- 15.1 Duly accomplished application for MTOPI to be secured from the Business Permits & Licenses Office in the Office of the Municipal Mayor.

- 15.2 Provisionary Authority approved by the MTOPRB
- 15.3 Must be a duly licensed driver issued by the LTO in the case of a driver applicant.
- 15.4 Must have a garage/space for parking area when the unit is not in actual operation.
- 15.5. Original and photocopy of Certificate of Registration (CR) and current Official Receipt issued by the Land Transportation Office (LTO) or any document to support of his/her ownership of the unit being secured for MTOP.
- 15.6 Common Carrier Insurance Policy
- 15.7 Barangay Certification issued by the Punong Barangay that the applicant is a bonafide resident.
- 15.8 Certification from a Motor Pool Supervisor of the Municipal Engineering Office that the unit has been inspected as to its roadworthiness, particularly in its capability to transport passengers safely and efficiently. Among the foremost parts and accessories to be checked are;
  - a. Mechanical System
  - b. Electrical System – including headlights, brake lights and signal lights
  - c. Brake System – hand and foot brakes
  - d. Rear and Front Reflectors
  - e. Body panel, upholstery and body paint should be presentable and in good condition.
- 15.9 Latest Community Tax Certificate

**ARTICLE IV  
CANCELLATION AND REVOCATION OF FRANCHISE AND  
ITS MTOP**

**SECTION 16. GROUNDS FOR CANCELLATION AND REVOCATION OF FRANCHISE AND ITS MTOP.** Any franchise holder may terminate his/her franchise at any time by surrendering the Franchise/Provisionary Authority and its MTOP to the MTOPRB and Business Permits and Licensing Office respectively. Franchise/Provisionary Authority and its MTOP may be cancelled and revoked under the following conditions:

16. 1 Non-renewal of the Franchise granted by MTOPRB or MTOP issued by the Business Permits and Licensing Office in the Office of the Municipal Mayor after the period prescribed in this Ordinance;

- 16. 2 Death or demise of the Franchise or MTOP holder;
- 16. 3 Franchise holder voluntarily surrenders his/her franchise and its MTOP;
- 16. 4 Commission of three (3) grave offenses within a 12 month period regardless if the driver is the franchise holder or not;
- 16.5 By order of the Office of the MTOPRB on reasonable/justifiable grounds;
- 16.7 Unauthorized transfer of Franchise/MTOP. The violator is also precluded from getting a new one;
- 16.8 The tricycle unit was used in the commission of the crime wherein the franchise holder and/or driver is/are involved;
- 16.7 Involved in an accident due to negligence;

**SECTION 17. CANCELLATION AND REVOCATION OF FRANCHISE AND ITS MTOP.** The cancellation and/or revocation of a valid franchise may be done by the MTOPRB upon recommendation of the Municipal Business Permit & Licenses Office or the Municipal Traffic Enforcement Team. If there is sufficient ground to believe that the holder committed the grounds under this ordinance or pertinent ordinances. The cancellation and revocation of franchise and its MTOP shall not be a bar for the prosecution of any other action that might be appropriate according to law.

#### **ARTICLE V ADMINISTRATIVE PROVISIONS**

**SECTION 18. PROHIBITED ACTS.** The following acts shall be prohibited and penalized accordingly;

- 18.1 Any driver/operator found driving/operating a motorized tricycle without Franchise or fake franchise/color scheme to solicit passengers shall automatically be permanently disqualified from applying for a franchise.
- 18.2 Unauthorized transfer of franchise shall cause the immediate cancellation/revocation of the franchise and preclude the violator from applying for a new franchise.
- 18.3 Three (3) grave offenses within a Twelve (12) Month period shall cause the immediate Cancellation/Revocation of Franchise. Violation of the driver shall also be attributed to the operator. Use of tricycle in the commission of crimes shall cause the immediate revocation of franchise.

