



Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 3RD REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2013-2016) HELD AT THE SB SESSION HALL, POBLACION, MALAY, AKLAN ON JANUARY 20, 2015.

Present:

- Hon. Wilbec M. Gelito, Municipal Vice Mayor, Presiding Officer
- SB Member Natalie C. Paderes
- SB Member Jupiter Aelred G. Gallenero
- SB Member Rowen T. Aguirre
- SB Member Danilo G. Delos Santos
- SB Member Leal B. Gelito
- SB Member Paterno S. Sacapaño, Jr.
- SB Member Manuel S. Delos Reyes
- SB Member Abram L. Sualog, Liga President

Absent:

- SB Member Frolibar S. Bautista (sick leave)

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MUNICIPAL ORDINANCE NO. 342

Series of 2015

AN ORDINANCE ENACTING THE TRANSPORTATION CODE OF THE MUNICIPALITY OF MALAY, AKLAN

Be it ordained by the Sangguniang Bayan of the Municipality of Malay in session duly assembled:

ARTICLE I

GENERAL PROVISIONS

SECTION 1. **TITLE.** This Code shall be known as the Municipal Traffic Code of the Municipality of Malay, Aklan.

SECTION 2. **SCOPE AND APPLICATION.** This Code provides for the traffic rules and regulations on all roads or highways in the Municipality of Malay, Aklan, whether national or local in classification; pedestrian rules and regulations; vehicle stops and public transport terminals; the use of sidewalks and alleys; road use by all motor vehicles including motorized tricycles, electric tricycles and pedicabs, bicycles, pushcarts and other forms of conveyances or transportation, whether public or private; day-parking zones and night-parking zones; and in general, such other rules and regulations hereinafter promulgated in furtherance of an optimum utilization of the road network in the Municipality of Malay, Aklan. Where the context applies, the rules shall also apply to public places.

SECTION 3. **DECLARATION OF POLICY.** It is hereby declared the policy of the Municipality of Malay, Aklan.

- a. The flow of people and goods through the road network shall be as efficient, safe, unhampered and orderly as possible for the economic and social vitality and viability of the municipality;

- b. Urban road space is a scarce commodity, the competing use of which must be allocated for the greatest good and the greatest number through judicious, fair, participatory and informed traffic management system;
- c. Traffic problems and issues must be resolved in a rational manner, guided by facts and shaped through consultation, collaboration, and coordination with the surrounding Municipalities; as well as national agencies like the Department of Public Works and Highways, the Department of Transportation and Communications and the Department of Tourism;
- d. The public has the right to be informed *a priori*, and to participate in the formulation of any measures that may affect their community and traveling habits.
- e. The active enforcement of discipline in driving and use of roads by the driving public to keep the road system safe and in order, backed by a properly managed system of violation tickets and penalties, resulting in improved efficiency, safety and civility.
- f. The active participation of the Local Government in national programs for the protection and preservation of the environment and to minimize the effects of global warming.

SECTION 4. **EXEMPTIONS FOR EMERGENCY VEHICLES.** The driver of any emergency vehicle may, when it is expedient and safe to do so:

- a. On sounding a siren, bell or repeater horn, proceed past a traffic control signal displaying a red or amber circle or a red or amber arrow or proceed contrary to the direction or instruction of any traffic control devices;
- b. On sounding a siren, bell or repeater horn, drive in any direction or any part of a road or overtake or pass on either side of another vehicle;
- c. Stop, leave, wait or park the vehicle at any place at any time; or
- d. Exceed the speed limits prescribed in Section 1 of Article VII of this Code.

ARTICLE II DEFINITION OF TERMS

SECTION 1. **DEFINITION OF TERMS.** For purposes of this Code, the following terms shall mean:

- 1. **ABANDONED VEHICLE** - any vehicle left unattended for more than twenty-four (24) hours on a public highway.
- 2. **AUTHORIZED MAINTENANCE VEHICLE** - any vehicle of the municipal government used in street lighting, traffic signal, highway construction and highway repair and maintenance works.
- 3. **AUTHORIZED TOW VEHICLE** - any vehicle specially constructed for towing vehicles other than trucks and farm or road tractors, which is designated as an authorized tow vehicle by the Municipality.
- 4. **BICYCLE** - any two-wheeled vehicle designed to be propelled solely by human power.

5. **BUILT-UP AREA** - a type of street normally characterized by relatively low speeds, wide ranges of traffic volumes, narrower lanes, frequent intersections and driveways, significant pedestrian traffic, and prevalence of businesses and houses.
6. **CLEARWAY** - a length of carriageway generally defined by signs, along which vehicles may not stop or be left standing at times of the day as provided on the signs.
7. **DRIVER** - is any person having control of the directional and motive power of a vehicle.
8. **EMERGENCY** vehicle means a motor vehicle:
 - a. Conveying law enforcement personnel such as the Police, the Malay Auxiliary Police, the Barangay Tanod and other duly authorized or deputized law enforcement agents on urgent safety or security response, crisis prevention and enforcement of duties;
 - b. A fire brigade traveling to or on duty at any place in consequence of a fire or an alarm of fire;
 - c. Being an ambulance or any other vehicle, answering an urgent call or conveying to a hospital any injured or sick person urgently requiring medical attention;
 - d. Being used to obtain or convey blood or other medical supplies, drugs or equipment for a person urgently requiring treatment which may or may not carry a siren, bell or repeater horn for use as a warning instrument; or
 - e. Duly authorized as an emergency vehicle for purposes of this Code by the appropriate authority.
9. **FOOTWAY** - that portion of road set aside for pedestrian use only.
10. **HIGH BEAM** - means a beam of light projected from vehicle headlights such that the main bright portion of the beam thereof rises above the horizontal plane passing through the lamp centers parallel to the road level upon which the vehicle stands.
11. **HORN** - includes any or every device for signaling by sound.
12. **INTERSECTION** - the place at which two or more roads cross.
13. **Laned Thoroughfare** - means a thoroughfare divided into two or more marked lanes for vehicular traffic.
14. **LOW BEAM** - means a beam of light projected from vehicle headlights such that none of the main bright portion of the beams thereof rises above a horizontal plane passing through the lamp centers parallel to the road level upon which the vehicle stands.
15. **MARKED CROSS-WALK** - means a portion of a thoroughfare between two parallel lines marked across the thoroughfare, intended for use of pedestrian.
16. **MERGING** - the converging of separate streams of traffic into a single stream.
17. **MOTOR VEHICLE** - means any conveyance or transportation propelled by an engine or any power other than muscular power, and includes any vehicle designed to be propelled by electricity.

18. **NO PARKING AREA** - means a portion of a thoroughfare between two consecutive "No Parking" signs and with arrows pointing generally towards each other or other appropriate signs.
19. **One-Way Thoroughfare** - means a thoroughfare on which vehicles are permitted to travel in one direction only, as indicated by appropriate signs or signals.
20. **OVERTAKE** - to pass or attempt to overtake or pass a slower-moving vehicle traveling in the same direction.
21. **OUT OF LINE** - means Public Utility Vehicles with franchise from other municipalities entering the territorial jurisdiction of the Municipality of Malay.
22. **OUT OF ROUTE** - means Public Utility Vehicles with franchise for the Municipality of Malay but operating outside their designated route.
23. **PARKED** - a vehicle is said to be parked if it is stationary for the period during which the vehicle is not limited to the time needed to pick up or set down persons or goods.
24. **ROUNDABOUTS** - shall refer to a traffic circle, intersection or circular road intersection or rotunda.
25. **LOADING/UNLOADING ZONE OR STATION** - shall refer to a portion of the road or parking lot area to be used only for the immediate loading and unloading of passengers, materials, baggage or freight.
26. **PARKING AREA** - means a portion of the thoroughfare where parking is permitted as indicated by appropriate notices or parking signs.
27. **PEDESTRIAN** - any person on foot or in a perambulator.
28. **JAYWALKING** - refers to the act of crossing the street, thoroughfare or highways outside the cross-walk or marked pedestrian lane; or walking inside the designated cross-walk or marked pedestrian lane but in disregard of traffic rules and regulations including hand signal of the traffic enforcer or traffic signal from electronic devices. It also includes walking along or outside the sidewalks of streets, thoroughfares, or highways which hinders or obstruct the free flow of traffic causing inconvenience to the motorists or the other pedestrians.
29. **PUBLIC PLACE** - any place where the public have access, upon payment or otherwise.
30. **ROAD** - sometimes called street or highway, means that part of the land surface designed or used for the passage of vehicles, whether motorized or not, inclusive of sidewalks and shoulders forming part of the right-of-way.
31. **ROAD MARKING** - any traffic control device laid out or painted on the surface of the road or carriageway used to regulate traffic or to warn or guide road users, used either alone or in conjunction with other signs or signals to emphasize or clarify their meaning.
32. **SEPARATION LINE** - a line marked on the pavement of a thoroughfare to separate traffic traveling in opposite directions.
33. **STANDING** - a vehicle is said to be standing if it is stationary for the time needed to pick up or set down persons or to load or unload goods.

