

**REPUBLIC OF THE PHILIPPINES
BATANGAS CITY**

OFFICE OF THE SANGGUNIANG PANLUNGSOD

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE
MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY
ON MAY 29, 2018 AT THE SANGGUNIANG SESSION HALL**

PRESENT:

Hon. Emilio Francisco A. Berberabe Jr.,	Presiding Officer
Hon. Aileen Grace A. Montalbo,	Councilor
Hon. Glenn M. Aldover,	“
Hon. Sergie Rex M. Atienza,	“
Hon. Hamilton G. Blanco,	“
Hon. Alyssa Renee A. Cruz,	“
Hon. Oliver Z. Macatangay,	“
Hon. Armando C. Lazarte,	“
Hon. Julian B. Villena,	“
Hon. Gerardo A. Dela Roca,	“
Hon. Nestor E. Dimacuha,	“
Hon. Nelson J. Chavez,	“
Hon. Angelito “Dondon” A. Dimacuha,	ABC-Rep.

ABSENT:

Hon. Karlos Emmanjuel A. Buted,	Councilor
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“On motion of Councilor Macatangay seconded by Councilor Villena, the following Resolution was Adopted:

RESOLUTION NO. 168 S. 2018

**REQUESTING THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS TO
DETERMINE AND PROVIDE SPECIAL TRICYCLE LANES ALONG
DIVERSION ROAD, BATANGAS CITY**

WHEREAS, Section 16 of the Local Government Code of 1991 states that every Local Government Unit shall exercise powers xxx which are essential for the promotion of general welfare within their respective territorial jurisdiction, local government units shall ensure and support among other things, promote health and safety and maintain peace and order and preserve the comfort and convenience of the inhabitants;

WHEREAS, the operation of tricycles has been a reliable source of livelihood and income for thousands of our constituents;

WHEREAS, it is observed that special tricycle lanes is needed for the safe travel of drivers and passengers along diversion road;

WHEREAS, Section 10 of Letter of Instruction (LOI) No. 1482 – Directing the Legalization of “COLORUM” Tricycle states that:

Section 10. Limits of Operations. Generally, tricycles are authorized to operate on any road within the city. However, they are prohibited to operate along the national highway or any road which allows maximum speed of more than 40 kph especially on well-paved high speed roads, **unless special tricycle lanes on the shoulder are provided.**

Continuation of Resolution No. 168 S. 2018

REQUESTING THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS TO DETERMINE AND PROVIDE SPECIAL TRICYCLE LANES ALONG DIVERSION ROAD, BATANGAS CITY

WHEREAS, there is a need for the Sangguniang Panlungsod to pass a resolution requesting the National Government to determine and provide special tricycle lanes along diversion road;


WHEREAS, this resolution will promote safety and convenience to both the passengers and the drivers;

NOW THEREFORE, be it resolved as it is hereby resolved by the Sangguniang Panlungsod in session assembled to request the Department of Public Works and Highways (DPWH) to determine and provide special tricycle lanes along diversion road.


UNANIMOUSLY APPROVED.”

SPONSOR : COMMITTEE ON TRANSPORTATION

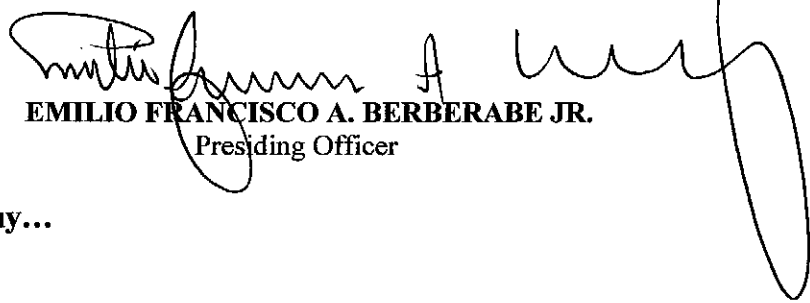
I hereby certify that the foregoing Resolution No. 168 S. 2018 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on May 29, 2018.