- 18.4 Failure/refusal to pay any fine shall cause immediate cancellation /revocation of franchise.
- 18.5 Any driver/operator found driving/operating a motorized tricycle without sticker issued by the Municipal Government of Prosperidad shall be impounded until fines are paid or sticker is issued.
- 18.6 If the last date for payments falls on a Saturday, Sunday or holiday the deadline of payments shall be the next working day.
- 18.7 For purposes of renewal of Franchise, the Office of the Municipal Traffic Enforcement Team shall submit a monthly report to the MTOPRB regarding violations of drivers/operators. For violation of item a, b and c. the units shall be impounded and released upon payments of the impounding fee to cover for its safekeeping.


**SECTION 19. PASSENGER FARES.** Tricycle fares for passengers shall be imposed at a level that will provide the operator a reasonable economic gain and still be within the affordable limit of the riding public. All tricycle drivers and operators shall post in a conspicuous place inside the tricycle the prescribed regular fare matrix for the information and guidance of the riding public which shall be issued by the MTOPRB from time to time as the need arises.

**SECTION 20. OPERATING CONDITION.** The motorized tricycle is the most convenient means of conveyance or transport service of passengers within the Municipality of Prosperidad and is availed of by most of the general public for short and long distances. Towards this end, the following rules and regulations are hereby prescribed;

- 20.1 The driver and the operator of motorized tricycles or Motorcycle shall at all times operate and maintain a roadworthy, dependable and highly reliable motorcycle unit in such a way as to ensure the passengers' safe arrival to their destination. It shall as well ensure the comfort of the passengers such that the floor to roof height shall be 1.10 meters for new side cars.
- 20.2 No tricycle unit shall also be issued MTOP unless it is of business type model that are steady and safe to carry passengers, thus no Hooper model should be issued MTOP. It shall not be allowed to carry more than eight (8) passengers. (Capacity numbering) shall be indicated inside the unit. Children 7 years old and above are required to pay the fare rate.
- 20.3 Back riding for tricycles shall only be allowed with following conditions:

- 20.3.1 There should only be one (1) back rider;
  - 20.3.2 Back riding passenger must not be a minor aged twelve (12) years old and below, a senior citizen nor a person with disability; and
  - 20.3.3 Back rider must not be under the influence of liquor.
- 20.4 Carriers for Luggage and other cargoes shall be placed on top of the side- car;
- 20.5 Durable transparent plastic or any similar contrivance must be used as a sidecar windshield and must be free from unauthorized stickers and paintings that will obstruct the outside view of the passenger;
- 20.6 Stickers or paintings of any kind on the windshield that obstruct vision shall not be allowed;
- 20.7 The body number at the front portion of the side car shall be properly illuminated or lighted by two small lights for easy identification;
- 20.8 Any tricycle driver/operator who does not wish to convey passengers at any given period during the day for reasons known only to him must place on the front windshield of his sidecar the sign: "ON SERVICE" or "ON CALL", for the information of the general public;

**SECTION 21. ACCREDITATION OF DRIVERS.** Only drivers duly issued a Professional Driver's License with a Restriction Code I duly issued by the LTO shall be allowed to drive motorized tricycle or motorcycle for hire or private tricycles. The Municipal Traffic Enforcement Team may at its sound judgment conduct seminars in coordination with the Land Transportation Office (LTO), and other concerned agencies to drivers/operators and grant driving accreditation after complying with the requirements set by Municipal Traffic Enforcement Team (MTET). Tricycle drivers must likewise be tidy and neat in appearance when conveying passengers to impress the dignity and importance of their chosen occupation, as well as promote tourism industry. Wearing of slippers or driving barefoot, wearing shorts and sleeveless shirts shall not be allowed. Tricycle drivers shall wear a blazer over t-shirt, with designated and approved color, and long pants and shoes while operating for-hire tricycle units except, during rainy season. Tricycle drivers shall at all times be courteous, respectful and law abiding and observant of existing traffic rules and regulations. No driver shall be allowed to operate and drive a motorized tricycle while under the influence of liquor or with mere alcoholic breath, most especially under the influence of prohibited drugs.