34. **STOP LINE** - a line marked across the thoroughfare near a traffic control signal, stop sign, children's crossing or intersection.
35. **THOROUGHFARE** - means that portion of a road improved, designed or used for vehicular travel exclusive of the shoulder and footway.
36. **TRAFFIC CONTROL SIGNAL** - means any device using a word or words, a symbol or symbols, a colored light or lights or any combination thereof operated mechanically, electrically, manually or otherwise by means of which traffic may be controlled or regulated.
37. **MUNICIPAL TRANSPORTATION OFFICE (MTRO)** - refers to the municipality's organization or office designated and authorized to perform traffic engineering, planning, education, and/or enforcement activities.
38. **TRAILER** - a vehicle not otherwise self-propelled, usually attached to the rear of a motor vehicle.
39. **TRUCK** - Cargo trucks, gravel and sand trucks, bamboo haulers and other heavy cargo trucks whose gross vehicle weights exceed 4,500 kilograms, including tractor trailers or containerized haulers.
40. **Two-way Thoroughfare** - means any thoroughfare where traffic is permitted in opposite directions.
41. **U-TURN** - means a movement which causes a vehicle facing or traveling in one direction to face or travel in the opposite, or substantially the opposite direction.
42. **VEHICLE** - means any conveyance or other device propelled or drawn by any means and includes a bicycle and, where the context permits, includes an animal driven or ridden, but does not include a train.
43. **WAITING** - means a vehicle permitted to remain stationary with the motor or engine running.
44. **FRANCHISE** - refers to a special privilege conferred by the Local Government Unit of Malay, through the Municipal Tricycle Franchising and Regulatory Board (MTFRB), which does not belong to the grantee by common right, to engage in motorized or electric tricycle (e-trike) operation. It is in the nature of a private contract between the Municipality and the Grantee which cannot be amended by implication.
45. **MOTORIZED TRICYCLE** - is a motor vehicle consisting of a motorcycle with two (2) wheels and with an attached single-wheeled sidecar, or a motorcycle with a two-wheel cab, which is principally utilized for the carriage of fare-paying passengers. A motorized tricycle includes those that run on electricity (E-trike).
46. **COMMUTER TRICYCLE OPERATOR'S PERMIT (CTOP)** - is a document granting franchise or license to a natural person to operate a motorized or electric commuter tricycle for hire or commuter purposes in specified areas, zones or boundaries within the Municipality of Malay.
47. **ZONES** - is a contiguous land area or block where a tricycle for hire may operate without a fixed origin and destination.
48. **E-TRIKE (ELECTRIC TRICYCLE)** - refers to a vehicle running on three (3) tires powered by electrical charges and not using any fossil fuels such as gasoline, gas, crude oil or similar fuels.

49. **MALAYNON** - refers to any natural person who was born in Malay, or one or both parents were/are Malaynons or somebody who has been a resident of Malay for at least ten (10) years and a registered voter thereof. Residing for purpose of this definition shall pertain to an actual, continuous and permanent stay in Malay evidenced by his/her voter's registration and residence certificate issued by the place of his/her stay.
50. **DUMMY** - refers to someone who pretends in any manner, as the E-Trike owner, but the true and real owner of the same is another person.
51. **E-TRIKE FOR HIRE** - pertains to an E-Trike utilized as a Public Utility Vehicle Transportation for a fare, charter and/or rent.

ARTICLE III

ERECTION AND OPERATION OF TRAFFIC CONTROL ITEMS

SECTION 1. ERECTION AND INTERFERENCE WITH TRAFFIC CONTROL ITEMS.

No person shall, except when duly authorized by the proper authority, erect, establish or display on any road or in the view of any person on any road, or interfere with, alter or take down, any traffic-control sign or item.

No person shall erect, establish, place, maintain, or display on any road or in the view of any person on any road anything which purports to be or is an imitation of or similar to any traffic control sign or item, or which interfere with the effectiveness of or prevents an approaching driver from clearly distinguishing the whole or part of any traffic control item, or distracts his attention from any traffic control sign or item;.

SECTION 2. **LIMITS ON OPERATION OF SIGNS.** Any sign associated with a "No Parking Area", "No Waiting Area", or "Parking Area" or any sign of a kind referred to in Section 1 of Article IV shall be limited in its operation and effect in respect of days, periods of the day, classes of vehicles or circumstances to the extent (if any) shown on the sign.

SECTION 3. ALL TRAFFIC CONTROL SIGNS OR ITEMS TO BE OPERATIVE.

Where any traffic-control sign or item of a kind referred to in this article exists on the road, it shall be effective and operative as a traffic-control item duly established for the purpose under this Code.

Any traffic-control or item which substantially conforms to the requirements of these sections with respect to dimensions, shape, color, position, direction, angle or any other features of traffic-control signs or items of any kind shall be deemed to be traffic-control sign or item of that kind.

SECTION 4. DISPLAY OF DAZZLING LIGHTS, ETC.

No person shall establish, place or maintain any light of such kind or so placed as to prevent a driver from clearly distinguishing the road ahead of him, nor shall any person maintain or use any light which the proper authority has declared by notice in writing to that person to be a danger to traffic.

SECTION 5. **PENALTIES.** Acts in violation of Sections 1 and 4 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE IV
OBEDIENCE TO TRAFFIC-CONTROL SIGNALS AND SIGNS

SECTION 1. **OBEDIENCE TO TRAFFIC CONTROL SIGNALS.** Every person shall at all times observe and comply with the instructions of any traffic control signal applicable to him.

The display by a traffic control signal of:

- a) (i) a green circle is an instruction that a driver facing the traffic control signal may, subject to the provisions of this Article, proceed straight ahead turn left or turn right unless a sign at such place prohibits either such turn. Vehicles turning right or left shall give way to any opposing traffic and/or pedestrians. (ii) a green signal and walking man symbol is an instruction that a pedestrian facing the traffic control signal may proceed across the thoroughfare;
- b) An amber circle alone is an instruction that: (i) a driver facing the traffic control signal shall not proceed beyond the stop line, or in the absence of a stop line, the traffic control signal itself, unless his vehicle is so close to the stop line or traffic control signal when the color amber first appears that he cannot safely stop his vehicle before passing the stop line or traffic control signal; (ii) a pedestrian facing the traffic control signal shall not obstruct vehicles entering or approaching the intersection;
- c) A red circle alone is an instruction that: (i) a driver facing the traffic control signal shall not proceed straight ahead or turn left beyond the stop line, or in the absence of a stop line, shall not proceed straight ahead or turn left beyond the traffic control signal itself; (ii) a pedestrian facing the traffic control signal shall not obstruct vehicles entering or approaching the intersection;
- d) A red square and standing man signal is an instruction that a pedestrian facing the traffic control signal shall not enter upon the thoroughfare;
- e) A green arrow is an instruction that a driver facing the traffic control signal may proceed in the direction indicated by the arrow;
- f) An amber arrow is an instruction that a driver facing the traffic control signal shall not, for the purpose of proceeding in the direction indicated by the amber arrow, proceed beyond the stop line or, in the absence of a stop line, shall not enter the intersection at or near which the traffic control signal is erected unless his vehicle is so close to the stop line or the intersection when the amber arrow first appears that he cannot safely stop his vehicle before passing the stop line or entering the intersection;
- g) A red arrow is an instruction that a driver facing the traffic control signal shall not for the purpose of proceeding in the direction indicated by the red arrow proceed beyond the stop line or, in the absence of a stop line, shall not enter the intersection at or near, which the traffic-control signal is erected.

