



REPUBLIC OF THE PHILIPPINES
Province of Pampanga
Mabalacat City

OFFICE OF THE SANGGUNIANG PANLUNGSOD

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EXCERPTS FROM THE MINUTES OF THE 64th REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF MABALACAT CITY, PAMPANGA HELD ON OCTOBER 29, 2014 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL, MABALACAT CITY, PAMPANGA

PRESENT: Hon. Christian C. Halili - Presiding Officer/Vice Mayor
Hon. Benjamin D. Jocson - Member
Hon. Gerald Guttrie P. Aquino - Member
Hon. Froylan L. Galang - Member
Hon. Roland D. Peña - Member
Hon. Rogelio Q. Yumul - Member
Hon. Krizzanel C. Garbo - Member
Hon. Eduardo D. Sotto - Member
Hon. Carlo Nino C. Rivera - Member
Hon. Amauri M. Tiglao - Member
Hon. Dwight Oliver P. Morales - Member
Hon. Oscar R. Aurelio - Member

ABSENT: N O N E

CITY ORDINANCE NO. 29
Series of 2014

AN ORDINANCE ENACTING THE TRAFFIC CODE OF MABALACAT CITY, PAMPANGA

BE IT ORDAINED by the Sanggunian Panlungsod in session assembled that:

ARTICLE I
TITLE, SCOPES, POLICIES

SECTION 1. TITLE OF ORDINANCE – This Ordinance shall be known as the **TRAFFIC CODE OF THE CITY OF MABALACAT, PAMPANGA 2014**

SECTION 2. SCOPE OF ORDINANCE – The provisions of this Code shall be applied to the following within the territorial jurisdiction of Mabalacat City, to wit:

- a. Drivers of motor vehicles, whether private or public
- b. Owners and/or operators of motor vehicles
- c. Owners and operator of school service vehicles
- d. Drivers/ owners of motorized pedicabs, including electric motorbikes
- e. Pushcarts/bicycles and tricycles used in selling goods/ peddling goods.
- f. Associations or organizations of drivers, owners and/or operators of motor vehicles.
- g. Pedestrians, passengers and other persons whose business or occupation is connected either directly or indirectly in the operation of motor vehicles and in the use of roads or streets;
- h. Motor vehicles, manually operated carts, carriages, stands or any form of vehicles or conveyance which travels or occupies any portion of the road or street.
- i. Owners/business establishment regardless of ownership.
- j. Ambulant vendors, fix vendors that occupy any portion of the road or street

SECTION 3. DEFINITION OF TERMS

- a. "Vehicle" – means any conveyance or other device propelled or drawn by any means, such as but not limited to bicycles, pedicabs, pushcarts, etc. and where the context permits, includes an animal ridden or driven.
- b. "Drivers" include all persons driving a motor vehicle, carriages, stand, push cart and other similar vehicles.
- c. "Owners and/or Operators" – is one who owns a vehicle whether or not is registered in his name or who gives commands or directions to such vehicles.
- d. "Pedestrians" – are any person who walks, crosses or travels on a road, street or the like.
- e. "Passenger" - is any person who rides or boards in a motor vehicle or in any conveyance whether he pays or not.
- f. "Through Street" – is a long straight, outstretched, spacious road ad distinguished from a small road or feeder road.
- g. Electric motorbike – refers to a bicycle powered by electric from photovoltaic cells or solar propelled motors.
- h. "Parking" – a motor vehicle or any vehicle is said to be parked when it is brought to a stop and it remains inactive in that pace for an appreciable period.

- i. "Special Trip" – is when a motor vehicle "for hire" is used by a passenger to take him to a certain destination and the driver of such vehicle charges a fee or a fare mutually agreed upon or more than the usual prevailing regular fare.
- j. "Cutting Trip" – is when the driver of a public conveyance deliberately fails to deliver his passenger(s) to the place of destination where such vehicle is bound to arrive and deviates from his usual route.
- k. "City Limits" is the territorial jurisdiction of the City of Mabalacat. It comprises all roads, streets, highways, boulevards, avenues, alleys, exits and all passages within Mabalacat City.
- l. "Zone" – is a contiguous land area or block, say a subdivision or a barangay, where a tricycle or a public conveyance may operate without a fixed origin and destination.
- m. "Out of line"- is a motor vehicle operating exceeding the beyond the intended zone/city limits.
- n. "Yellow plate" – is a registered plate intended to use for public utility vehicle.
- a. "Open Muffler"- refers to a muffler or other similar devise on said motorcycle making irritating or pollutive noise.
- o. "Modified Muffler" – refers to a muffler from the original which was altered/changed and removed small pipes that make irritating or pollutant noise.
- p. Smoke belcher – refers to any motor vehicle emitting black smoke and bad smell from exhaust manifold/muffler.