**ARTICLE VI  
FEES AND CHARGES**

**SECTION 22. FEES. The fees herein prescribed shall be collected by the Municipal Treasurer.**

A franchise fee shall be imposed by the MTOPRB for every unit authorized to operate. The following fees shall be paid upon filing of application for a term of three (3) years:

- a) New/Renewal of franchise Fee – ₱ 450.00/unit
- b) Filing Fee/Application Fee – ₱ 300.00/unit
- c) Filing Fee for Amendment – ₱ 100.00/unit
- d) Inspection/Verification – ₱ 100.00/unit

Fees concerning the Motorized Tricycle Operator's Permit as provided for under Regulatory and Revenue Ordinance of this municipality shall be paid every year:

**ARTICLE VII  
SPECIFIC IMPOSITIONS AND THEIR PENALTIES**

**SECTION 23. THE FOLLOWING PENALTIES ARE HEREBY IMPOSED ON ERRING MOTORIZED TRICYCLE OPERATORS AND DRIVERS (NOTE: SUBJECT TO CHARGES/LOWER THAN THE RATE IMPOSED BY LTO);**

A. Violations in connection with motor vehicle registration, Franchise and Permit (impoundable violations);

1. No Franchise or Fake Franchise (colorum) Php 2,500.00 plus impounding of vehicle
2. Unauthorized Transfer of Franchise ₱2,500.00
3. No MTOP ₱ 1,000.00
4. Driving without the necessary Accreditation or with an expired Accreditation ₱ 1,000.00
5. Unregistered/improperly registered/delinquent or invalid Registration (Operator- 500) ₱500.00;
6. Unregistered substitute or replacement engine, engine block or chassis, change body or configuration. In addition, motor vehicle shall be impounded until such parts are properly registered ₱500.00;



7. Certificate of Registration and Official Receipt and Franchise not carried (original or photocopies) ₱200.00
8. Operating/allowing the operation of a motor vehicle with a Suspended/Revoked Certificate of Registration ₱400.00
9. Not authorized tricycle driver's ID ₱500.00

B. Violations in connection with Driver's License (impoundable violations)

1. Driving without a license ₱500.00
2. Driving with a delinquent, invalid, suspended ineffectual, Improper or revoked license ₱400.00
5. Driving while under the influence of liquor or prohibited Drugs or with mere alcoholic breath (national law) 1,500.00
6. Driving while under the influence of liquor or prohibited Drugs or with mere alcoholic breath (national law) involved in an accident 2,500.00
7. Allowing an unlicensed/improperly licensed person to drive (Operator) 500.00
8. Allowing another person to use his/her license 500.00

C. Violations in Connections with Plates and Stickers

1. Plates not firmly attached and visible 200.00
2. Dirty or uncared for plates 200.00
3. Inconspicuously displayed plates 200.00
4. No sticker issued by the LGU-Prosperidad PhP500.00
5. Tampered/marked plate or stickers 1,000.00
6. Illegal transfer of LTO plates, or stickers 2,500.00

D. Violations Relative to Motor Vehicle Parts, Accessories, Markings

1. Defective brakes 500.00
2. Improper horn or signaling device (exceptionally loud, Starting, or disagreeable) 200.00
3. No Lights at the inside or back where Body Number indicated or when Said lights are defective and not lighted during night operation (sidecar) 300.00
4. No or defective headlights 300.00
5. No or defective taillights 300.00
6. No red rear lights 300.00



7. No license plate lights 300.00
8. No brake (stop) lights 300.00
9. No or disconnected muffler 300.00
10. Painting the tricycle other than yellow 500.00
11. Unauthorized improvised number plates 300.00
12. If plates are made to appear as registered to operate as FOR HIRE  
₱1,000.00
13. MTCs with unnecessary decorations on the sidecar and no  
Reflectorized sticker at the back 500.00

