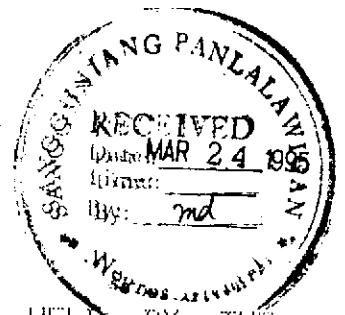


Republic of the Philippines  
PROVINCE OF NEGROS ORIENTAL  
MUNICIPALITY OF BAYAWAN  
Office of the Municipal Council



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE MUNICIPAL COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON MARCH 8, 1995 AT 9:00 P.M. AT THE SESSION HALL.

**SP STEERING COUNCIL**  
DATE: 3.28.95  
REFER TO PROV. ATTY.

Hon. Germar P. Saraña, Jr.	Municipal Vice-Mayor, Presiding Municipal Councilor
Hon. Jovencio v. Teves	-do-
Hon. Oscar T. Villamil	-do-
Hon. Raymundo L. Riconalla	-do-
Hon. Joselito C Bito-on	-do-
Hon. Francisco T. Diao	-do-
Hon. Rolando B. Dagohoy	-do-
Hon. Eustaquia T. Elnar	-do-
Hon. Samuel T. Quindo	-do-
Hon. Rolando O. Gaga-a	Pres. Liga ng Brgy.

**ABSENT:**

Hon. Genevieve M. Cadapan SK Federated Pres.

**RESOLUTION NO. 77**

"On motion of Honorable Councilor Bito-on and duly seconded by Honorable councilor Villamil, the Council

"RESOLVED, to enact, as it hereby enacts the following Ordinance:

**ORDINANCE NO. 14**

AN ORDINANCE REGULATING THE USE OF STREETS, HIGHWAYS AND OTHER PUBLIC THOROUGHFARES IN THE MUNICIPALITY OF BAYAWAN, NEGROS ORIENTAL AND PROVIDING PENALTIES IN VIOLATION THEREFORE.

Be it ordained that:

SECTION 1. Title. - This Ordinance shall be known as the New Traffic Code of the Municipality of Bayawan, Negros Oriental.

SECTION 2. Scope. - This Ordinance shall be applicable to the use of municipal streets, highways including its use by any motorized, muscle-propelled and animal-drawn vehicles.

SECTION 3. Definition of Terms .

a. Motor Vehicle - any kind of vehicle propelled by an engine regardless of the nature of usage or purpose.

b. Muscle-propelled Vehicle - refer to bicycles, "carito" or any vehicle of the same nature including "trisikad" for hire and private use.

c. Animal-drawn Vehicle - any wheeled vehicle drawn by animals used for transport of farm products, sand and gravel or any of its finished products and the like.

d. Municipal Street - shall mean every road constructed, developed, improved and maintained by the municipality.

e. Highway - refer to existing roads constructed, developed, improved and maintained by the provincial and national government.

f. Public Places - refer to every public thoroughfares other than streets such as, but not limited to, parks or plaza, alleys, public playgrounds, public auditoriums and the like.

g. No Parking Zone - any specified area of the street or public thoroughfares where vehicles are not allowed to park.

h. One-way Street - a specified street where usage is fixed to one direction only.

i. Muffler - any form of mechanical device that minimizes noise of an engine.

j. Lane - shall mean a strip of roadway used for a single line of traffic.

k. Broken White Line - shall mean a line used to define or separate traffic lanes which permits crossing from one lane to another.

l. Solid White Line - a line used to define or separate traffic lanes which permits crossing from one lane to another.

m. Solid Yellow Line - a line which prohibits vehicles from overtaking.

n. Crosswalk - a certain specified portion of a street or highway used for pedestrian crossing.

o. Motorized Tricycle - a motorcycle fitted with a side car used for the conveyance or carriage of passengers or transporting cargoes.

p. "Trisikad" - a bicycle fitted with a side car for conveyance of passengers or transporting cargoes.

