




CERTIFICATION

This is to certify that the attached **Ordinance Numbered 05, Series of 2017**, entitled **"REGULATING THE USE OF STREETS IN THE CITY OF BAGUIO BY HEAVY EQUIPMENT VEHICLES, TRAILERS, DUMP TRUCKS AND OTHER FREIGHT TRUCKS (SIX-WHEELERS AND ABOVE), WITH GROSS WEIGHT CAPACITY OF 4,500 KILOGRAMS OR MORE, REPEALING FOR THE PURPOSE ORDINANCE NUMBERED 52, SERIES OF 1976, AND ARTICLE XI, SECTION 10 OF ORDINANCE NUMBERED 07, SERIES OF 1984, AND PROVIDING PENALTIES THEREFOR"** which was passed by the Sangguniang Panlungsod ng Baguio on **23 January 2017** and approved by the City Mayor on **02 February 2017**, was duly posted in the bulletin boards located at the Baguio City Hall, City Library, City Public Market, Post Office and Health Services Office for at least three (3) consecutive weeks starting **03 February 2017**.

The text of the said ordinance was published in the issue dated **19 February 2017 (Vol. LXX)** of the **Baguio Midland Courier**.

Baguio City, Philippines, this 24th day of February 2017.


ATTY. BRENNER L. BENGWAYAN
Secretary to the Sanggunian II

/fvd



Republic of the Philippines
City of Baguio
SANGGUNIANG PANLUNGSOD
(CITY COUNCIL)

REGULAR SESSION HELD ON 23 JANUARY 2017

PRESENT:

Hon. Edison R. Bilog, *City Vice-Mayor and Presiding Officer*;
Hon. Leandro B. Yangot Jr., *Member*;
Hon. Edgar M. Avila, *Member*;
Hon. Joel A. Alangsab, *Member*
Hon. Faustino A. Olowan, *Member*;
Hon. Elmer O. Datuin, *Member*;
Hon. Maria Mylen Victoria G. Yaranon, *Member*;
Hon. Elaine D. Sembrano, *Member*;
Hon. Peter C. Fianza, *Member*;
Hon. Lilia A. Fariñas, *Member*;
Hon. Arthur L. Allad-*iw*, *Member*;
Hon. Benny O. Bomogao, *Member*; and
Hon. Michael L. Lawana, *Ex-Officio Member*;

ABSENT:

Hon. Roberto C. Ortega, *Member* (on vacation leave).

VACANT:

Ex-Officio Member (President, Pederasyon ng mga Sangguniang Kabataan,
City Chapter).

*Introduced by Hon. City Vice-Mayor Edison R. Bilog,
Hon. Leandro B. Yangot Jr., Hon. Edgar M. Avila,
Hon. Joel A. Alangsab, Hon. Roberto C. Ortega,
Hon. Faustino A. Olowan, Hon. Elmer O. Datuin,
Hon. Maria Mylen Victoria G. Yaranon,
Hon. Elaine D. Sembrano, Hon. Peter C. Fianza
Hon. Lilia A. Fariñas, Hon. Arthur L. Allad-*iw*,
Hon. Benny O. Bomogao, and Hon. Michael L. Lawana,
and based on the report and recommendation
of the Committee on Public Utilities,
Transportation and Traffic.*

**ORDINANCE Numbered 05
(Series of 2017)**

REGULATING THE USE OF STREETS IN THE CITY OF BAGUIO BY HEAVY EQUIPMENT VEHICLES, TRAILERS, DUMP TRUCKS, AND OTHER FREIGHT TRUCKS (SIX-WHEELERS AND ABOVE), WITH GROSS WEIGHT CAPACITY OF 4,500 KILOGRAMS OR MORE, REPEALING FOR THE PURPOSE ORDINANCE NUMBERED 52, SERIES OF 1976, AND ARTICLE XI, SECTION 10 OF ORDINANCE NUMBERED 07, SERIES OF 1984, AND PROVIDING PENALTIES THEREFOR.

Explanatory Note

Section 458 of Republic Act No. 7160 also known as The Local Government Code of 1991, as amended, authorizes the *Sangguniang Panlungsod* to regulate the use of streets, alleys, sidewalks, and bridges, among others.