E. Violations Relative to For-hire/Motor Vehicle Parts and accessories

1. No or defective speedometer 200.00
2. Defective or broken windshield 200.00
3. No rear view mirror 300.00
4. Nobody number on vehicle 1,000.00
5. Non-wearing of uniform 300.00
6. Overloading 1,000.00
7. Installation of unnecessary mirror 200.00

F. Fraud and Falsities

1. Fake license, identification card, or permit 2,000.00
2. Fake CR, OR, Plate, Tags, or stickers, or spurious documents  
(Driver - 500, Operator - 2,000) 2,500.00
3. Misrepresenting a copy of a document before  
an adjudicating body 1,000.00
4. Imitation of color scheme 2,500.00

**SECTION 24. TRAFFIC CITATION TICKET (TCT).** A TCT shall be issued to the erring drivers indicating therein the violation/s committed together with the confiscation of his/her driver's license. It will automatically serve as impounding receipt to those impoundable violations. The TCT shall be in effect for seventy-two (72) hours; hence, driver can still convey passenger/s within said hours. Driver/operator shall pay the corresponding fine at the Office of the Municipal Treasurer during Weekdays within Seventy-Two (72) Hours from the date of apprehension. All TCT's, driver's license and impounded tricycles for hire and other impounded vehicles shall be turned over to the Head of the Municipal Traffic Enforcement Team for appropriate disposition as provided for by law.

**ARTICLE VIII  
FINAL PROVISION**

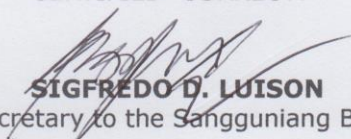
**SECTION 25. PENALTY PROVISION.** Any driver or operator found violating any of the provisions of this Ordinance for which penalties are not specified in the immediately preceding sections shall be penalized by a fine of Five Hundred Pesos (Php 500.00) for every violation.

**SECTION 26. REPEALING CLAUSE.** All other existing ordinances, rules and regulations, or parts thereof inconsistent with or contrary to the provisions of this ordinance are hereby repealed or modified accordingly.

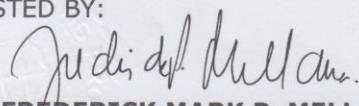
Furthermore, if any part or provisions of this Ordinance is declared unconstitutional or invalid by final judgment as promulgated by any Court of competent jurisdiction, other parts, sections or provisions thereof which are not affected shall continue to be in full force and effect.

**SECTION 27. EFFECTIVITY.** This Ordinance shall take effect upon its approval and posting of the text in the Municipal Hall and in three (3) other conspicuous places in the Municipality of Prosperidad, LGU-Prosperidad Website and Networking Sites and compliance with applicable provisions of the law.

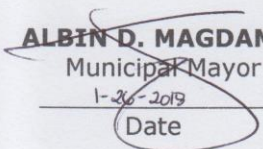
CERTIFIED CORRECT:

  
**SIGFREDO D. LUISON**  
Secretary to the Sangguniang Bayan

ATTESTED BY:

  
**FREDERICK MARK P. MELLANA**  
Presiding Officer  
Municipal Vice Mayor

APPROVED BY:

  
**ALBIN D. MAGDAMIT**  
Municipal Mayor

1-26-2019

Date

SDL/fmr

Republic of the Philippines  
Province of Agusan del Sur  
MUNICIPALITY OF PROSPERIDAD

**17<sup>th</sup> SANGGUNIANG BAYAN**

EXCERPTS FROM THE MINUTES OF THE 46<sup>th</sup> REGULAR SESSION OF THE 17<sup>TH</sup> SANGGUNIANG BAYAN OF PROSPERIDAD, AGUSAN DEL SUR HELD IN ITS SESSION HALL ON JUNE 27, 2017 AT 10:00 A.M.