SECTION 4. No Parking Zones. - The following are hereby designated as "No Parking Zones" where any form of vehicle are restricted from parking from 6:00 A.M. to 7:00 P.M.

a. Both sides of Rizal Street, from corner Magsaysay Street to corner Claro M. Recto Street.

b. Both sides of R.T. Diao Street, from corner Magsaysay Street to Claro M. Recto Street.

c. Both side of Claro M. Recto Street from E.T. Diao St. to corner J.P. Rizal Street.

d. Highway from corner Claro M. Recto to corner Mabini Street, both sides.

SECTION 5. One Way Traffic Streets: From 6:00 A.M. to 7:00 P.M.

a. Along Claro M. Recto Street from corner J.P. Rizal Street to corner National Highway from South to North.

- b. Along Magsaysay Street from corner National Highway to corner J.P. Rizal Street from North to South.
- c. Along J.P. Rizal Street from corner Magsaysay Street to corner Claro M. Recto from West to East.

SECTION 6. Parking Areas for Public Utility Vehicles.

- a. Except for PUBs, all public utility vehicles taking the western route shall designate South Terminal of the Public Market as parking area while waiting for passengers.
- b. Except for PUBs, all public utility vehicles taking the eastern route shall designate the North Terminal of the Public Market as parking area while waiting for passengers.
- c. Operators of public utility buses are required to establish and maintain their own private terminal.

Provided, that the Municipal Mayor thru the recommendation of the Traffic Officer is authorized to designate terminals as he may deem proper under any given circumstance.

SECTION 7. Designated Routes for PUVs. - When carrying passengers and/or cargoes, public utility vehicles shall not be allowed to use Magsaysay Street and Claro M. Recto Street as entrance and exits respectively.

The following are hereby designated as routes for PUVs:

- a. All vehicles coming from the western routes shall enter Mabini Street passing Rizal Street to its designated terminal in the South Terminal of the Public Market. It shall then utilize Rizal to Gamo Street as their exit.
- b. All vehicles coming from the eastern routes shall utilize Nonoy Bollos Street and R.T. Diao Street as their entrance to the Northern Terminal of the Public Market and utilize R.T. Diao Street towards Peping Gamo Street as their exit.

SECTION 8. Restriction on the use of certain streets.-

- a. No person below Eighteen (18) years old shall be allowed to drive any motorized vehicle along municipal streets and the National Highway within the municipality.
- b. No person shall be allowed to skate on any public street within the municipality except on such areas as maybe designated.

SECTION 9. Loading and Unloading of Persons and/or Cargoes. It shall be unlawful to load or unload persons and/or cargoes within 5 meters from all entrances of the public market, any street corners or intersections, fire hydrant and bridge, provided, that bulky or crated cargoes shall be loaded and unloaded in bus terminals or such places as may not cause nuisance to pedestrians and traffics.

SECTION 10. Overloading - It shall be unlawful for any public utility vehicle to load passengers or cargoes in excess of its authorized capacity nor shall any vehicle, whether private or public utility, be allowed to load such cargoes as to cause inconvenience or danger to passengers, pedestrians or to other vehicles.

SECTION 11. Regulation of Engine Sound, Horns, Sirens or Gadgets of Similar Nature. - It shall be unlawful for any person to drive a motor vehicle with exceptionally loud engine sound, or blow horn, siren or gadget of similar nature that may tend to annoy, irritate or obstruct serenity.

It is likewise unlawful to blow horn, siren or gadget of similar nature when passing a school during class hours, churches or any place of worship during religious service and hospitals in any hour of the day. Mufflers, silencers or similar devices are required to be installed in every motor vehicle to reduce or minimize sound coming from the engines.

SECTION 12. Vehicles Emitting Black Exhaust Smoke. - No vehicles emitting black exhaust smoke shall be allowed within the municipality.