SECTION 2. **OBEDIENCE TO SIGNS.** Traffic signs installed on or along the road shall be obeyed by motorists at all times. For purposes of this Article:

- 1) A driver shall not cause his vehicle to turn at any intersection contrary to the instruction to turn at any intersection or contrary to the instruction on any "No Turns", "No Left Turn", "No Right Turn" or "no U-Turn" signs erected to face an approaching driver at or near the intersection.
- 2) Where a "One Way" sign is erected to face a driver entering a thoroughfare to face an approaching driver, the driver shall not proceed on that thoroughfare beyond the sign.
- 3) Where "No Entry" signs are erected over or adjacent to a thoroughfare to face an approaching driver, the driver shall not proceed on that thoroughfare beyond the sign.
- 4) Where a "No Overtaking or Passing" sign is erected to face an approaching driver, the driver shall not overtake or pass a vehicle traveling the same direction.
 - a. Where a "No Overtaking on Bridge" sign is erected near a bridge to face an approaching driver, the driver shall not overtake a vehicle on the bridge;
 - b. A driver shall not drive a vehicle and its load, including trailer attached to it, when it exceeds the weight indicated on the bridge load limit sign facing the driver.
- 5) Where a "Keep Right" sign is erected to face an approaching driver, the driver shall pass to the right of the sign. Where a "Keep Left" sign is erected to face an approaching driver, the driver shall pass to the left of the sign.
- 6) Where a "Stop" sign is erected to face a driver who is approaching or has entered an intersection, the driver shall;
 - a. Stop his vehicle before reaching and as near as practicable to the stop line associated with the sign or, in the absence of a stop line, at the point nearest the first intersecting thoroughfare where he has a clear view of traffic approaching the intersection; and
 - b. On reaching and after passing such sign give way to any vehicle which is entering or within or leaving the intersection, except where that vehicle: (i) is facing, or has passed a "STOP" sign or "Give Way" sign erected at the intersection, and (ii) is about to turn, or is turning at the intersection.
- 7) Where a "Give Way" (or "Yield") sign is erected to face a driver who is approaching or entered an intersection, the driver shall on reaching or after passing such sign give way to any vehicle which is entering or within or leaving the intersection road, except where that vehicle: (i) is facing, or has passed a "STOP" sign or "Give Way" sign erected at the intersection, and (ii) is about to turn, or is turning at the intersection;

Where a "give Way" sign is erected to face a driver approaching a bridge, the driver shall not pass the sign while any vehicle traveling in the opposite direction is between the sign and at the far end of the bridge.

- 8) Where a "No U Turn" sign is erected adjacent to a thoroughfare to face an approaching driver, the driver, shall not make a U-turn while he is between the sign and the far side of the first intersection beyond the sign, nor shall a driver who enters the thoroughfare between the sign and the intersection and travels towards the intersection make a U turn before he has passed the intersection.

SECTION 3. **PENALTIES.** Acts in violation of Sections 1 and 2 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE V
GENERAL DRIVING RULES

SECTION 1. **KEEPING AS FAR RIGHT AS PRACTICABLE.** Unless otherwise provided for in this Code, a driver shall keep his vehicle so close as practicable to the right boundary of the thoroughfare except where there are two or more lanes marked on the thoroughfare available exclusively for traffic in the direction he is traveling.

SECTION 2. **OVERTAKING.** The following must be strictly observed:

- a) When overtaking a moving vehicle, a driver shall pass to the left of that vehicle and shall not drive in front of it until his vehicle is safely clear; provided that, where a thoroughfare has two or more marked lanes, vehicles traveling in one of those lanes may overtake and pass to the right of a vehicle traveling in another of those lanes, if traffic conditions permit him to do so with safety.
- b) A driver overtaking a vehicle making or apparently about to make a left turn shall pass to the right of it.
- c) When overtaking a vehicle on a two-way thoroughfare.
- d) If the thoroughfare is not divided into three lanes, a driver shall not drive to the left of the center of the thoroughfare, unless the left side of the thoroughfare is free of oncoming traffic far enough ahead to permit the overtaking movement to be completed in safety.
- e) If the thoroughfare is divided into three lanes, a driver shall not drive in the center lane unless that lane is free of oncoming traffic far enough ahead to permit the overtaking movement to be completed in safety.

SECTION 3. **USE OF CENTER AND LEFT LANES OF THREE-LANE THOROUGHFARE.** On a two-way thoroughfare divided into three lanes, a driver shall not drive his vehicle in the center lane, except:

- a) To overtake another vehicle in accordance with the rules on overtaking;
- b) In preparation for a left turn; or
- c) Where the center lane is at the time allocated exclusively to vehicles traveling in the same direction to which he is traveling;
- d) The extreme left hand lane, except in preparation for a left turn.

SECTION 4. **PASSING VEHICLES.** A driver passing a vehicle traveling in the opposite direction shall keep to his right relative to that vehicle.

SECTION 5. **GIVING WAY TO OVERTAKING VEHICLES.** Except where overtaking on the right is permitted, the driver of a vehicle being overtaken shall not increase the speed of his vehicle until it has been completely passed by the overtaking vehicle, and shall yield in favor of the overtaking vehicle upon the driver of the overtaking vehicle sounding and/or signaling a warning instrument.

SECTION 6. **DRIVERS NOT TO OBSTRUCT TRAFFIC.** A person shall not, without proper cause, drive a vehicle abnormally slow or in such other manner as to obstruct, hinder, or prevent the free passage of any person or vehicle. In a thoroughfare with two or more lanes in the same direction, lane hugging or occupancy of more than one lane for a length of time not called by traffic conditions shall be considered as an obstruction.

SECTION 7. **DRIVING IN LANES ON THOROUGHFARE.** A driver shall drive his vehicle as nearly as practicable entirely within single marked lane or a single line of traffic and shall not move laterally from such lane or line of traffic until he can do so safely.

A driver traveling along a marked lane any boundary of which is a single unbroken line shall not permit any part of his vehicle to cross that line, except when safety demands otherwise.

SECTION 8. **DRIVING THROUGH ROUNDABOUTS OR ROTUNDAS** - A driver passing through a traffic roundabout shall drive to the right of the central traffic island and observe a priority system of first stop, first go basis.

SECTION 9. **KEEPING RIGHT OF DOUBLE YELLOW LINES.** Where a thoroughfare is marked with a double yellow longitudinal line comprising of two yellow continuous lines; or a yellow continuous line on the right of a white broken line; a driver shall not permit any portion of his vehicle to travel on or over or to the left of the double yellow longitudinal line.

SECTION 10. **DRIVING IN BICYCLE LANES.** Motor vehicles are prohibited from being driven or parked on any lane of a public street or path reserved exclusively for bicycles and provided with a sign bearing a symbol of a bicycle.