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INTRODUCED BY: HONORABLE FREDERICK MARK P. MELLANA  
HONORABLE SAMSON L. AUXTERO  
HONORABLE EMIDITA A. JAGONIA  
HONORABLE ROLAND D. MAGDAMIT  
HONORABLE CESAR M. ROMERO, JR.  
HONORABLE RICHEL B. TUMULAK  
HONORABLE GINA A. CEBALLOS

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PRESENT:

Hon. Frederick Mark P. Mellana	Mun. Vice Mayor/Presiding Officer
Hon. Jesusimo L. Ronquillo	Sangguniang Bayan Member
Hon. Gina A. Ceballos	Sangguniang Bayan Member
Hon. Cesar M. Romero, Jr.	Sangguniang Bayan Member
Hon. Emidita A. Jagonia	Sangguniang Bayan Member
Hon. Samson L. Auxtero	Sangguniang Bayan Member
Hon. Richel B. Tumulak	Sangguniang Bayan Member
Hon. Alicia S. Demecillo	Sangguniang Bayan Member
Hon. Benecio A. Manliguez	Sangguniang Bayan Member
Hawudon Lumadnon	ABC President
Victorico C. Mondejar, Jr.	Indigenous People Representative

ON OFFICIAL BUSINESS

Hon. Roland D. Magdamit	Sangguniang Bayan Member
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**MUNICIPAL ORDINANCE NO. 10**

Series of 2017

**"AN ORDINANCE REGULATING THE OPERATIONS OF THE MOTORIZED TRICYCLES FOR HIRE AND GRANT FRANCHISES THEREOF WITHIN THE MUNICIPALITY OF PROSPERIDAD, AGUSAN DEL SUR."**

**WHEREAS**, Executive Order No. 202 dated June 19, 1987, has created the Land Transportation Franchising and Regulatory Board(LTFRB) with the power and functions, among others to issue, amend, revise, suspend or cancel Certificate of Public Convenience or Permits authorizing the operation of Public Land Transportation Services provided by motorized vehicles and to prescribe the appropriate terms and conditions therefore;

**WHEREAS**, with the enactment of the said Local Government Code certain powers, functions and responsibilities were devolved to the support programs of the Municipalities/Cities, as provided in Section 447, (3) (vi) which states: "*Subject to the guidelines prescribed by the Department of Transportation and Communications, regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the municipality*";

**WHEREAS**, pursuant to the said mandate the DOTC Land Franchising Transportation and Regulatory Board, issued the Guidelines to Implement the Devolution of Franchising Authority over Tricycle for Hire to Local Government Unit;

**WHEREAS**, with the passage of time and with the thrust of the LGU to regulate tricycle franchises or MTOP, the local legislative body has to strengthen its tricycle operation policies that will guide and enhance its transport and traffic concerns; thus the need to update and strengthen all rules, regulations and other ordinances pertaining to operation of Motorized Tricycles for Hire plying the Municipality of Prosperidad, Agusan del Sur;

**NOW THEREFORE, BE IT ORDAINED** by the Sangguniang Bayan of Prosperidad in regular session duly assembled that:

#### **ARTICLE I GENERAL PROVISIONS**

**SECTION 1. TITLE.** This Ordinance shall be known as "AN ORDINANCE REGULATING THE OPERATIONS OF MOTORIZED TRICYCLES FOR HIRE AND GRANT FRANCHISES THEREOF WITHIN THE MUNICIPALITY OF PROSPERIDAD, AGUSAN DEL SUR."