In the City of Baguio, it is apparent that with the sudden increase of its populace as well as increase of vehicles coming in and out of the central business district for one reason or another, rush hour traffic jams occur earlier than the usual time in the morning and reaches up to 9 o'clock in the evening.

The immense traffic experienced during rush hours is worsened by slow moving trucks, trailers, dump trucks and other freight trucks utilizing the roads. These trucks, which are usually heavily-laden with cargo, traverses the uphill, circuitous, and descending roads slowly. The size and loaded capacity of said trucks eventually obstruct or impede the free passage of other vehicles and sometimes result to accidents, therefore, affecting traffic flow.

The purpose of this Ordinance is to guide, to control, and to regulate the use of major thoroughfares, streets, and roads by setting guidelines as an effective measure to control, manage and improve traffic flow, and to impose proper penalties to violators.

In view of the foregoing, it is proper to amend existing ordinances on the use of streets and roads by heavy equipment vehicles, trailers, dump trucks, and other freight trucks in order to minimize traffic jams and inconveniences and to maintain smooth flow of traffic within the central business district, city-maintained thoroughfares, streets, and roads.

NOW, THEREFORE, on motion of Hon. Bomogao, Hon. Olowan, and Hon. Lawana, seconded by Hon. Yangot, Hon. Sembrano, Hon. Alangsab, Hon. Allad-*iw*, Hon. Fariñas, and Hon. Yaranon,

BE IT ORDAINED BY THE *SANGGUNIANG PANLUNGSOD* (CITY COUNCIL) IN SESSION ASSEMBLED THAT:

SECTION 1. Definition of Terms:

Freight Truck – any six-wheeled vehicle and above, used for loading and pulling cargo. It includes those which are originally six-wheeled trucks but the number of tires were reduced.

Heavy Equipment Vehicles – shall pertain but not limited to the following: road rollers, excavators, pay loaders, tractors, backhoes, bulldozers, graders, and cranes regardless of its weight capacity. It includes those which the manufacturers classify as heavy equipment vehicle.

Truck Ban – refers to the prohibition of trucks from entering, passing through, traversing, parking, and loading/unloading on roads in the City of Baguio within specified time provided by this Ordinance.

Central Business District Roads – refer to roads within the perimeter of the central business district of Baguio City as defined in Ordinance Numbered 01, Series of 2003, otherwise known as the Baguio City Number Coding Scheme.

SECTION 2. Heavy equipment vehicles, trailers, dump trucks, and other freight trucks with gross weight capacity of 4,500 kilograms or more shall not enter, traverse, park, load, unload or pass through the streets/roads in the City of Baguio from 6 o'clock until 9 o'clock in the morning and 4 o'clock in the afternoon until 9 o'clock in the evening (rush hours), beginning from and within the following points:

- a) Baguio City Police Office - Station 10 along Palispis-Aspiras Highway (formerly Marcos Highway);
- b) Along Kennon Road - Junction of Loakan Road and Camp 7 Bridge;
- c) Baguio City Police Community Precinct at Scout Barrio Barangay, Loakan Road;
- d) Baguio City Police Office - Station 3 along Ambuclao Road, Pacdal Circle;
- e) City Limit, Bell Church, Km. 3, Halsema Highway;
- f) Baguio City Police Office - Station 9 along Quirino Highway (formerly Naguilan Road);
- g) Asin Road beginning at the intersection of the circumferential road going to Sta. Lucia and Suello Village; and
- h) Perimeter roads/line of the central business district as defined in Section 5 of Ordinance Numbered 01, Series of 2003.

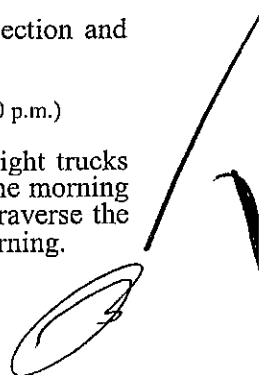
SECTION 3. Total Prohibition. - The heavy equipment vehicles, trailers, dump trucks, and other freight trucks covered herein shall not be allowed to traverse the roads within the main central business district from 6 o'clock in the morning until 9 o'clock in the evening (whole day).