ARTICLE II

SECTION 4. STATEMENT OF PRINCIPLES

- a. The provisions of this Code are regulatory in character which are designed and intended to promote traffic safety and welfare.
- b. Proceedings brought under the provisions of this Code do not bar any criminal action for violation of other laws or statutes.
- c. The arrest and confiscation of licenses/number plates of drivers of motor vehicles, however, shall be governed by the Land Transportation Office, members of the PNP and Mabalacat City Traffic Enforcement Group (MCTEG) who are duly deputized by the LTO and PNP, but their prosecution shall be governed by this Code.

ARTICLE III

TRAFFIC ENFORCEMENT AND MANAGEMENT OFFICE (TEMO)

SECTION 5. There is hereby created a Traffic Enforcement Management Office which shall be under the direct supervision of the City Mayor;

SECTION 6. The City Mayor through an Executive Order shall appoint or designate or the case maybe a Traffic Manager, in accordance with civil service rules and regulations, who shall be responsible for the implementation of this Code; The City Mayor shall also appoint or designate Traffic Enforcers, subject likewise to civil service rules and regulations;

The duties and functions of the Traffic Manages and Traffic Enforcers shall include, but not limited to these enumerated and or the succeeding section.

SECTION 7. For the proper, effective and efficient implementation of this Code a supplemental budget in the amount of TWO HUNDRED FIFTY THOUSAND PESOS (P250,000.00) shall be initially appropriated, Thereafter there shall be a recurring annual appropriation;

SECTION 8. The apprehending officer after confiscating the goods, shall list down all the items confiscated and issue a receipt to the owner/sidewalk vendor. The violator shall be brought to the Traffic Management Office and shall pay the appropriate fine/penalty. In the event of failure to pay the fine or the violator decides to contest the apprehension, the apprehending officer shall immediately file the corresponding complaint before the MCTC.

ARTICLE IV

SECTION 9. POWERS AND DUTIES OF CITY OFFICIALS IN RELATION TO THIS CODE

- a. The City Mayor in the exercise of his administrative functions and in the interest of public good shall have the power to issue Executive Orders to implement the provisions of this code, provided that, (a) a copy of the Executive Order is submitted to the Sangguniang Panlungsod at least ten (10) days prior to its effectivity (b) the dissemination of such Executive Order shall be made by public announcement or

- through notices posted in conspicuous places in the city at least ten (10) days after its issuance.
- b. The City Mayor shall implement the provisions of Section 458 (1) (viii) an {5} {v} of R.A. 7160 Local Government code; RA 4136; RA 8750; RA 8749; RA 10586
 - c. The Chief of Police of Mabalacat City, the head of the Mabalacat City Traffic Enforcement Group (MCTEG) or their authorized/designated representative in coordination with the Sangguniang Panlungsod committee on Public Safety, upon instruction from the City Mayor shall designate or point a portion, side, part or parts of any road or street which are (1) prohibited for parking, loading or unloading; (2) closed to traffic or one-way traffic; (3) prohibited for “left turn” or right turn” or “U-turn”; (4) for pedestrian lanes, and (5) other-similar traffic rules or otherwise under the Barangay or Sangguniang Panlungsod ordinances.
 - d. The Chief of Police of Mabalacat City Police Station (MCPS)and/or head of the MCTEG shall perform the following duties:
 - (1). Install and post traffic signs on all prohibited zones or areas;
 - (2). File complaints with the Municipal Circuit Trial Court of Mabalacat City for any violation of this Code, if the respondent decides to contest the apprehension.
 - (3). Enforce and implement the provision of this Code and other laws pertaining to Traffic rules and regulations; and
 - (4). Perform all other duties which the City Mayor shall order from time to time.
 - e. The SANGGUNIANG PANLUNGSOD
 - 1. Shall appropriate the necessary funds for the acquisition of traffic signs or indicators to implement this Code and other traffic rules and regulations.
 - 2. Shall appropriate the necessary funds for installation and maintenance of high definition Close Circuit Television /CCTV/ along Mac Arthur Hi-way of Mabalacat City.
 - 3. Shall appropriate funds for the maintenance of street lights.
 - 4. Shall appropriate funds for establishing the Traffic Management Office (TMO).

ARTICLE VI

USE OF MCARTHUR HIGHWAY AND PROVINCIAL ROADS

SECTION 10. USE OF MAC-ARTHUR HIWAY AND PROVINCIAL ROADS

All slow moving vehicles shall use only the shoulders or rightmost lane of major thoroughfares.

SECTION 11. PUSHCARTS/BICYCLE AND TRICYCLE INTENDED FOR SELLING PERISHABLE GOODS

Any person using a pushcart/Bicycle and motor vehicle as a means for selling his/her goods/wares shall comply with the following, to wit:

1. The pushcart to be used shall not exceed 3 feet by 5 feet in size.
2. Shall secure a mayor's Permit renewable every year.
3. Shall secure a Sanitary Permit if he uses the pushcart/bicycle/tricycle for selling foodstuff and the like.
4. Shall secure Police Clearance to the owners of Pushcart/Bicycle/Motorcycle.
5. Shall be registered with the Business Permit and License Office (BPLO).