SECTION 11. **DRIVING IN RESERVED LANES.** In order to encourage efficiency in the use of road space, specific lanes of a major thoroughfare may be reserved for certain types of vehicles such as public utility buses, jeepneys, and other high-occupancy vehicles. Vehicles not otherwise mentioned in the signs posted therein are prohibited, at the times and days indicated, from being driven in those reserved lanes, except when it is turning right at the next intersection.

SECTION 12. **DRIVING OVER A YELLOW BOX.** A portion of an intersection marked with a yellow box must always remain unobstructed and open for passage. A driver must not enter a yellow box if his exit road or lane from it is not clear, or if he cannot cross and go beyond the boundaries of the box in time before the traffic signal turns to red.

SECTION 13. **PENALTIES.** Acts in violation of the provisions under this Article shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE VI
GIVING WAY

SECTION 1. **GIVING WAY AT INTERSECTIONS.** The following must be strictly observed;

- a) A driver approaching or passing through an intersection shall exercise special care and where appropriate shall drive at a reduced speed.
- b) Except as provided in paragraph c (i) and (ii) of this Section, the driver of a vehicle which is approaching an intersection from one thoroughfare shall give way to any vehicle which has entered the intersection except that where the two vehicles have entered at the same time, the driver which has the other vehicle on his right shall give way.
- c) (i) Where traffic-control signals are erected at or near an intersection, paragraph (b) above shall not apply to a driver proceeding in accordance with the instruction of any such signal.
(ii) Paragraph (b) above shall not apply to the driver of a vehicle having another vehicle on his right at an intersecting thoroughfare where that other vehicle is facing or passed a "Give Way" or Stop sign.

SECTION 2. **GIVING WAY DURING TURNS.** Observance of the following is a must:

- a) Subject to the provisions of Section 2, paragraph 8 of Article IV and Section 6 of this Article, a driver who intends to turn, is turning or has turned to the left at an intersection, shall give way to any vehicle which has entered or is approaching the intersection from the opposite direction.
- b) A driver turning to the right or left at an intersection shall give way to all pedestrians.
- c) A driver making a U-Turn shall give way to all other vehicles and to all pedestrians.
- d) Except as otherwise provided in this section, the provisions of section 1 of this Article shall apply to turning vehicles.

SECTION 3. **MOVEMENTS TO OR FROM PARKING AREA OF VEHICLES.** A driver who is about to drive or is driving a vehicle into or out from a parking area or the boundary of a thoroughfare shall give way to all other vehicles.

A driver shall not move in reverse out of a parking area and cross the center of a thoroughfare, unless traffic conditions permit him to do so.

SECTION 4. **APPROACH OF EMERGENCY VEHICLES.** A driver shall give way and make reasonable effort to give a clear and uninterrupted passage to every emergency vehicle sounding a siren, bell or repeater horn, or using other signals to indicate an emergency.

SECTION 5. **ENTERING OR LEAVING A ROAD.** A driver entering a road from land abutting shall:

- a) Except when proceeding pursuant to an instruction of traffic-control signal, a traffic policemen, a traffic aide or other duly authorized traffic enforcers, give way to all vehicles traveling in either direction along the road;
- b) Give way to all pedestrians on the road.

A driver leaving a road to enter land abutting shall give way to all vehicles traveling in the opposite direction and to all pedestrians on the road.

SECTION 6. ROUNDABOUTS OR ROTUNDAS. In a roundabout or rotunda, the first vehicle to enter takes precedence over a vehicle approaching or about to enter. Hence, the driver of vehicle entering a roundabout shall give way to any vehicle on his immediate left unless otherwise indicated and shall at all times observe a priority system of first stop, first go basis.

Within the rotunda, the driver must give way to vehicles intending to leave by the nearest exit point.

SECTION 7. PENALTIES. Acts in violation of Sections 1, 2, 3, 4 and 6 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE VII SPEED RESTRICTION

SECTION 1. SPEED LIMITS. No person shall drive a vehicle at a speed exceeding the designated limits for the street as indicated by numerals on signs set up along the road.

The restriction under this section shall not apply to the driver of an emergency vehicle.

SECTION 2. SPEED CONTESTS. It shall be unlawful for any person to engage in, or to aid any motor vehicle, speed contests or exhibition of speed, on any public or private street upon which the Municipality has been authorized to impose traffic regulations except as permitted by special local ordinance.

SECTION 3. PENALTIES. Acts in violation of the provisions under this Article shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE VIII ONE-WAY STREETS

SECTION 1. DESIGNATION OF ONE WAY STREETS. Vehicular traffic on any street or highway or portion thereof may be designated by the Municipal Transportation Office as one-way street on an experimental basis, in coordination with the Punong Barangay or Barangay Chairman of the area concerned and with the concurrence of the Municipal Mayor, and shall be referred immediately to the Sangguniang Bayan for approval. If no action is taken by the Sanggunian within two (2) months from the date of referral, the same shall be deemed approved.

The Municipal Transportation Office is hereby authorized to determine, expand, reduce, or modify existing road routes, with the concurrence of the Municipal Mayor and provided that any change shall be referred to the Sanggunian immediately for approval. If no action is taken by the Sangguniang Bayan within one (1) month from the date of referral, the same shall be deemed approved as part of this Code.

SECTION 2. **OPERATING RULE.** The driver shall drive along a one-way thoroughfare only in the direction indicated by the arrow on the sign.

SECTION 3. **PENALTIES.** Acts in violation of Section 2 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE IX TURNING, REVERSING AND STOPPING

SECTION 1. **RIGHT TURNS.** A driver who is about to make a right turn at an intersection shall so drive his vehicle that when it reaches the intersection it shall be to the right of any vehicle abreast of his vehicle and traveling in the same direction, or at the rightmost lane of a thoroughfare, provided that this section shall not apply to a driver whose vehicle is in a marked lane allocated exclusively to right-turning vehicles.

SECTION 2. **LEFT TURNS.** The following shall be strictly observed:

- a) A driver who is about to make left turn at an intersection shall:
 - (i) Where he is traveling on a two-way thoroughfare, approach and enter the intersection so that his vehicle is to the right of, parallel to and as near as practicable to the center of the thoroughfare; or
 - (ii) Where he is traveling on a one-way thoroughfare, approach and enters the intersection so that his vehicle is parallel to and as near as practicable to the left boundary or leftmost lane, of the thoroughfare. However, this sub-section shall not apply if his vehicle is in a marked lane which has a sign along side or over it or markings on its surface indicating that a left turn must or may be made.
- b) Notwithstanding the foregoing provisions of this Section, a bicyclist who is about to make or is making a left turn at an intersection may make the left turn so that: (i) He approaches such intersection parallel to and as near as practicable to the right boundary of the thoroughfare; (ii) Enters the intersection and proceeds in a straight line until his bicycle is as near as practicable to the prolongation of the right boundary of the thoroughfare he is about to enter; and (iii) Turns his bicycle to the left and after giving way to vehicles on his left and right leaves the intersection in accordance with the provisions of this Section, but when any traffic control signal is operating at the intersection, a bicyclist shall wait before turning and shall not proceed to leave the intersection until the traffic control signal is displaying a green light indicating the appropriate direction of his intended movement.
- c) A driver shall not turn right or left or diverge right or left or stop or suddenly decrease speed or make a U-turn without giving a signal as prescribed in this Section.

- d) A driver who is about to turn right or left, diverge right or left, stop, suddenly decrease speed or make U-turn shall signal his intent of doing so for such time as is necessary to give reasonable warning to drivers approaching from behind.
- e) For purposes of and without limiting the generality of paragraph c above, a signal shall be deemed to give reasonable warning if given continuously: (i) while a vehicle is traveling 30 meters immediately before it commences to turn and during any period when it is stationary before it comes to turn; (ii) while a vehicle is traveling 30 meters immediately before it commences to diverge right or left; or (iii) while the brakes of a vehicle are applied before it stops or while it is slowing down;
- f) Any signal required by this Section shall be given, (i) in the case of a signal of intention to stop or reduce speed suddenly, by means of stop lamp or red lamps; or (ii) in the case of a signal of intention to turn right or left, diverge right or left to make U-turn, by means of a flashing orange lamp signaling device. Such signaling device or stop lamp shall comply with the specifications for that device or stop lamp prescribed by the Land Transportation Office (LTO).