**SECTION 2. SCOPE.** This Ordinance covers all motorized tricycles for hire operating or plying within the Municipality of Prosperidad, Agusan del Sur;

**SECTION 3. PURPOSES.** The purposes in enacting this ordinance are as follows;

- a. To provide a well-defined and efficient motorcycle ordinance;
- b. To prescribe guidelines for the application, renewal, suspension, cancellation, or revocation of Motorized Tricycles' franchise and permit;
- c. To codify the ordinance applicable to tricycle operating or plying within the municipality; and

- d. To codify the ordinance applicable to tricycle operating or plying within the municipality; and
- e. To promulgate rules and regulations that shall govern the issuance of policies, procedures, and other regulatory measures as may be necessary in the effective administration, maintenance and operation of the Motorized Tricycles for hire.

**SECTION 4. DEFINITION OF TERMS-** Words and/or phrases shall be construed and defined as follows:

A. Franchise is a privilege or power of a public concern which ought not to be exercised by a private individual at their will and pleasure but should be presumed for the public control or administration whereby the government directly or by public agents under such condition and regulations as the government may impose in the public interest and for public security. The essential element of a franchise is that it would be a privilege, right or power which the individual cannot exercise as a right and which depends for its lawful existence upon a grant from the government.

B. MTOPRB shall mean Municipal Tricycle Operator's Permit Regulatory Board as defined in Section 3L.04,(b) of Municipal Ordinance No. 06, series of 2015, otherwise known as 2015 Revenue Code of the Municipality of Prosperidad.

C. Motorized Tricycle for Hire shall mean any motorcycle fitted or attached with a single-wheeled side-car or any three-wheeled motorized vehicle used to convey or transport passengers at a fixed rate or fare to their places of destination.

All other conveyances powered by motorcycles shall be deemed private motorized tricycles.

E. Tricycle Driver shall refer to any person duly licensed by the Land Transportation Office (LTO) to drive and operate a tricycle and who actually drives and controls a motorized tricycle while in operation in public streets and highways.

F. Tricycle Operator shall refer to the registered owner of a motorized tricycle as appearing in the Certificate of Registration issued by the Land Transportation Office or any legal documents that will show or prove of ownership.



G. Tricycle Driver/Operator shall refer to the driver who takes charge of driving and operating the motorized tricycle and at the same time the registered owner of the same duly franchised by the Municipal Government of Prosperidad.

H. Motorized Tricycle Operator's Permit (MTO) is a document granting franchise or license to operate issued by the Municipal Government of Prosperidad in accordance with Section 447 (3) (vi) of the Local Government Code allowing and/or permitting a qualified person, either natural or juridical, to operate a tricycle transport service over specified zone or route within the territorial limits of the Municipality of Prosperidad.

I. Body Number is a franchise number given to a Tricycle for hire and indicated in the MTO issued by the Municipal Government of Prosperidad, which number is painted on the front and rear portions of the side car of Tricycles for hire.

J. Grave Offense shall refer to offense incurred with a penalty of Two Thousand Five Hundred Pesos (Php 2,500.00).

K. Impoundable Offense - offense/violation committed in relation to motor vehicle registration, Motorized Tricycle Franchise and Permit Regulations.

I. The route identification to mean in this ordinance are as follows;

- CP - stands for Central Prosperidad
- EP - stands for Eastern Prosperidad
- WP - stands for Western Prosperidad
- NP - stands for Northern Prosperidad
- SP - stands for Southern Prosperidad

## **ARTICLE II FRANCHISE**

**SECTION 5. ROUTES FOR FRANCHISE AND COLOR CODE.** There has to be a specific route to be applied by the applicant for franchise to control and manage the operation of motorized tricycles in the municipality.

The routes are as follows:

- i. CP - route within Poblacion
- ii. EP - route from its terminal to the eastern barangays as New Maug, San Martin, Azpetia, Salimbogaon, Libertad, Mabuhay, Los Arcos, San Lorenzo, Magsaysay and vice versa;

- iii. WP – route from its terminal to the western barangays as Mapaga, La Suerte, Las Navas, Lucena, Aurora, La Union, Napo San Pedro, San Vicente, San Rafael and vice versa.
- iv. SP – route from its terminal to the Southern barangays as Salvacion, Patin-ay, La Caridad and vice versa.
- v. NP – route from its terminal to the Northern barangays as Awa, San Salvador, Sta. Maria, Sta. Irene, La Purisma, San Jose, San Joaquin, La Perian and vice versa.