Cargo delivery trucks shall only unload/load dry/wet goods at the central business district area after 9 o'clock in the evening up to 6 o'clock in the morning especially those delivering goods starting:

- a. From the Baguio City Police Office - Station 10 at Palispis-Aspiras Highway (formerly Marcos Highway) going towards the central business district and *vice-versa*;
- b. From Camp 7 going up to the central business district and *vice-versa*, except when passing to Military Cut-Off going towards South Drive to Pacdal Circle and or to Loakan Road Section;
- c. From Pacdal Circle going towards the central business district and *vice-versa*;
- d. From the main thoroughfares of Harrison Road, Session Road, Governor Pack Road to SM City Baguio and *vice-versa*;
- e. From Bonifacio Street to Post Office and *vice-versa*;
- f. From Harrison Road to Bonifacio Street intersection;
- g. From Harrison Road to Magsaysay Road until city limit and *vice-versa*;
- h. From Buhagan Road (formerly Bokawkan Road) - Harrison Road intersection to Abanao Street, Quirino Highway up via Buhagan Road – Magsaysay Avenue intersection and *vice-versa*; and
- i. From Quirino Highway (formerly Naguilan Road) towards Irisan intersection and *vice-versa*.

(The purpose of this Section is not to contradict the tenor of Section 2 on rush hours from 4:00 p.m. to 9:00 p.m.)

However, the heavy equipment vehicles, trailers, dump trucks, and other freight trucks covered herein shall be allowed to traverse the following roads beyond 9 o'clock in the morning until 3:59 o'clock in the afternoon (window time) and shall be allowed to use and traverse the following roads only after 9:01 o'clock in the evening until 6 o'clock the following morning.



Ordinance Numbered 05, Series of 2017, page 3.

For purposes of this Ordinance, the main roads mentioned in Section 3, last paragraph are the following, to wit:

From 9:00 a.m. to 3:59 p.m. (window time) and 9:01 p.m. to 5:59 a.m.

A) Via Kennon Road

1. Those coming from or going to the Halsema Highway shall take Magsaysay Avenue, Buhagan Road, Kayang Extension, Legarda Road, Gregorio Del Pilar Road, Kisad Road, or *vice-versa*;
2. Those coming from or going to Ambuclao Road shall take
 - a. Pacdal Circle Park Road, South Drive, Military Cut-Off or *vice-versa*; or
 - b. Pacdal Circle Park Road, South Drive, Loakan Road, or *vice-versa*.
3. Those coming from and or going to Itogon, Benguet, shall take –
 - a. Outlook Drive (behind The Mansion), South Drive, Military Cut-Off, or *vice-versa*;
 - b. Outlook Drive (behind The Mansion), South Drive, Loakan Road, or *vice-versa*.
4. Those coming from or going to Balatoc Mines and Philex Mines shall take Loakan Road.

B) Via Quirino Highway (Formerly Naguilian Road)

1. Those coming from or going to Halsema Highway shall take Magsaysay Avenue, Buhagan Road or *vice-versa*;
2. Those coming from or going to Ambuclao Road shall take Pacdal Circle Park Road, South Drive, Military Cut-Off, Kayang Extension, Legarda Road, Gregorio Del Pilar Road, Kisad Road, or *vice-versa*;
3. Those coming from and or going to Itogon, Benguet, shall take Outlook Drive (behind The Mansion), South Drive, Military Cut-Off, Kayang Extension, Legarda Road, Gregorio Del Pilar Road, Kisad Road, or *vice-versa*; and
4. Those coming from or going to Balatoc Mines and Philex Mines shall take Loakan Road, Military Cut-Off, Kayang Extension, Legarda, Gregorio Del Pilar Road, Kisad Road, or *vice-versa*.