SECTION 12. ELECTRIC BIKE/PEDICAB

- a. The owner of an electric bicycle/pedicab shall register his/her vehicle at the Traffic Enforcement Management Office (TEMO)
- b. The owner of an electric bicycle after registering his/her bicycle with the Office of the Traffic Enforcement Management Office (TEMO) shall pay a one-time registration fee of ONE HUNDRED PESOS (P100.00) to the Office of the City Treasurer.
- c. Failure of the owner of an electric bicycle to register and to pay the one-time registration fee shall suffer a fine of Two Hundred Pesos (Php 200.00) and in case of insolvency shall render eight (8) hours of community service.

SECTION 13. THE "NO PARKING, NO LOADING, UNLOADING ZONES"

- a. No Parking to all kinds of vehicles Along both shoulders of MacArthur Highway from the bridge of Bamban up to Lakandula (Welcome Arch) to friendship ark anytime/any day except for emergency cases and/or loading/unloading goods or passengers provided that they are not affecting, obstructing or hindering the flow of traffic at the area.

- b. No parking to all kinds of vehicles on both side of Velasquez Avenue to Clark Freeport Zone anytime/any day
- c. No parking to all kinds of vehicle along overpass highway from the bridge of NLEX to DAU intersection anytime/any day except for emergency cases and/or loading/unloading of goods or passengers provided that they are not affecting, obstructing or hindering the flow of traffic at the area.
- d. No parking to all kinds of vehicles Along Sta. Ines Road from Ninoy Aquino Road to the Intersection of Sta Ines to NLEX Bridge anytime/any day except for emergency cases such as loading/unloading of goods or passengers provided that they are not affecting, obstructing or hindering the flow of traffic at the area.
- e. No parking to all kinds of vehicles Along Ninoy Aquino Highway from the bridge of Sta. Maria overpass boundary of Barangay Paralayunan Mabalacat City and Barangay Sto Rosario, Magalang (Tinabang) anytime/any day except for emergency cases and/or loading/unloading of goods or passengers provided that they are not affecting, obstructing or hindering the flow of traffic at the area.
- f. Loading and unloading areas are as follows:
 - (1). Along MacArthur Highway infront of Mercury Drug in Dau;
 - (2). Along MacArthur Highway infront of METRO BANK in Dau;
 - (3). Along MacArthur Highway from the street corner along Marina Arcade up to and infront of both sides of Bank of Philippine Islands (BPI) in Dau;
 - (4). Along MacArthur Highway infront of MacDonald's in Dau;
 - (5). Along MacArthur Highway infront of Caltex Station in Dau;
 - (6). Thirty (30) meters beyond Sta. Ines St., on the both side Avon-Kgd. Vicente Dela Cruz St. going to the Sta. Ines Morales Bridge in the Poblacion area;
 - (7). Immediately past the San Felipe Bridge on the both side going South up to the designated pedestrian lane on the corner of Capt. Mamerto Palo Street, Sta. Ines in the town proper;
 - (8). Unloading on Velasquez Avenue going to Clark Air Base;

ARTICLE VII

USE OF SIDEWALKS AND PEDESTRIAN LANES

SECTION 14. DESIGNATED PEDESTRIAN LANES

Drivers shall make an automatic stop whenever a pedestrian lane is occupied by an ambulatory pedestrian. The following are hereby designated pedestrian lanes/crossing lanes and shall serve as the only place where pedestrians maybe allowed to cross.

1. Along Mac Arthur Highway leading to Tabun Dungan
2. Along Mac Arthur Highway leading to Fiesta Community
3. Along Mac Arthur Highway leading to Gawad Kalinga
4. Along MacArthur Hiway infront of Xevera complex
5. Along MacArthur Highway infront of the Mabalacat City College
6. Along MacArthur Highway leading to Brgy. Cacutud
7. Infront of Barangay Hall of Dolores
8. Along Mac Arthur Highway infront of Butarul Dolores
9. Along Mac Arthur Highway leading to Brgy. Atlu Bola
10. Along Mac Arthur Highway leading to San Joaquin
11. Along Mac Arthur infront of Brgy. Hall of Mamatitang
12. Infront of Don Teodoro V. Santos Institute
13. Along MacArthur Highway ion the side of the old Municipal building
14. Infront of Our Lady of Grace Parish Church
15. Infront of the Mabalacat Public Market
16. Infront of Jollibee San Francisco
17. Infront of St. Anthony College
18. Infront of Iglesia ni Cristo San Francisco
19. Infront of Fatima School
20. Along MacArthur Highway on the street corner leading to Mabt. Public Cemetery
21. Along MacArthur Highway on the road leading to Sitio Bana and Brgy. Sto. Rosario