In order to establish a uniform identity of all motorized tricycles in Prosperidad and for security reasons, a *common color* shall be "Yellow" with route markings.

**SECTION 6. REQUIREMENTS IN APPLYING FOR A FRANCHISE.**

All applicants who desire to operate a Motorized Tricycle for hire in the Municipality of Prosperidad shall accomplish an application for a franchise in a form prescribed duly notarized by a Notary Public before the Office of the MTOPRB through the Staff In-Charge of the franchising together with all the supporting general documents, such as, but not limited to:

6.1. Barangay Certification issued by the Punong Barangay that the applicant is a bonafide resident of particular barangay within Prosperidad and who is also a registered voter of Prosperidad with Voter's ID as evidence.

6.2. Must be a possessor of a motorized tricycle unit with valid registration papers evidencing ownership issued by the Land Transportation Office (LTO) or any legal documents that shall support ownership and supported by a common carrier insurance policy for the protection of passengers and third parties in case of accident;

6.3. Must be a duly licensed driver issued by the LTO in the case of a driver applicant;

6.4. Must have a garage/space for parking area when the unit is not in actual operation. (Ocular inspection must be conducted by the Secretariat with picture and sketch map of the place as physical evidence);

6.5. Must have a certification from a Motor Pool Supervisor of the Municipal Engineering Office that the unit has been inspected as to its roadworthiness, particularly in its capability to transport passengers safely and efficiently. Among the foremost parts and accessories to be checked are;

- a. Mechanical System
- b. Electrical System – including headlights, brake lights and signal lights



- c. Brake System – hand and foot brakes
- d. Rear and Front Reflectors
- e. Body panel, upholstery and body paint should be presentable and in good condition.

6.6 Latest Community Tax Certificate.

**SECTION 7. PROCEDURE IN GRANTING OR RENEWING FRANCHISE.** The procedure in granting or renewing of franchise shall be as follows:

- Step I. Secure application form from the Municipal Tricycle Operator's Permit Regulatory Board (MTOPRB) through the Staff In-Charge of the franchising for the granting or renewing of franchise and fill-up the same. Initial evaluation of the application shall be made to determine if the applicant complied with the requirements cited in the preceding section. (Sample form is hereto attached marked as Exhibit A and form part of this ordinance):
- Step II. Pay Franchise Inspection/Verification Fee at the Municipal Treasurer's Office;
- Step III. Once, franchise application or renewal is approved by the MTOPRB, the Staff In-Charge of Franchising shall then direct the applicant/s to proceed to the Business Permits and Licenses Division in the Office of the Municipal Mayor for other requirements and pay the corresponding fees to the Municipal Treasurer's Office prior to the issuance of Franchise/Provisional Authority duly signed by the Chairman of MTOPRB or any of its member in his/her absence. (Sample form of Provisional Authority is hereto attached marked as Exhibit C and form part of this ordinance):

**SECTION 8. DURATION OF FRANCHISE.** The term of the franchise is three (3) years from the date of its issuance subject to renewal. The franchise holder is given Thirty (30) days to comply from the date of such expiration; otherwise it shall be a ground for automatic cancellation. However, it may be reconsidered for renewal upon payment of ₱2,500.00.

**SECTION 9. NON-TRANSFERABILITY OF FRANCHISE.** As a general rule, franchise is issued on the basis of the personal character and qualification of the applicant. Hence, it is non-transferable and non-negotiable, except transfer to spouse and children by legal marriage to be recorded and may be given preferential right upon proper evaluation by the MTOPRB over the other if he/she is interested to operate, provided, that the transferee meets the necessary requirements as embodied in this ordinance.