ATTY. IVY AUDREY D. TELEGATOS
Board Secretary I
Sangguniang Panlungsod

NOTED:


ATTY. OLIVA D. TELEGATOS
Secretary
Sangguniang Panlungsod

ATTESTED:


EMILIO FRANCISCO A. BERBERABE JR.
Presiding Officer

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Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 723-2175

COMMITTEE REPORT

Date : May 25, 2018

TO : The Honorable Vice Mayor &
Sangguniang Panlungsod Members

FROM : The Committee on Transportation

SUBJECT : Prohibiting tricycles along national/diversion road of Batangas City

Gentlemen and Ladies:

Referred to the Committee on Transportation is the above subject for study, comments, and recommendations.

A hearing was conducted on March 12, 2018, to discuss the subject. It was attended by the Chairman and Members of the Committee on Transportation and members of the Sangguniang Panlungsod. Also present were Engr. Francisco Beredo and Mr. Cris Mark Banaag of TDRO, Atty. Teodolfo Deguito, City Legal Officer, Atty. Narciso Macarandang, City Administrator, Mr. Derwin Panganiban, Mr. Mermar Mercado and Mr. Cloyd John Cueto of LTO Batangas, P/Insp Faustino Orillaza and SPO2 Ramil De Chavez of PNP Traffic Division. And also present in this hearing were different TODA members and officers within the vicinity of Batangas City.

DISCUSSION:

The main topic of the discussion was the prohibition against tricycles to ply along diversion road. Notice was made that the diversion road is a national highway and it is under the jurisdiction of the national government. Engr. Francisco Beredo discussed that Batangas City Code of General Ordinance Article 6, Sec 16 states that no tricycle shall operate/driven in violation of national laws and in section 27 says that except as otherwise provided herein, tricycles are not allowed to operate along national highways and all other streets that may be prescribed by the Tricycle Franchising Regulatory Committee (TFRC). Atty. Narciso Mcarandang said that our Local Government Code 1991, particularly Sec. 447 and Section 458 Par. 3, vi., thereof states that subject to the guidelines prescribed by the Department of Transportation and Communications, the local government unit thru the Sangguniang Panlungsod, shall regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the city. To ensure the safety of all drivers and passengers, the Department of Interior of Local Government Secretary Jesse Robredo gave a directive to provincial governors, city/municipal mayors, punong barangays, and Sanggunian presiding officers banning tricycles and pedicabs along national highways. In 2007, the DILG issued a Memorandum Circular 2007-01 banning tricycles and pedicabs from operating along national highways utilized by four-wheel vehicles greater than 4 tons and where normal speed limits exceeds 40kph. However, DILG pointed out that tricycles may be allowed to operate along national highways

if there is no other alternative road available such as routes beyond the town proper. Mr. Derwin Panganiban from LTO Batangas stated that the above-mentioned is an offshoot of the Letter of Instruction or LOI 1942 Section 10 of the late President Marcos, dated October 14, 1985 which states that unless special tricycles lanes on the shoulder are provided within that particular area, tricycles may not be allowed to operate along national highway. They discuss also about the classification of diversion road. Councilor Boy Dimacuha would like to have a definite classification of the Batangas Port Diversion Road as a national highway. The Committee Chairman agreed and suggested to find the possibility to give consideration for all tricycle operators/drivers to ply along diversion road until such time that there is no clarification about its classification. The Sangguniang Panlungsod and the TDRO and other concerned agencies of the Batangas City Government will not stop finding possible alternative routes for tricycles which will not pass through the diversion road.

RECOMMENDATIONS:

In view of the foregoing, the Committee hereby recommends:

- a. Request the TDRO/City Legal Officer to determine first the classification of diversion road;
- b. To prohibit, as it is, tricycles from plying routes that will pass thru the Diversion road until such time that there is no clear pronouncement from authorities as to the classification of diversion road;
- c. The Sangguniang Panlungsod pass a resolution requesting the national government to determine and provide special tricycle lanes along the diversion road; ✓
- d. The adoption of the Committee Report

Respectfully submitted, May 25, 2018.

COMMITTEE ON TRANSPORTATION


COUN. OLIVER Z. MACATANGAY
Committee Chairman


COUN. ARMANDO LAZARTE
Member

COUN. GERARDO A. DELA ROCA
Member


COUN. JULIAN B. VILLENA
Member

COUN. DONDON A. DIMACUHA
Member/ABC – President