SECTION 13. Use of Vehicular Lights. -

a. No vehicle without complete set of functional lights and signal lights shall be allowed to travel along municipal streets and highways at all times.

b. No person shall be allowed to use any form of vehicular lights offensive to the eyes of other drivers.

c. All vehicles are required to use accessory lights and use the same in a manner fitting in the exercise of extra-ordinary diligence while driving.

d. When travelling at night, drivers shall keep low their lights while approaching crosswalks, other vehicles, intersections and such places as the law may require.

e. When driving an emergency vehicle, drivers are required to keep headlights and signal lights on at all times.

SECTION 14. Animal-drawn Vehicles. - No animal-drawn vehicles shall be allowed to pass streets enumerated under Section 5 and Section 7 following the provision therefor.

SECTION 15. Repair of Vehicles. - It shall be unlawful to utilize any street of the municipality for repairs of vehicles except when replacing flat tires provided, it shall not exceed One (1) hour in case of Four-wheeled vehicles and Two (2) hours on Six-wheeled and above vehicles.

Vehicles experiencing engine trouble in streets shall be repaired immediately within Two (2) hours otherwise, the driver or operator thereof is required that same be towed out of such street or to the nearest shop for repair.

SECTION 16.- Speed Limit. - Every driver is required to observe speed limits hereunder outlined except those responding to emergency calls, vehicles carrying persons for emergency treatment and vehicles in pursuit of a criminal:

1. Highway from Bayawan-Sta. Catalina Boundary to Bayawan River Bridge - 30 kph
2. Other streets within the municipality - 20 kph

SECTION 17. Vehicles Carrying Garbage, Wastes or Other Forms of Odorous or Dangerous Substance. - It shall be unlawful for any vehicle carrying garbage, wastes or other forms of odorous or dangerous substance to ply within any street of the municipality except the regular garbage trucks while collecting garbage and oil tanks while making delivery.

It shall likewise be unlawful for any oil tank vehicles to park in any street or highway except in such place designated as their delivery site.

SECTION 18. Right Side Driving. - Every person driving or operating a vehicle shall at all times use the right side lane of any street except one-way streets and those that has more than one lane.

SECTION 19. Overtaking. - Any driver overtaking another shall take a safe distance before taking the left and again take a safe distance before taking back the right lane of the street provided that no driver shall be allowed to overtake when:

1. Making a turn;
2. 10 meters from a street intersection;
3. Incoming vehicle of opposite direction is more or less 100 meters away;
4. There are signs of dangers ahead such as street repairs;
5. A driver's view is obstructed.

SECTION 20. Rules in Right of Way. -

A. In Intersections:

1. Drivers taking the municipal streets shall yield to drivers taking the highway;
2. Drivers taking private roads shall yield to drivers taking the public streets;
3. Drivers shall yield to those who has entered first;
4. Drivers shall at all times yield to pedestrians taking a designated cross walk.

B. Drivers taking a municipal street shall make a full stop before traversing a highway or any busy streets;

C. Drivers shall yield to vehicles mentioned in the first paragraph of Section 16;

D. When two vehicles in one street approach or enter an intersection at approximately the same time the vehicle on the left shall yield to the vehicle on the right.

SECTION 21. Any driver of a vehicle shall before starting, stopping or turning in a direction shall make a proper signal that is plainly visible to every pedestrian and/or other drivers thru an approved signal device attached properly to a vehicle provided, that in case of animal-drawn or muscle-propelled vehicles, extending an arm or any signal being appropriate in a given time shall be made to warn any pedestrian or any vehicle provided further, that signals or warning when made should be done at a safe distance where pedestrians or other vehicles could take the necessary precautions.

SECTION 22. Turning at Intersection. - The driver of a vehicle intending to turn to either left or right at an intersection after making the necessary signals at a safe distance shall approach such intersection in the lane nearest to that side of the street and shall keep close to such curve or side of the street as much as possible.

SECTION 23. Parked Vehicle. - Any vehicle which is parked unattended in any street shall be secured by a hand brake or such device as to hold such vehicle provided however, that it is unlawful at all times to leave an animal drawing a vehicle in a street unattended by any person not less than 15 years old.