C) Those coming from Benguet Exploration and Black Mountain Mines shall:

1. In going to Quirino Highway (formerly Naguilian Road), take Kennon Road, Kisad Road, Gregorio Del Pilar Road, Legarda Road, Kayang Extension;
2. In going to Halsema Highway, take Kennon Road, Kisad Road, Gregorio Del Pilar Road, Legarda Road, Kayang Extension, Buhagan Road, Magsaysay Avenue (La Trinidad Road);
3. In going to Itogon, Benguet, take Loakan Road, South Drive, Outlook Drive (behind The Mansion); and
4. In going to Ambuclao Road, take Loakan Road, South Drive, Pacdal Circle Park Road:

(Nota bene: A, B, and C hereof retained the original provisions of Ordinance Numbered 52, Series of 1976.)

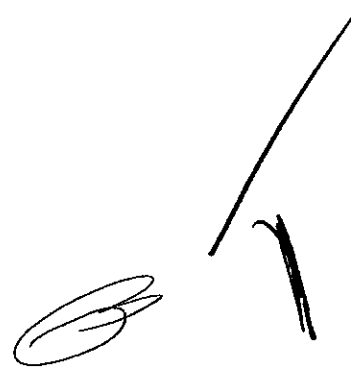
Provided, However, That those cargoes deliverable to particular places and or persons outside the streets/roads herein before specified but situated within the city limits as evidenced by accompanying waybills and or invoices shall be exempted from the provision of this Ordinance and the operators/carriers thereof shall take the routes necessary to effect the most convenient and expeditious deliveries; and

Provided, Further, That the delivery shall not be done within the prohibited time as specified in Section 1 hereof.

D) Between 6 o'clock in the morning until 9 o'clock in the evening: Provided, That Kisad Road which is within the central business district may be used only from 9 o'clock in the morning until 4 o'clock in the afternoon and from 9 o'clock in the evening until 6 o'clock in the morning.

SECTION 4. Exemptions. - The following shall be exempted:

- a) Water delivery trucks actually used in assisting fire-fighting;
- b) Fire trucks;
- c) Company vehicles of public utilities actually doing repairs/works;
- d) Government registered trucks;
- e) Heavy equipment already at worksite; and
- f) Trucks used during emergency or calamities.



Ordinance Numbered 05, Series of 2017, page 4.

SECTION 5. Use of the Central Business District Roads by Trucks. - Use of the central business district roads by six-wheeled delivery trucks shall not be allowed between 6 o'clock in the morning until 9 o'clock in the evening.

SECTION 6. Height Limit. - Heavy equipment vehicles, trailers, dump trucks, and other freight trucks covered herein with a vertical height in excess of 4.88 meters inclusive of cargo measured from road level shall not be allowed to pass. Violators shall be penalized as provided herein.

The City Engineering Office and the Department of Public Works and Highways shall install height limit restriction barrier bars before the entry points as specified in Section 2 hereof and before an overpass or flyover with visible height limit signage.

Should a portion of the road or public infrastructure be damaged while in violation of this Ordinance, the maximum fine shall be imposed and the violator or vehicle-owner shall pay the cost of repair within a period of ten (10) days from receipt of assessment. The cost of repair shall be paid only when no violation is committed.

The apprehending officer shall within 24 hours make an initial report of the damage and inform the City Engineering Office which shall make a final assessment of the damage and cost of repair. The owner and driver of the vehicle will be furnished with the assessments. In case of dispute of the assessments, a reconsideration may be filed within three (3) days with same office citing therein the reasons or basis of the reconsideration. The City Engineer shall decide on the reconsideration within the same period whose decision is final.

In case the penalty in the Revised Penal Code or other laws be higher than that provided in this Ordinance taking into consideration the cost of damage, the offender shall be prosecuted with the offense or crime carrying the higher penalty.

The City Legal Office shall be the lead office in assisting the law enforcers and the City Engineer in filing cases for violations of this Ordinance.

SECTION 7. Transferring of Cargoes. - Trucks or vehicles covered in this Ordinance shall not be allowed to transfer its cargoes to another vehicle except in emergency situations such as mechanical malfunction, accidents, calamities and like situations, and only when the transfer shall not obstruct the flow of traffic or to avoid greater harm.