SECTION 3. **USE OF SIGNALING DEVICES.** A driver shall not permit a signaling device on his vehicle to remain in operation after the completion of the turn or divergence in respect of which the device was put into operation.

SECTION 4. **U-TURNS** - A driver shall not cause his vehicle to make a U-turn:

- a) Where there is a probability of colliding with another vehicle or interfering with the free movement of traffic; or
- b) On any intersection at which traffic control sign or signal prohibits a U-turn.
- c) The Municipal Transportation Office is hereby authorized to determine, expand, revise, amend or modify from time to time U-turn locations as it sees fit, subject to the approval of the Municipal Mayor, provided that a copy of the proposal be submitted to the Sangguniang Bayan within fifteen (15) days of any modification or revision. The revised/expanded list shall be deemed final if not acted by the Sangguniang Bayan fifteen (15) days upon receipt thereof.

SECTION 5. **PROCEDURE AT CHANNELIZED INTERSECTION.** When accelerating or decelerating lanes are provided for right or left turns at unsignalized intersection, vehicles shall proceed as follows:

- a) Vehicles intending to turn right into a roadway entrance, by means of a right turn accelerating lane, shall enter such roadway by means of the accelerating lane so provided and shall merge with caution into the right hand traffic lane, unless otherwise instructed by traffic signs.
- b) Vehicles intending to turn right from a roadway exit, from which is made by means of a right-turn decelerating lane, shall enter the decelerating lane and merge with caution into the right hand traffic lane, unless otherwise instructed by traffic signs.

- c) Vehicles intending to turn left into the far roadway of a divided highway shall come to a complete stop before crossing the near roadway of such highway and shall merge with caution into the left hand lane of the far roadway, unless otherwise instructed by traffic signs.
- d) Vehicles intending to turn left from a divided highway exit, by means of a left turn decelerating lane constructed in the medial strip area, shall enter decelerating lane and shall yield the right of way to approaching vehicles before proceeding with caution across the intersection and into the intersecting roadway, unless otherwise instructed by traffic signs.

SECTION 6. **PENALTIES.** Acts in violation of the provisions under this Article shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE X STOPPING AND PARKING OF VEHICLES

SECTION 1. **VEHICLES NOT TO BE IN CERTAIN AREAS.** No driver shall:

- a) Leave a vehicle waiting in a "No Standing/Waiting Area";
- b) Park a vehicle in a "No Parking Area", except when loading or unloading goods or passengers;
- c) Leave a vehicle waiting in a "No Stopping Area" for any purpose;
- d) Leave a vehicle waiting in a Parking Area contrary to any limitation in respect of days, periods of the day, and classes of vehicles indicated by the inscription on the sign or signs associated with the area. However, a person may park a vehicle in a "No Parking" Area or leave a vehicle waiting in a "No Waiting" Area or "No Stopping" Area under any of the following conditions:
 - (i) during any time that the restriction is suspended by reason of the inscription on the sign or signs associated with the Area; or
 - (ii) if the inscription on the sign or signs associated with the area exempts his vehicle from the restriction imposed within the area.

SECTION 2. **PROHIBITED PARKING/LOADING/UNLOADING OR WAITING PLACES.** No person/driver shall park/load/unload or leave a vehicle waiting at any portion of the following:

- a) Between any other waiting vehicle and the center of the thoroughfare;
- b) Between the pedestrian zone and the nearest curb;
- c) In front of a right-of-way, passage or private driveway;
- d) In front of a footway constructed across a reservation;
- e) Alongside or opposite any excavation if the vehicles would obstruct traffic;
- f) On any footway, marked crosswalk or pedestrian crossing;
- g) Upon a bridge or other elevated structure or within a tunnel or underpass;

- h) Upon an intersection;
- i) On any portion of a thoroughfare on which the words "Keep Clear";
- j) Within 5 meters of any fire hydrant or fire plug or any sign or mark indicating the existence of a fire hydrant or fire plug;
- k) Within 3 meters of a letter pillar or letter box unless the vehicle is being used for the purpose of collecting postal articles from the pillar or box;
- l) On a reservation;
- m) On a bicycle lane;
- n) Upon a Bus and PUJ Lane except that a public utility vehicle may remain waiting while persons are actually entering or alighting from the vehicle.
- o) Within 10 meters from any road intersection.

SECTION 3. **METHOD OF PARKING VEHICLES.** Any driver who parks or leaves a vehicle waiting on a thoroughfare shall park or leave the vehicles waiting:

- a) in the case of a road on which vehicles are permitted to travel in both direction, as near as practicable to the right boundary of the thoroughfare;
- b) in the case of a road on which vehicles are permitted to travel in one direction only, as near as practicable to either boundary of the road and parallel to the boundary of the thoroughfare;
- c) so that not less than 3 meters of the width of the thoroughfare between the vehicle and the far boundary of the thoroughfare is available for the movement of other vehicles;
- d) in a manner that it does not cause undue obstruction on the thoroughfare; and
- e) Where parking bays are marked on the thoroughfare, entirely within the confines of a single bay.

Paragraphs (a) and (b) of this Section shall not apply to a person leaving a vehicle waiting in a Parking Area.

SECTION 4. **PARKING NEAR A CREST OR CURVE.** No person shall park or leave a vehicle waiting on or near a crest or curve so that any portion of it is upon a thoroughfare unless a driver approaching from the rear would have a clear view of the vehicles for a distance of at least 45 meters.

SECTION 5. **PARKING ON PARADE ROUTES AND ON ANY SPECIAL OCCASION.** The Head of the Municipal Transportation Office is hereby authorized, whenever in his judgment he deems it necessary, to prohibit or restrict the parking of any vehicle on either or both sides of any street or portion thereof, constituting a part of the route of a parade or a procession, or on any special occasion, and also upon any street adjacent thereto by the erection or placement of temporary signs setting forth such restrictions. When such signs are erected or placed prior to the parade, procession or special occasion, it shall be unlawful to park or leave unattended any vehicle in violation of such signs. The Traffic Enforcer or Police assigned in the area is hereby authorized to remove, or cause to be removed, any vehicle left unattended or parked in violation of such signs at the owner's expense.

SECTION 6. **PARKING FOR CERTAIN PURPOSES PROHIBITED.** No person shall park a vehicle upon any roadway for the principal purpose of:

- (a) Displaying such vehicle for sale;
- (b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency and with the necessary warning devices.

SECTION 7. **LOADING/UNLOADING ZONES.** A driver of a public utility vehicle shall stop, pick up or unload passengers only at designated loading/unloading zones. On sections of the road where there is no prohibition against loading and unloading, he may stop to take up or set down passengers provided it is 50 meters away from a signalized intersection or 10 meters away from any intersection.

SECTION 8. **OFFICERS AUTHORIZED TO REMOVE ILLEGALLY STOPPED VEHICLES.** Whenever any traffic police officer or LTO-deputized officer of the Municipality finds a vehicle standing upon a highway in violation of any of the foregoing provisions, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main traveled part of such highway.

Whenever any traffic police officer or LTO - deputized officer of the Municipality finds a vehicle unattended upon any bridge or causeway where such vehicle constitute an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

The expense incurred in the removal of such vehicle shall be charged to the owner of the vehicle.

SECTION 9. **AUTHORITY TO DISPOSE OF UNCLAIMED IMPOUNDED VEHICLES/REDEMPTION.** The registered owner of the confiscated or impounded vehicle may redeem the same within six (6) months from the date it was taken into custody by paying the corresponding fees and penalties.