22. Along MacArthur Highway on the street corner leading to Casmor Phase I
23. Along MacArthur Highway on the road leading Don Bosco
24. Along MacArthur Highway on road leading to Mawaque
25. Infront of Mary Help Christian School
26. Along MacArthur Hiway leading Camachiles proper
27. Infront of St. Mutien College
28. Along MacArthur Hiway on road along the side of Dau Central School
29. Along Mac Arthur Hiway infront of JENRA
30. Infront of McDonalds' Dau
31. Along MacArthur Hiway infront of Pure Gold
32. Along MacArthur Highway on the Street corner leading to 9th street
33. Along MacArthur Highway on the street corner leading to 7th street
34. Along Ninoy Aquino Highway infront of TIPCO VILL.
35. Along Capt. M. Palo infront of Sta. Ines Chapel
36. In front of all public and private schools and hospitals

SECTION 15. SIDE WALK VENDORS OR BUYERS ON SIDEWALK

- a. Sidewalk is a space between the edge of the road and the perimeter line of a building or construction which is used or devoted as path or way for the commuting public or pedestrians. It shall include a sidewalk, whether it is a public or private property, as long as it is a path or way used by the commuting public or pedestrian.
- b. A sidewalk vendor is any person who shall put up a box, table, case, stall booth, layer counter, mini-store, basket, container, and any other form of object on any part of the sidewalk and shall display his goods, wares, effects, commodities or merchandise and shall peddle, sell, or any person who shall stay or hang about on, or occupy any portion or part of any sidewalk to offer some service, make out a living, or sell, peddle or solicit anything for profit or gain are sidewalk vendors contemplated in the Code.
- c. Any person who shall violate the provision of this section shall be penalized by a fine of Five Hundred Pesos (P500.00) or in case of insolvency shall render eight hours of community service.

SECTION 16. TOLERANCE OF SIDEWALK VENDORS BY PROPRIETOR OR LESSEES

(The vendor may be allowed by the owner of the proprietor but it should not encroach on or block the sidewalk which is intended for the use of pedestrians)

- a. Any proprietor or lessee of any business establishment or store space shall not use or allow any person, entity, establishment or corporation to use any part of the sidewalk for personal or commercial purposes, such as but not limited to:
 - i. Vending or selling of foods, magazines, newspaper, cigarettes, brooms, watches or jewelry, shoes and other footwear and other items;
 - ii. Doing of household chores such as washing/hanging of laundry, bathing and other similar activities.
 - iii. Vehicles garage and/or vehicle repair;
 - iv. Use of sidewalks to install pens of animals or to keep animals in chains;
 - v. Storing of junk, garbage and/or recyclable materials;
 - vi. Storing of construction materials such as but not limited to gravel, sand, cement, lumber, pipes, etc.;
 - vii. Installation of picket fences and other similar structures;
(kindly add other activities which are common to the City)

SECTION 17. DUTIES/POWER OF THE APPREHENDING OFFICER AGAINST SIDEWALK VENDORS

All items, structures or goods found on or along the roads, streets, avenues, sidewalks, bridges, alleys, park and other public places shall be confiscated by the City Government without prior notice.

The City Government shall not be held liable for any damage arising from the removal, confiscation or disposal of the said item.

Any authorized officer who shall find any person, entity, establishment or corporation in violation of the preceding section shall confiscate the goods, merchandise, equipment, instrument or tools being sold, solicited or used and shall be disposed of as follows:

- a. Food commodities and/or perishable goods shall be delivered to the Mabalacat City Police Station or City Social Welfare and Development Office as food for prisoners/detainees or street children, respectively.
- b. Non-perishable goods shall be delivered to the custody of the City Treasurer which are returnable to the owner provided that the owner files a claim within five (5) days from the date of confiscation; otherwise non-perishable goods shall be deemed abandoned if unclaimed after the period of five (5) days, and shall be treated and disposed of as common or ordinary garbage.

SECTION 18. SPECIAL SIDEWALK PRIVILEGE

The City Mayor, upon the recommendation of the Sangguniang Panlungsod/SangguniangBarangay through a resolution shall, on special occasions such as fiestas, trade fairs and the like designate places where sidewalk vending or peddling may be tolerated or allowed on specific period of time and such tolerance shall cease upon the termination of the said occasion.

ARTICLE VIII CLOSURE AND OPENING OF ROADS

SECTION 19. USE OF PUBLIC STREETS, PLAZAS AND OTHER PUBLIC PLACES

- a. Holding of meeting, rally, parade, etc., on the street and other public places – The holding of any meeting, assembly, rally, demonstration, parade, march, procession or similar event, shall be submitted to the City Mayor not less than 48 hours prior to the holding or use thereof, and the City Mayor shall act on the same within 48 hours from receipt thereof. Exempted from this section shall be religious processions or assemblies.
- b. The City Mayor shall prescribed the form for the application for permit referred to in the preceding paragraph, which application form shall specify among others, the type of permit, the address of the applicant, the event or activity to be held, the purpose thereof, the date, time and place or places where the event is to held and other pertinent information, and for which a P500.00 fee payable to the City Treasury shall be charged for the issuance of the permit.
- c. Funeral processions shall occupy the shoulder or the outer lane of the highway.