SECTION 24. Right of Way for Emergency Vehicle. - Upon the approach of an emergency vehicle, every driver shall make every street or intersection clear until such vehicle shall have passed.

SECTION 25. Hitching to a Vehicle. - No person shall be allowed to hang or ride outside or the rear of any vehicle nor shall any person on a bicycle, roller skate or other similar device shall hold fast to a moving vehicle and no such driver shall knowingly permit such act abovementioned.

SECTION 26. No Stopping, Parking or Driving of Vehicles. - No parking, stopping or driving on sidewalks and crosswalks shall be allowed at all times.

SECTION 27. Obstruction of traffics. - It shall be unlawful for any person to drive, stop or park in such a manner as to obstruct the free passage of other vehicles on a street except when such is undertaking the repair of a street or in emergency cases as may be necessary to save life or property from any injury or destruction. It is likewise unlawful for any person to utilize any area of the street including the passage for pedestrians for any commercial or private activities except when authorized by law.

SECTION 28. Duties of Driver in Case of Accident. - In case of accident, it shall be the duty of a driver to stop immediately and take the victim to the nearest hospital or doctor or extend such aid as may be necessary to save one's life or property from further destruction by reason of the accident by not leaving the scene of the accident except:

a. If such driver is in danger of being harmed by other persons by reason of the accident;

- b. When the driver himself is the victim of the accident;
- c. When the driver summons a medical personnel to attend to the victims.

SECTION 29. Refusal to Convey Passengers. - Any driver of a public utility vehicle shall not refuse carriage of passengers without valid reasons nor shall public or private vehicles refuse carriage of victims of accidents.

SECTION 30. Lawful Rate of Fare. - No driver or operator of any public utility vehicle shall be allowed to charge fees more than what the law allows.

SECTION 31. Authority to Close or Open New streets. - The municipal government reserves the right to temporarily or permanently close streets or open new streets on such grounds allowed by law.

SECTION 32. Procedure Upon Arrest. - Any authorized police officer or traffic aide, upon making an arrest for violation of the Land Transportation Code (R.A. 4136), this ordinance, and other existing traffic laws and ordinances shall take the name, address and operator's license number, if any, and the registered number of the motor vehicle involved and shall issue to him in writing a summons or citations, hereinafter described, warning him to answer to the charge against him before the Traffic Officer at any time within seven (7) days after such arrest and to appear before the Police Station or other place designated in the citation.

The counting of seven (7) days shall exclude Saturdays and Sundays and other legal holidays.

SECTION 33. Summons or Citations.- There shall be provided for use by authorized police officer or traffic aide and other deputized persons a form of summons or citations for use in citing violations of these traffic laws where physical arrest of such violators is not necessary. Said summons or citations shall be printed in a form commensurate with the form of other summons and/or citations used in modern methods of arrest as designated to include all necessary information to make the same valid and legal within the laws and regulations of the Municipality of Bayawan, Negros Oriental. In case of a vehicle found in violation of this Ordinance or of any other implementable law is without a driver, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user.

In every case when a citation/summon is used or issued the duplicate shall be given to the violator or in the case of an unattended vehicle, the duplicate shall be conspicuously attached to the vehicle. Every citation shall be consecutively numbered and each copy shall bear the number of its original.

SECTION 34. Authority to Settle. - The Municipal Mayor thru the Police Traffic Officer is hereby authorized to settle any violation of this Ordinance not including the commission of fraud

before a case therefor is filed in proper court upon payment of a compromise penalty of Fifty Pesos (P50.00) on first offense and One Hundred Pesos (P100.00) upon second offense, provided same is paid before the expiration of Seven (7) days from the issuance of the summons or citation receipt. After the expiration of the said period but before the filing of the case in Court, the compromise penalty will be One Hundred Pesos (P100.00) and One Hundred Fifty Pesos (P150.00), respectively.