In the event that the registered owner fails to redeem the subject vehicle within the period provided herein, the same shall be sold or disposed of by the Municipality, provided that the registered owner of the subject vehicle shall be duly notified of such sale on or before the termination of the one-year period, the notice particularly stating the date, hour, and place of sale.

The Head of Municipal Transportation Office is hereby authorized to recommend to the Municipal Mayor the disposal of a vehicle that has been taken into custody. The MTRO shall sell or otherwise dispose of the impounded vehicle only at a public auction within the Municipality. Notices shall be posted in conspicuous public places within the territorial limits of the Municipality continuously for fifteen (15) days before the date of such sale. Said notice, shall contain the name of the registered owner, address, hour, place, and date of the auction sale. The notice shall also include the make, type, motor/chassis number and color of the subject vehicle.

The funds derived from any such auction shall be used to defray the expenses of such auction and any other expenses incurred in the impoundment of the subject vehicle, and the balance if any, shall become part of the Traffic Fund.

SECTION 10. **PENALTIES.** Acts in violation of Sections 1, 2, 4, 5 and 6 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

**ARTICLE XI
PARKING ZONES AND FACILITIES**

SECTION 1. **DESIGNATION OF PARKING ZONES** - The Municipal Transportation Office is hereby authorized and directed to establish, mark and designate portions of a thoroughfare as parking zones for tricycles and other vehicles in Mainland Malay and Boracay Island. The Municipal Transportation Office may expand, reduce, amend or modify from time to time such marked and designated portions of a thoroughfare when circumstances warrant, subject to the approval of the Municipal Mayor. The Sangguniang Bayan shall be furnished copies of the revised list of parking zones.

SECTION 2. **OFF-STREET PARKING FACILITIES AND TRANSPORT TERMINALS.** Observance of the following is a must:

- a) Off-street parking facilities and public transport terminals shall be located at designated parking areas outside Central Business Districts and Institutional Zones or as delineated by the Municipal Government and may be constructed, operated and maintained by the Local Government Unit, or by private entities, provided that all rules and regulations and clearances has been properly complied with pertaining thereto upon the recommendation of the Municipal Transportation Office and approval of the Municipal Mayor.
- b) All waiting stations/parking terminals shall provide adequate facilities for comfort, convenience and safety of commuters.
- c) The Municipality of Malay shall collect parking/dispatch fee for all PUVs per trip in the operation of public parking terminal in the amount specified below:

Public Utility Vehicles (PUVs):

i. Public Utility Buses	₱ 25.00
ii. Jeepneys & Multicabs	10.00
iii. Vans	15.00
iv. Mini-bus	20.00
v. Tricycles	5.00

- d) All PUVs (four-wheeled or more) entering and utilizing parking terminals shall secure Mayor's Permit in the amount of ₱200.00 and ₱100.00 for tricycles.
- e) If so required by a traffic impact analysis, the Municipal Transportation Office may also require major commercial developments to incorporate off-street parking facilities into their building plans, before a Building Permit is issued therefore.
- f) The amount of TEN PESOS (₱10.00) shall be collected from the owners/drivers of cargo trucks for hire and delivery trucks for the 1st 2 hours and TWO PESOS (₱2.00) per hour thereafter or a fraction thereof. While an amount of FIVE PESOS (₱5.00) for the 1st 3 hours and FIFTY CENTAVOS (₱0.50) per hour thereafter or a fraction thereof from the owners of cars and similar light vehicles be collected. Time and day of coverage of pay parking shall be observed strictly from 6 am to 9 am from Monday to Saturday.

SECTION 3. **PAY PARKING CHARGES AND SIGNS.** Appropriate signs indicating the parking charges, the time that such facility is open for business, shall be installed at the designated areas recommended by the Municipal Transportation Office. Parking fees shall be collected during the regulated period at rates provided by the MTRO. The rates shall be updated from time to time by the Municipal Transportation Office subject to the approval of the Sangguniang Bayan with the concurrence of the Municipal Mayor.

SECTION 4. **OVERNIGHT PARKING.** Overnight parking on local roads may be determined by the Sangguniang Bayan and the Barangay Council concerned through an appropriate Ordinance. Those local roads that may be designated, shall as much as practicable, be on a one-side parking basis and in no case shall prevent egress or through passage. No alley or road less than 3 meters in width shall be designated as overnight-parking zones.

However, in the absence of such designated local roads, the established parking terminal of the Local Government Unit of Malay for PUVs may be utilized for overnight parking.

SECTION 5. **ENFORCEMENT OF OVERNIGHT PARKING** - The enforcement and collection of overnight parking fees may be undertaken by the Barangay in the Municipality upon compliance with the following:

- a) The Barangay Council concerned shall conduct a barangay assembly to determine which of the barangay roads may be utilized for overnight parking, before enacting a resolution to that effect.
- b) The Barangay Council shall, in the same resolution, authorize the Barangay Captain to remit on a monthly basis one-half (1/2) of the fees collected for overnight parking to the Local Treasurer's Office.
- c) Overnight parking shall be limited to the hours of 9:00 p.m. to 6:00 a.m. the following day. (i) No cargo trucks or tractor trailers of eight wheels and up shall be allowed to avail of overnight parking in any streets of the Municipality except by reason of emergency repair or which shall be accomplished as expeditiously as possible. Cargo trucks found parking during these hours on any Municipal street shall be taken into custody or towed to the vehicle impounding area, and the driver is required to pay the corresponding fines. (ii) The cost of the tickets or receipts issued by the Barangay for collection of overnight parking fees shall be chargeable to the Municipal Government. (iii) Overnight parking fees shall be collected at the rate of FIFTY PESOS (Php50.00) per vehicle, per night; Provided, that owners of motor vehicles shall have the option to pay a monthly overnight parking fee net of 20% discount. (iv) It shall be the duty of the Barangay Treasurer to remit collections pertaining to the share of the Municipality to the Municipal Treasurer's Office.

SECTION 6. **VIOLATIONS IN PARKING AREAS.** Within any pay-for-parking facility, it shall be unlawful for any person:

- a) To refuse or fail to pay the parking charges;
- b) To park any vehicle across any line or marking of a parking space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings;
- c) To tamper or damage any vehicle, other than his own, parked in the same parking facility;

- d) To park any vehicle for the purpose of washing, cleaning, greasing or repairing such vehicle except repairs necessitated by an emergency or a designated area in the parking facility;
- e) To display for sale or to sell goods or merchandise;
- f) To disregard any official direction, instruction or restriction posted therein.

SECTION 7. **PENALTIES.** Acts in violation of Section 6 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE XII
CARELESS AND DANGEROUS DRIVING UNDER THE
INFLUENCE OF LIQUORS OR DRUGS

SECTION 1. **SCOPE.** The provisions of this Article shall apply to drivers, vehicles and pedestrians upon roads or in any public place.

SECTION 2. **CARELESS DRIVING.** A person shall not drive a vehicle without due care or attention or without reasonable consideration for other persons.

SECTION 3. **RECKLESS AND DANGEROUS DRIVING.** A person shall not drive a vehicle recklessly or at a speed or in a manner dangerous to public safety.

SECTION 4. **DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF LIQUORS OR INCAPACITATING DRUG.** No person shall drive a motor vehicle while under the influence of liquors or other incapacitating drug. For the purposes of this Section, a driver is considered under the influence of liquor, if, at the time of competent examination performed within an hour of apprehension of the driver, he is found to have in his blood at least 0.06% of alcohol or, in the case of drugs, if it is reasonably manifested from his actions or behavior that his exercise of his five senses is physically impaired as to expose himself or the vehicle or other persons to a danger of accident. The operation of any vehicle, although not motorized, in the manner stated herein above, is likewise prohibited.