ARTICLE IX ACCREDITATION OF PUJs, TRICYCLES, AUVs, SCHOOL BUSES

SECTION 20. ASSOCIATIONS AND ORGANIZATIONS OF DRIVERS AND/OR OPERATORS

- a. Any group or groups of drivers, operators and/or owners of a PUJ jeepneys or tricycles

within the territory of Mabalacat City, Pampanga who have formed or intend to form themselves into an association and/or organization shall first secure an accreditation from the Sangguniang Panlungsod and pay the corresponding fee of P500.00 for such accreditation;

- b. Any group or groups of drivers, operators and/or owners of a PUJ jeepneys or tricycles within the territory of Mabalacat City, Pampanga shall secure mayor's permit and police clearance for the purpose of statistical database of all public utility vehicle and shall secure such permit every year.
- c. All drivers/operators of passenger jeepneys and tricycles are hereby oblique to place their identification information's on a 3x5 card with their picture therein displayed including their plate numbers or posted in a conspicuous place inside the vehicle;
- d. Pursuant to the immediately preceding section drivers/operators shall be required to secure a barangay permit from their respective barangays after paying the required fees if any is imposed, they shall also secure a mayor's permit fee for a P50.00 one-time fee;
- e. Violations of the above-cited provisions shall be subject to a fine of P200.00.

SECTION 21. OPERATION OF SCHOOL SERVICE BUS/JEEPNEY AND OTHER SIMILAR VEHICLE

- a. Any group or groups of drivers, operators and/or owners of school service vehicles within the territory of Mabalacat City, Pampanga who have formed or intend to form themselves into an association and/or organization shall first secure an accreditation from the Sangguniang Panlungsod and pay the corresponding fee of P500.00 for such registration;
- b. Any group or groups of drivers, operators and/or owners of a school service within the territory of Mabalacat City, Pampanga shall secure mayor's permit and police clearance for the purpose of statistical database of all school buses and shall secure such permit every year.

SECTION 22. INCENTIVES OF APPREHENDING OFFICER AND ISSUING OFFICE

- a. Incentives of apprehending officer and issuing unit/office for every violation issued in Traffic Citation Ticket (TCT) shall be ten percent (10%) of fines and penalties and Ten (10%) also goes to the issuing unit or office for a total of Twenty percent (20%) overall incentives.
- b. Printing of Traffic Citation Ticket (TCT) booklet shall be the sole responsibility of the City Treasurer's Office.
- c. Incentives shall be paid through voucher and shall be submitted every 3rd Monday of every month.

- d. To ensure substantial full compliance or implementation of this Code, all punong barangays of Mabalacat City are hereby deputized to apprehend Violators within their territorial jurisdiction and issue corresponding traffic citations for the violation and imposing the penalty for the violation committed;

SECTION 23. CREATION OF TRAFFIC MANAGEMENT OFFICE (TMO)

- a. There shall be established a Traffic Management Office (TMO) under the supervision and control of the City Mayor, who may however at his discretion delegate the duties and functions of the office, to either or both to the Chief of Police of Mabalacat City or his duly authorized representative, or to the Chief of the City Traffic Enforcement Group (CTEG).
(better include the members of those who will be comprising the TMO; enumerate the functions)
- b. The duties and functions of the TMO shall include but not be limited to the assessment of traffic maintenance and orderliness. The duties may also include planning, organizing, coordinating, supervising traffic movement within the city limits, and whenever feasible and possible recommend to the Chief Executive (City Mayor) measures that will efficiently address any and all problems related to the regulation and enforcement of traffic rules and regulations.
- c. The Traffic Management Office shall be in charge of the settlement of disputes among PUVs and the decision of the TMO shall be appealable to the Sangguniang Panlungsod.
- d. All disputes with criminal liability will be directly referred to the appropriate court.

ARTICLE X

TERMINAL/Common Areas for All Vehicles

SECTION 24. ESTABLISHMENT OF THE COMMON AREA FOR ALL VEHICLES

- a. The common area for all vehicles shall be manned by PNP & CTEG personnel duly designated by the Chief of Police of Mabalacat City Police Station.
- b. The common area for all vehicles shall be funded by the Head, GSO thru General Appropriation funds of the City.
- c. All necessary materials, equipment and supply shall be provided by the Head,

- GSO which include space Rental, Signage, Tarpaulin, informative materials and other form of information drive regarding traffic rules and regulations.
- d. Installation and maintenance of security high definition close circuit television CCTV to perimeter fence.
 - e. Hiring of security guards from PNP accredited license security agency.
 - f. Hiring of towing service from duly accredited towing agencies.