SECTION 35. The Municipal Traffic Officer. - There is hereby created the Municipal Traffic Office comprising a Police Officer designated as Traffic Officer and Five Traffic Aides to implement this Ordinance and other pertinent laws, rules and regulations.

SECTION 36. Adoption of Other Existing Laws. - R.A. 4136, otherwise known as the Land Transportation Code, existing laws, rules and regulations pertinent in the implementation of this ordinance are hereby adopted as part hereof.

SECTION 37. Appropriation of Initial Expenses. - There is hereby appropriated the amount of P50,000.00 from the Extrordinary and Miscellaneous Funds of the 1995 General Fund Budget to meet the initial expenses.

SECTION 38. Penalty.- Any violation of this Ordinance shall be punished by a fine of not exceeding P1,500.00 or an imprisonment of not exceeding Three (3) months, or both, at the discretion of the Court. Where any of the violation also involves damage to traffic signs, the person responsible shall in addition, be made to pay for the value of the damaged sign.

SECTION 39. Repealing Clause. - Any Ordinance or provisions of existing ordinances inconsistent herewith are hereby modified or repealed accordingly.

SECTION 40. Effectivity.- This Ordinance shall take effect 30 days after its approval.

Enacted.

\* \* \*

I hereby certify to the correctness of the foregoing resolution.

\* \* \*

FE BOLLLOS ARAULA  
Municipal Government Dept. Head I  
(Municipal Secretary)

ATTESTED:

GERMAN P. SARANA, JR.  
Municipal Vice-Mayor  
Presiding

APPROVED: MAR 20 1995

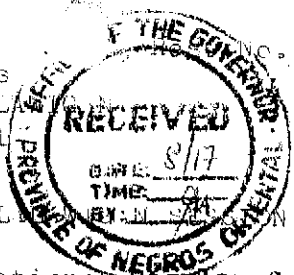
ERNESTO T. YISING  
Municipal Mayor

COPY FOR:

- The Honorable Provincial Board, Dumaguete City



Republic of the Philippines  
OFFICE OF THE SANGGUNIANG PANLALAWIGAN  
Province of Negros Oriental  
Dumaguete City



EXCERPT FROM THE JOURNAL OF THE SANGGUNIANG PANLALAWIGAN

Date: August 7, 1998 - 3:15 P.M. Classification: Regular Session

RECORD OF ATTENDANCE:

HON. EDGAR Y. TEVES  
Vice-Governor & Presiding Officer  
OB Manila

Received with GA  
AUG 19 1998  
*[Signature]*

- |   |                               |                |
|---|-------------------------------|----------------|
| HON. MELIMORE C. SAYCON -Actg. Pres. Ofc. | HON. BIENVENIDO F. YAP, SR.   | - Present      |
| HON. SALETO J. ERAMES - Present           | HON. LORENZO C. DY            | - Present      |
| HON. ORLANDO V. REMOLLO - Absent          | HON. EXEQUIEL S. BESARIO      | - Present      |
| HON. SERAFIN R. ALBITO - Present          | HON. ROLANDO O. GAGA-A (ABC)  | - OB Manila    |
| HON. JOSE A. BALDADO - Present            | HON. J. MIGUEL G. ROMERO (SK) | -OB Ilocos Sur |
| HON. EDMUND T. NALAM - Present            | HON. TEODORO Q. SINGSON (PCL) | - OB Cebu      |
| HON. RUTILLO A. CABUSOG - Present         |                               |                |

RESOLUTION NO. 460

"Submitted Resolution No. 259, current series, of the Sangguniang Bayan of Bayawan, this province, enacting Ordinance No. 5, amending Sections 4 and 8 of Ordinance No. 14, series of 1995, otherwise known as the Municipal Traffic Code;

"Said resolution is well within the legislative authority of the Sanggunian to enact,

"On motion of Honorable Member Albito, seconded by Honorable Member Besario, the Sangguniang Panlalawigan

"RESOLVES, To declare VALID Resolution No. 259, current series, of the Sangguniang Bayan of Bayawan, this province; and to furnish a copy hereof for their information.