SECTION 5. **PENALTIES.** Acts in violation of Sections 2, 3, and 4 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

SPECIAL PROVISIONS (Article XIII to Article XVIII)

ARTICLE XIII
RULES AND REGULATIONS ON THE OPERATION AND FRANCHISING
OF MOTORIZED TRICYCLES AND MOTORIZED ELECTRIC
TRICYCLES (E-Trike) AS PUBLIC UTILITY VEHICLES

SECTION 1. **FRANCHISE CONFERMENT.** No Motorized Tricycle or Motorized Electric Tricycle (E-Trike) shall be permitted to operate as a Public Utility Vehicle within the territorial jurisdiction of LGU-Malay without having conferred a franchise by the Municipal Government of Malay, through the Municipal Tricycle Franchising and Regulatory Board (MTFRB). A Commuter Tricycle Operator's Permit (CTOP) shall be issued to the owner of the tricycle upon conferment of franchise thereto.

SECTION 2. CREATION OF A MUNICIPAL TRICYCLE FRANCHISING AND REGULATORY BOARD (MTFRB) - There is hereby created a MTRFB to be composed of the following:

Vice Mayor	Chairman
SB Member (Chairman of the Committee On Transportation)	Vice Chairman
Municipal Planning and Dev't. Coordinator	Member
Head, Licensing Unit	Member
Head, Transportation Office	Member
Municipal Treasurer	Member
President, Liga ng mga Barangay	Member
Head of Map	Member
Environmental Management Specialist	Member
Secretary to the Sanggunian	Secretariat

REVIEW/INSPECTION COMMITTEE (FRANCHISE GRANT AND ROAD WORTHINESS)

Chairman, SB Committee on Transportation	Chairman
The Transportation Officer or Authorized Representative	Member
Environmental Management Specialist.	Member

SECTION 3. POWERS, DUTIES AND FUNCTIONS OF THE MTFRB. The MTRFB shall perform the following powers, duties and functions:

- a) Accept and process applications for tricycle franchising;
- b) Issue and grant the "Commuter Tricycle Operator's Permit" (CTOP) to qualified applicants, subject to the provisions of existing ordinances, rules and regulations on the matter;
- c) Recommend to the Sangguniang Bayan the amount of fares or adjusted fare increases, periodically , to be imposed in particular zones or fixed route;
- d) Recommend to the Sangguniang Bayan other reasonable fees and related charges in the regulation of tricycles-for-hire, after conducting a public hearing for that purpose;
- e) Promulgate rules and regulations for the proper enforcement of this Article which shall continue to be in full force and effect until revoked or modified by the Sangguniang Bayan;
- f) Perform such other duties and functions as may hereafter be authorized by the Sangguniang Bayan.

SECTION 4. QUORUM - Majority of the members of the MTRFB shall constitute a "quorum" to transact business.

SECTION 5. INTERNAL RULES OF PROCEDURE - The MTRFB shall formulate and adopt its own internal rules of procedure including its regular meetings and necessary standing committees.

SECTION 6. GRANT OF FRANCHISE. The Sangguniang Bayan of Malay shall be the sole authority to grant, amend, revise, renew, suspend or cancel franchise to applicants for the operation of a commuter or for hire tricycle, whether motorized or electric.

The grant of franchise to operate a motorized tricycle or motorized electric tricycle as a Public Utility Vehicle (PUV) or tricycle-for-hire shall be limited only to Filipino citizens and a Malaynon. No owner or operator shall be allowed to operate more than two (2) franchises.

The validity of the franchise shall be for three (3) years and must be renewed within one (1) month before its expiration. The amount of Six Hundred Pesos (Php600.00) shall be paid to the Municipal Treasurer as franchise fee.

The Municipal Transportation Office shall endorse to the Sanggunian, for the grant of the franchise or otherwise, the application of motorized or electric tricycle operators upon compliance with, but not limited to, the following requirements, to wit:

- a) Certificate of Registration and Official Receipt issued by the Land Transportation Office (LTO);
- b) Passenger's/Driver's Insurance and Third Party Liability
- c) Barangay Clearance issued by the Barangay where the applicant actually resides. (In the event that the clearance is not acted upon within fifteen (15) days from the date of application, the Sanggunian shall process the said application);
- d) Official Receipt for the Payment of Franchise Application (non-refundable);
- e) Current Community Tax Certificate (Cedula) or any valid government-issued ID.

The Municipal Transportation Office may require submission of additional documents as it may see fit to properly register the Franchise.

The MTFRB shall determine and set the limit of the number of operating tricycles, in close coordination with respective LGU-accredited tricycle association/cooperative, taking into consideration, but not limited to, the viability of the same as a livelihood endeavor, the traffic, conditions of roads, the safety and comfort of the riding public and the promotion of social and economic balance.

SECTION 7. NON-TRANSFERABILITY OF FRANCHISE - The Franchise or CTOP issued to the operators of tricycles as public utility vehicles is personal to the grantee. Hence, any sale or transfer of the franchise/tricycle that has been granted under the coverage of this Article shall not be allowed, and no such sale or transfer shall be recognized by the Municipality.

As an exception, the grantee (CTOP HOLDER) may waive the franchise in favor of his/her legal spouse or successor-in-interest (First Degree Only), or, in case of death of the grantee, the legal spouse or the successor-in-interest (First Degree Only) may be allowed to transfer in their names the CTOP, upon application with the MTFRB and compliance with the following additional requirements, to wit:

- a) Waiver or Deed of Adjudication;
- b) Death Certificate; and
- c) Marriage Certificate or Birth Certificate of the successor-in-interest.

SECTION 8. MAYOR'S PERMIT. Any person with the intention to operate a tricycle (motorized or electric) as Public Utility Vehicles (PUVs) within the territorial boundaries of the Municipality of Malay, must initially secure a Mayor's Permit before actually engaging in such business. Said permit, when issued must be renewed annually for its continued validity within the first twenty (20) days of January of every year thereafter.

Failure to renew the Mayor's Permit for three (3) consecutive years shall be cause for cancellation of the franchise (CTOP).

The issuance of the Mayor's Permit shall be issued upon compliance with, but not limited to, the following, to wit:

- a) Current Certificate of Registration and Official Receipt of the tricycle issued by the Land Transportation Office (LTO);
- b) Approved Franchise by the Sangguniang Bayan;
- c) Display of the assigned Municipal Franchise (CTOP), LTO plate number, unit number, name of the operator, and name, address, and picture of the driver on conspicuous portions of the tricycle's sidecar or body.
- d) Inspection Clearance of Road Worthiness.

The Municipal Transportation Office may require submission of additional documents as it may see fit for the proper issuance of the Mayor's Permit.

SECTION 9. SIDECAR SPECIFICATION FOR MOTORIZED TRICYCLES. No Mayor's Permit shall be issued to tricycle operator/s unless the sidecar of the said unit which he/she operates complies with the following specifications, to wit:

- a) Roof over the driver's seat or any other kinds of shield that could protect the driver from sun exposure and the rain;
- b) Rain cover or such that could protect the passengers from getting wet during rainy days;
- c) Light Bulb - sufficient brightness must be installed inside the passenger's sidecar cabin and the same shall be illuminated at all times during night time operations.

Compliance with the foregoing specifications shall be recorded and certified in the inspection report conducted by the Municipal Transportation Office.

In cases where the latest technology in motor vehicles is introduced within the Municipality of Malay, such as electric tricycles, which the Local Government may adopt in the regulation of the transportation system, compliance with the specifications stated herein may be dispensed with.

SECTION 10. COLOR CODING SCHEME. The Municipal Transportation Office shall prescribe, subject to the approval of the Municipal Mayor, a color coding scheme for all tricycle operators, motorized or electric, within the Municipality.

SECTION 11. REROUTING SCHEME. The Municipal Transportation Office shall prescribe, from time to time as the need arises and subject to the approval of the Municipal Mayor, a rerouting scheme as it sees fit in order to maintain the orderly flow of traffic within the Municipality.