ARTICLE XI
DRIVING UNDER THE INFLUENCE OF ALCOHOL/DRUGS

SECTION 25. DRIVING UNDER THE INFLUENCE OF ALCOHOL/DRUGS

- a. *Driving under the influence of alcohol* refers to the act of operating a motor vehicle while the driver's blood alcohol concentration level has, after being subjected to a breath analyzer test, reached the level of intoxication;
- b. *Driving under the influence of dangerous drugs and other similar substances* refers to the act of operating a motor vehicle while the driver, after being subjected to a confirmatory test as mandated under Republic Act No. 9165, is found to be positive for use of any dangerous drug.
- c. *Field sobriety tests* refer to standardized tests to initially assess and determine intoxication, such as the horizontal gaze nystagmus, the walk-and-turn, the one-leg stand, and other similar tests.
- d. *Motor vehicles designed to carry hazardous materials* refer to those designed to carry or transport materials which may endanger health and lives of the public.
- e. *Driver's Education.* – Every applicant for a motor vehicle driver's license shall complete a course of instruction from the PNP, Traffic Management office, which will provide information on safe driving including, but not limited to, the effects of the consumption of alcoholic beverages on the ability of a person to operate a motor vehicle, the hazards of driving under the influence of alcohol, dangerous drugs and/or other similar substances, and the penalties attached for violation thereof.
- f. *Punishable Act.* – It shall be unlawful for any person to drive a motor vehicle while under the influence of alcohol, dangerous drugs and/or other similar substances.
- g. *Conduct of Field Sobriety, Chemical and Confirmatory Tests.* – A law enforcement officer who has probable cause to believe that a person is driving under the

- influence of alcohol, dangerous drugs and/or other similar substances by apparent indications and manifestations, including overspeeding, weaving, lane straddling, sudden stops, swerving, poor coordination or the evident smell of alcohol in a person's breath or signs of use of dangerous drugs and other similar substances, shall undergo field sobriety tests. If the driver fails in the sobriety tests, it shall be the duty of the law enforcement officer to implement the mandatory determination of the driver's blood alcohol concentration level through the use of a breath analyzer or similar measuring instrument. If the law enforcement officer has probable cause to believe that a person is driving under the influence of dangerous drugs and/or other similar substances, it shall be the duty of the law enforcement officer to bring the driver to the nearest police station to be subjected to a drug screening test and, if necessary, a drug confirmatory test as mandated under Republic Act No. 9165. Law enforcement officers and deputized local traffic enforcement officers shall be responsible in implementing this section.
- h. *Mandatory Alcohol and Chemical Testing of Drivers Involved in Motor Vehicular Accidents.* – A driver of a motor vehicle involved in a vehicular accident resulting in the loss of human life or physical injuries shall be subjected to chemical tests, including a drug screening test and, if necessary, a drug confirmatory test as mandated under Republic Act No. 9165, to determine the presence and/or concentration of alcohol, dangerous drugs and/or similar substances in the bloodstream or body.
- i. *Refusal to Subject Oneself to Mandatory Tests.* – A driver of a motor vehicle who refuses to undergo the mandatory field sobriety and drug tests under Sections 6, 7 and 15 of this Ordinance shall be penalized by the confiscation and automatic revocation of his or her driver's license, in addition to other penalties provided herein and/or other pertinent laws.
- j. *Acquisition of Equipment.* – The Mabalacat City Government shall acquire sufficient breath analyzers and drug-testing kits to be utilized by law enforcement officers and deputized local traffic enforcement officers citywide and shall be allocated to annual budget.
- k. *Law Enforcement Officer Education.* – The PNP shall conduct training seminars for their law enforcers and deputies with regard to the proper conduct of field sobriety tests and breath analyzer tests every year, the City Administrator shall publish the guidelines and procedures for the proper conduct of field sobriety tests, which guidelines shall be made available to the public and business establishments especially those selling liquor and beverages.

- I. *Penalties.* – A driver found to have been driving a motor vehicle while under the influence of alcohol, dangerous drugs and/or other similar substances shall be penalized pursuant to the provisions of R.A. 9165 otherwise known Comprehensive Dangerous Drugs Act;

ARTICLE XII
FINES AND PENALTIES

SECTION 26. PROSECUTION OF VIOLATIONS

- a. The driver and/or owner or operator of private and/or PUVs in violation of any of the provisions of this Code shall be charged in one single information who shall be designated as “respondents” or “accused”
- b. The MCTC Judge shall furnish the Office of the City Mayor a copy of dismissal for each and every case filed with his/her office;
- c. If violators decide to contest the apprehension, the violation under this Code shall be filed with the Office of the Municipal Circuit Trial Court of Mabalacat City.