"Approved."

- - -

I hereby certify to the correctness of the above-quoted resolution.

*[Signature]*  
ADOLFO D. AMOR  
Board Secretary IV  
μ

*[Signature]*  
MELIMORE C. SAYCON  
Acting Presiding Officer

ORIGINAL FOR GUBERNATORIAL APPROVAL:

*[Signature]*  
GEORGE P. ARNAIZ  
Governor of Negros Oriental

Copy For:

The Sangguniang Bayan  
Bayawan, Negros Oriental

Republic of the Philippines  
PROVINCE OF NEGROS ORIENTAL  
MUNICIPALITY OF BAYAWAN  
Office of the Municipal Council

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE MUNICIPAL COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON JULY 14, 1998 AT THE SESSION HALL AT 2:00 O'CLOCK P.M.

PRESENT:

Hon. German P. Saraña Jr.	Vice Mayor, Presiding
Hon. Rene G. Gaudiel	Councilor
Hon. Joselito C. Bito-on	-do-
Hon. Peter Paul F. Renacia	-do-
Hon. Rowena T. Cabanban	-do-
Hon. Antonio B. Villamil	-do-
Hon. Eustaquia T. Einar	-do-
Hon. Guillermo A. Diao	-do-
Hon. Hearty N. Soldevilla	Exec. Vice President, Liga Ng Mga Barangay
Hon. Fred Ian T. Trayvilla	SK Fed. President

ABSENT:

Hon. Samuel T. Quindo	Councilor (On Leave)
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RESOLUTION NO. 259

"On motion of Honorable Councilor Bito-on and duly seconded by Honorable Trayvilla, SK Federated President, the Council

"RESOLVED, To enact, the following ordinance, to wit:

ORDINANCE NO. 5

AN ORDINANCE AMENDING SECTION 4 AND SECTION 8 OF ORDINANCE NO. 14, S. 1995, OTHERWISE KNOWN AS THE MUNICIPAL TRAFFIC CODE.

Be it ordained that:

SECTION 1. Section 4 of Ordinance No. 14, S. 1995 is hereby amended and to read as follows:

"SECTION 4. No Parking Zones - The following are hereby designated as "NO PARKING ZONES" where any form of motorized vehicle including "trisikads" are restricted from parking from 6:00 A.M. to 7:00 P.M.

- a. Both sides of Rizal Street from Peping Gamo Street to Mabini Street.
- b. Both sides of R. T. Diao Street from Claro M. Recto Street to Mabini Street.
- c. Both sides of Bollos Street from National Highway to Rizal Street.
- d. Highway from corner Peping Gamo Street to corner Mabini Street, both sides.

e. Magsaysay Street from Highway to Rizal Street, both sides except those parking areas designated for motorcycles.

f. Recto Street from Highway to Rizal Street, both sides except those parking areas designated for motorcycles;

Cargo Trucks however, will be given 30 minutes to load and unload cargoes at the no parking zones.

SECTION 2. Section 8 of Ordinance No. 14, S. 1995 is hereby amended by adding paragraph c thereto and to read as follows:

"C. No "trisikad" shall be allowed to utilize the National Highway as their routes in carrying cargoes or passengers except to cross thereon or on such time as the traffic officer may designate."

SECTION 3. This Ordinance shall take effect upon its approval.

"Enacted."

\* \* \*

I hereby certify to the correctness of the foregoing resolution.

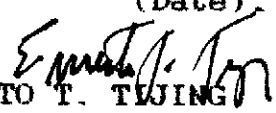
\* \* \*

FE BOLLLOS ARAULA  
Municipal Government Dept. Head I  
(Municipal Secretary)

ATTESTED:

  
GERMAN P. BARANA JR.  
Vice Mayor  
Presiding

APPROVED: JUL 22 1998  
(Date)

  
ERNESTO T. TIJANG  
Mayor

COPY FOR:

- The Honorable Provincial Board, Dumaguete City