SECTION 8. Stalled Vehicles. - Stalled trucks or vehicles shall be cleared or towed immediately. The owner, driver or manager of the vehicle who fails to remove the stalled vehicle within 12 hours from instruction or notice by the traffic enforcers shall be fined ₱500.00 per day and to pay the cost of towing which shall not be less than ₱2,500.00 for the first four (4) kilometers and additional ₱500.00 for every kilometer.

SECTION 9. Enforcement. - The Baguio City Police Office shall enforce this Ordinance. It shall issue traffic citation tickets and shall confiscate the plate number and driver's license of the violators.

The Traffic Management Unit of the Baguio City Police Office shall keep a record of violations for purposes of determining the number of violations that the vehicle or the driver was involved and the proper amount of fees paid.

The City Engineering Office shall be responsible for clearing, towing, and impounding of vehicles: Provided, That vehicles apprehended maybe allowed to be impounded at the private garage of the owner after removing the front and back plate numbers. The confiscated plate numbers shall be released only after paying the fines, penalties, towing, and or cost of repairs, whichever is applicable.

SECTION 10. The following guidelines shall be followed when a truck is apprehended for violating this Ordinance:

- a) The apprehending traffic officer shall issue traffic citation ticket;
- b) The driver's license and the front and back plate numbers shall be confiscated;
- c) The apprehending traffic officer shall indicate the number of times the vehicle and the driver was apprehended for violation of this Ordinance;
- d) The driver's license and the plate number shall be released only upon proof of payment of the fines, penalties, and or cost of repairs;

SECTION.11. - Signage and advisory on truck ban measuring 3x4 feet shall be installed at clearly visible strategic points designated in Section 2 hereof and other areas. The advisory shall indicate the Ordinance number, the time of the truck ban, the weight capacity covered, and the penalties. These signages and advisory notices shall be provided by the City Engineering Office in coordination with the Baguio City District Engineering Office- Department of Public Works and Highways.

Ordinance Numbered 05, Series of 2017, page 5.

SECTION 11. Penalties. - Except as indicated in Section 6 and Section 8 hereof, all other violations of this Ordinance shall be penalized, as follows:

- a. First Offense - Fine of ₱2,000.00;
- b. Second Offense - Fine of ₱3,000.00;
- c. Third Offense - Fine of ₱5,000.00; and
- d. Fourth Offense - Fine of ₱5,000.00:

Provided, That a vehicle covered in this Ordinance which violated the truck ban for the fourth (4th) time shall be impounded for a period of one (1) month. The counting of the number of violations shall start anew after the fourth violation. The vehicle shall be released upon showing proof of payment of the fine and the Release Order from the City Legal Office; and

Provided, Further, That the driver's license of a driver apprehended for the fourth time shall be withheld for a period of one month. The Traffic Management Unit of the Baguio City Police Office shall hold custody of confiscated driver's licenses. Said office shall only release the licenses upon showing proof of payment of the fine and the Release Order and the Certification from the City Legal Office that the person underwent briefing on existing traffic ordinances of the City of Baguio.

SECTION 12. Repealing Clause. - Ordinance Numbered 52, Series of 1976, and Article 10 of Ordinance Numbered 7, Series of 1984, are hereby entirely repealed. All other existing ordinances or part or parts thereof which are inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.

SECTION 13. Separability Clause. - If, for any reason or reasons, any part of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force or effect.


SECTION 14. Effectivity. - This Ordinance shall take effect in accordance with the provisions of the Local Government Code of 1991, as amended.

Unanimously passed.

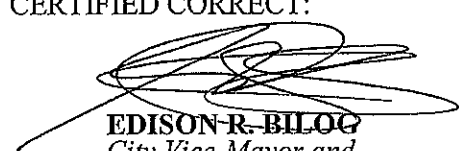
Attested:


BRENNER BENGWAYAN
Secretary to the Sanggunian

PROFACIO P. TANGALIN JR.


DONNA M. BAGAWI

CERTIFIED CORRECT:


EDISON R. BILOG
*City Vice-Mayor and
Presiding Officer*
FEB 02 2017

APPROVED:


MAURICIO C. BOMOGAN
City Mayor

02 FEB 2017