SECTION 27. PENALTIES FOR VIOLATIONS PERTAINING TO DRIVERS OR MOTOR VEHICLES

The following are “serious illegal acts or omissions with their corresponding fines and penalties to wit:

- a. Driving a motor vehicle without a license. Driving with an expired license of more than one (1) month is deemed included within the meaning of driving without licenses in the possession of the driver whether the license is still valid; - P500.00
- b. Driving a motor vehicles with a delinquent, suspended or invalid registration; - P400.00
- c. Driving a motor vehicle under the influence of liquor or narcotic drugs; - P500.00
- d. Reckless, negligent, or imprudent driving of a motor vehicle. A lack of exercise of extra-ordinary diligence to avoid endangering passengers or pedestrians or to loss of life or property is considered reckless negligent or imprudent driving or involved in accident- P1,000.00
- e. Student Driver operating a MV not accompanied by a licensed professional driver- P500.00

SECTION 28. PENALTIES FOR OPEN/MODIFIED MUFFLER OF MOTOR VEHICLES

- a. Motorcycle including motorized tricycle shall install a muffler with silencer or other similar device on said motorcycle to avoid making irritating or pollutive noise in the use and operating of the same. Penalties for the violation of this offense:
- 1st Offense – P1,500.00
 - 2nd Offense- P2,500.00
 - 3rd Offense- P3,000.00 and confiscations of modified muffler

SECTION 29. PENALTIES FOR ILLEGAL OPERATION OF MOTOR VEHICLES

- a. Out of Line- for Public Utility Jeepney (PUJ) operating beyond the intended zone/city limits and Public Utility Tricycles operating outside their franchise area.
- 1st Offense – P 3,000.00
 - 2nd Offense – P 4,000.00
 - 3rd Offense – P 5,000.00
- b. Colorum operation– those operating without franchise, any PUJ or tricycle found operating to convey passengers whether on special trip or by fare shall be imposed the following penalties:
- 1st Offense – P 3,000.00
 - 2nd Offense – P 4,000.00
 - 3rd Offense – P 5,000.00

SECTION 30. PENALTIES FOR SERIOUS ILLEGAL ACTS OF OMISSIONS OF DRIVERS OF MOTOR VEHICLES :

- a. Disregarding any traffic signs, such as “No left Turn”, “No-U-Turn”, “Do not Enter”, “No loading or Unloading”, “No Blowing of Horns”, and other traffic signs- P500.00;
- b. Allowing and transporting passengers in excess of capacity or in excess of the seating capacity of the front seat – P500.00;
- c. Obstructions of the free passage of other vehicles- P500.00;
- d. Loading or unloading passengers in the middle of the road- P500.00;

- e. Loading/unloading passengers while the vehicle is still in motion- P500;
- f. Parking, stopping, loading and unloading of passengers on street corner within 6 meters of said corners-P 500.00;
- g. Failure to give right of the way to police, firemen, ambulance, or other emergency vehicles – P500.00;
- h. Parking a vehicle within four meters of the driveway to any fire station or within four meters of a fire hydrant- P500.00;
- i. Parking in front of a private driveway on the roadway side- P500.00;
- j. Driving a motor vehicle with unordinary load, like a house, bamboo poles or sugarcane harvest in excess of the load capacity of the vehicle- P500.00;
- k. Smoke belcher – refers to any motor vehicle emitting excessive smoke from exhaust manifold obstructing the motorists shall be fined P500.00
- l. Driving a motor vehicle without proper headlights, tail lights, signal lights, blinker lights with color and strove lights, stop lights, wipers and broken windshields, side mirror- P500.00;
- m. Blowing of horns, within 10 meters to and from any hospital, school, churches and governmental session hall – P500.00
- n. Driving a motor vehicle in one way passage – P500.00.00
- o. Driving/Riding of two wheeled vehicle whether electric or motor driven not wearing appropriate protective helmet shall be fined P500.00.
- p. Driving two wheeled vehicle exceeding two persons shall be penalized by a fine of P500.00
- q. Driving two wheeled vehicle accompanied by children 10 years old and below shall be penalized by a fine of P500.00
- r. Driving and/or operating a motorcycle, motorized tricycle, or two-wheeled motor vehicle with sandals or slippers-P500.00.
- s. Driving or operating public utility vehicles with sandals or slippers shall be fined P500.00
- t. Any Motor Vehicles Parking along Macarthur highway shall be fined P500.00 except at certain portions of the road intended for parking area and not blocking the walking pedestrian.
- u. Driving a motorcycle wearing bonnet or any kind of cloth to cover the face and to prevent identification shall be fined P500.00

- v. Driving a motorcycle wearing tinted protective helmet to cover the face and to prevent identification shall be fined P500.00
- w. Not wearing seatbelt on private and PUV shall be fined P500.00
- x. Electric motor bicycle not using the outer lane or shoulder of the main road or highway- fine of P500.00
- y. Use of cellphone while driving shall be fined P500.00

SECTION 31. PENALTIES FOR JAYWALKING

Any person who shall cross any street or road or highway in disregard of the pedestrian lane or lanes provided as a path or way for pedestrian to cross such street, road or highway (if we have plans of building overpasses someday, better include it here) shall be verbally reprimanded for the first offense and fined P100.00 for the succeeding offense or in case of insolvency shall render four (4) hours Community Service such as cleaning/sweeping of the road.

SECTION 32. PENALTIES FOR ANY BUSINESS ESTABLISHMENT ALONG NATIONAL ROAD AND CITY ROAD USING SIDEWALK/PATHWAY INTENDED FOR PEDESTRIAN

Any owner of houses/business establishment extended that use sidewalk/pathway intended for pedestrian shall be fined of the following:

- 1st Offense – notice to demolish the extension
- 2nd Offense – P2,500.00 or demolish
- 3rd Offense – P5,000.00 fine or cancellation of business permit or imprisonment of one (1) day to ten days upon the discretion of the court.

SECTION 33. PENALTY IMPOSABLE AGAINST SIDEWALK VENDORS

- a. A sidewalk vendor as defined under the preceding Section 15 of this Code shall be punished by a fine of P1,000.00 for the first offense, P2,000.00, for the second offense or in case of insolvency shall render community service for eight (8) hours. (This is in addition to confiscation of the goods right?)

- b. Buyer on the sidewalk shall be punished by a fine of P500.00 or in case of insolvency shall render eight (8) hours of community service.

SECTION 34. PENALTIES FOR OTHER VIOLATIONS

- a. Any person violating any provision of section 7 and 8 shall be fined P500.00 or in case of insolvency shall render eight (8) Hours Community Service such as cleaning/sweeping of the road.
- b. Violation of Section 11 shall be punished by a fine of P1, 000.00 and in case of insolvency shall render community service for eight (8) hours.
- c. A driver violating Section 10, or not stopping on a pedestrian lane, shall be fined P200.00
- d. Any person(s) who shall hold any of the activities mentioned in Section 15 without the required permit from the City Mayor, or who shall violate any of the conditions specified in the permit, or who shall otherwise go outside of the scope of the authorization contained therein shall be punished by a fine of P1,000.00 or in case of insolvency shall suffer an imprisonment of not more than one (1) month or rendering community service for thirty six (36) hours.
- e. Violations of Section 16 shall be punished by a fine of P1,000.00 or in case of insolvency by rendering eight (8) hours of community service.
- f. Violations of Section 17 shall be punished by a fine of P500.00 or in case of insolvency by eight (8) hours of community service.

SECTION 35. PAYMENT OF FINES- All fines and penalties imposed in this Code shall be paid to the Office of the City Treasurer of Mabalacat City.

SECTION 36. PUNONG BARANGAY ASSISTANCE- All Punong Barangay in Mabalacat City are hereby deputized to enforce this Ordinance.

SECTION 37. SEPARABILITY CLAUSE – If any of the provision of this Code has been declared inconsistent with law by a court of competent authority the provisions not affected shall remain in full force and effect.

SECTION 38. REPEALING CLAUSE – This Ordinance repeals Municipal Ordinance No.-001, s-1993 and all other ordinances inconsistent with this Ordinance.

City Ord. Np. 29
series of 2014
cont. . .

SECTION 39. EFFECTIVITY OF THIS CODE – this Ordinance shall take effect upon its approval and posting on conspicuous places within the city and/or publication to any newspaper of local and/or national circulation.

ENACTED: This 29th Day of October 2014 by the Sangguniang Panlungsod of Mabalacat City, Pampanga on motion of Hon. Benjamin D. Jocson duly seconded by Hon. Sotto.

X-X
I HEREBY CERTIFY TO THE CORRECTNESS OF THE ABOVE-QUOTED EXCERPTS.

AILEEN G. PEÑA
SP Secretary

ATTESTED BY:

CHRISTIAN C. HALILI
Presiding Officer/Vice Mayor

APPROVED:

MARINO P. MORALES
City Mayor

CERTIFIED CORRECT:

AILEEN G. PEÑA
SP Secretary

ATTESTED BY: CHRISTIAN C. HALILI
Vice Mayor/Presiding Officer

APPROVED:

CHRISTIAN C. HALILI
Presiding Officer

BENJAMIN D. JOCSON
Member

GERALD GUTTRIE P. AQUINO
Member

FROYLAN L. GALANG
Member

ROLAND D. PEÑA
Member

ROGELIO Q. YUMUL
Member

KRIZZANEL C. GARBO
Member

EDUARDO D. SOTTO
Member

CARLO NIÑO C. RIVERA
Member

AMAURI M. TIGLAO
Member

DWIGHT OLIVER P. MORALES
Member

OSCAR R. AURELIO, M.D.
Member

APPROVED:

MARINO P. MORALES
City Mayor