SECTION 12. RULES, REGULATIONS AND GUIDELINES. The following rules, regulatory policies and guidelines shall be strictly observed in the operation of motorized and electric tricycles.

- a) The CTOP and its renewal shall only be issued to regular members of LGU-Accredited tricycle association or cooperative.

- b) The grantee of the CTOP must carry common carrier insurance sufficient to answer for any liability it may incur to passengers and third parties in case of accidents. The insurance policies secured by tricycle operators with LGU Malay-issued franchise shall be required for the application or renewal of their franchise/permit. Failure to do so will be a ground for non-renewal of the franchise/permit.
- c) Only drivers with Professional Driver's License shall be allowed to drive a tricycle-for-hire, motorized or electric.
- d) Grantees of CTOP who have ceased operation for whatever reasons, shall inform the MTFRB in writing, for storage purposes. An expired franchise in storage may be renewed within three (3) years from expiration thereof. Failure to renew the franchise within three (3) years from its expiration while on storage, shall be cancelled automatically without need of notice and shall be stricken out of the storage listings.
- e) Each tricycle unit with CTOP shall be assigned and bear an Identification Number, aside from the LTO License Plate Number.
- f) Tricycles-for-hire in the Island of Boracay must carry only six (6) passengers including the driver and seven (7) passengers including the driver for Mainland tricycles-for-hire
- g) Owners/operators of tricycles-for-hire shall post in a conspicuous but appropriate part of the tricycle the schedule of fares approved by the Sangguniang Bayan.
- h) All drivers of commuter or for-hire tricycles, whether motorized or electric, must wear the required uniforms and IDs as prescribed by their respective organizations at all times and must undergo basic tourism frontliner capability enhancement trainings and seminars. The drivers must observe proper grooming as well as utmost courtesy, politeness and hospitality towards their passengers.
- i) Owners, operators and drivers of tricycles-for-hire must, at all times, maintain their units in roadworthy conditions to avoid any untoward incidents.
- j) Every tricycle-for-hire must provide and maintain trash receptacles inside the tricycle.
- k) Owners of tricycles, with or without franchise, must provide their own private parking area.
- l) Tricycles, motorized or electric, shall not be transported to the Island of Boracay without first securing a Special Permit to Transport, a Permit to Operate issued by the Office of the Mayor, and whenever applicable, a franchise (CTOP).
- m) A change of unit for tricycles plying the Island of Boracay shall only be allowed once the old unit has been transported back to Mainland Malay.
- n) Tricycle drivers, motorized and electric, must have undergone appropriate seminars conducted by the Municipal Tourism Office of LGU-Malay and other regulatory agencies thereof.
- o) Private or non-franchised tricycles must paint in front of the sidecar a nameplate or sticker with the words "PRIVATE" or "NOT FOR HIRE".

SECTION 13. **PROHIBITED ACTS.** - It shall be unlawful:

- a) For operators or drivers of commuter or for-hire tricycles, whether motorized or electric, to operate without first securing the necessary Commuter Tricycle Operator's Permit (CTOP)

It shall also be unlawful for tricycle operators with franchise from other municipalities to operate within the jurisdiction of the Municipality of Malay. However, the putting up of a terminal for purposes of loading and unloading of passengers coming from and going to that municipality as well as their prescribed route, shall be subject to the evaluation and approval of the Municipal Transportation Office, in consultation with the MTFRB.

- b) For operators or drivers of tricycles-for-hire to operate without securing the necessary Mayor's Permit.
- c) For grantees of CTOP to sell or transfer the franchise.
- d) Non-compliance with the color coding scheme.
- e) For operators or drivers to operate/drive the tricycle using or displaying duplicate municipal(body) number or municipal (body) number not duly assigned to the unit as provided for in this Code or a plate number not duly registered to the tricycle which is not in pursuance to the motor vehicle registration laws;
- f) For an operator to allow his/her driver and for the driver *per se* to drive a tricycle without the required driver's license or holding an expired license;
- g) For an operator to knowingly allow his/her driver and the driver *per se* the use of the unit in the pursuit or conduct of illegal activities;
- h) For an operator to knowingly allow and the driver as such the loading of passenger or cargo beyond the authorized capacity of the tricycle;
- i) For an operator or driver to attach or allow the attachment of an accredited sidecar to a motorcycle not duly registered as a "tricycle-for-hire" or of a duly registered motorcycle to a sidecar not accredited in accordance herewith;
- j) For the tricycle driver to unjustly refuse to convey or ferry passengers to his stated destination;
- k) For the tricycle driver to unduly prefer the carriage of a passenger over another who was ahead in hailing him by reason of superiority of number, sex, age, and/or any other discriminatory factors;
- l) For a tricycle driver wearing short pants, sando, or sleeveless shirt, barefooted, or with a covered face;
- m) For a tricycle driver to charge excessive charges/ fare which is beyond the lawful rates prescribed by competent authority;
- n) For a tricycle driver to commit misconduct or acts of discourtesy against a passenger by either snubbing, use of rude and abusive language and the like;
- o) For a tricycle driver to operate out of his designated route.

p) For a person to use or utilize a dummy system or arrangement.

SECTION 14. **PENALTIES.** Prohibited acts under Section 13 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

SECTION 15. **RESERVATIONS.** Nothing in this Article shall be construed to diminish the authority of the Sangguniang Bayan to issue, revise, renew, suspend, or cancel any CTOP and prescribed appropriate terms and conditions therefor; determine, fix, prescribe or periodically adjust fares or rates for the service provided in a zone or fixed route after public hearing; prescribe and regulate zones of service in coordination with the barangay; fix, impose and collect, and periodically review and adjust but not oftener than once every three (3) years, reasonable fees and other related charges in the regulation of tricycles as Public Utility Vehicles (PUV); establish and prescribe the conditions and qualities of service to the public.

ARTICLE XIV

RULES AND REGULATIONS ON THE OPERATION OF SERVICE/DELIVERY VEHICLES IN THE ISLAND OF BORACAY

SECTION 1. **RULES, REGULATIONS AND GUIDELINES.** The following rules, regulatory policies and guidelines shall be strictly observed by resorts, hotels and business establishments in the Island of Boracay.

- a) No service or delivery vehicle of any kind for the use of resorts/hotels and/or business establishments shall be transported to the Island of Boracay without first securing a Special Permit to Transport, a Permit to Operate issued by the Office of the Mayor and, whenever applicable, a Land Transportation Franchising Regulatory Board (LTFRB) Franchise.
- b) All four-wheeled service vehicles shall not be more than 3.5 gross tons classification.
- c) All delivery vehicles, such as mini-dump trucks and similar vehicles shall not be more than 4.8 gross tons classification.
- d) All four-wheeled service vehicles shall be colored white, Resort service shall be painted at the lower portion of light chocolate brown for proper identification. Delivery vehicles shall be colored green and they shall be allowed to imprint their Company Logos.
- e) Delivery vehicles shall not exceed five (5) years utilization period in the Island of Boracay from issuance of its first permit to transport to the Island. For service vehicles, utilization period shall be seven (7) years. All delivery/service vehicles shall be subject to roadworthiness to be determined by the Municipal Transportation Office (MTRO).
- f) The number of allowable four-wheeled service vehicles, both for resorts and hotels, shall be based on their respective classifications prescribed below;

Classification of Resorts and Hotels	No. of Service Vehicles Allowed
1-50 rooms	Maximum of One (1) vehicle
51-100 rooms	Minimum of Two (2), maximum of Four (4) vehicles
101-199 rooms	Minimum of Four (4), maximum of Six (6) vehicles
200 rooms and above	Minimum of Six (6), maximum of Eight (8) vehicles

Service vehicles in excess of the minimum allowable under this Code shall be subject to franchising policies or regulations of the Land Transportation Franchising and Regulatory Board (LTFRB). An Endorsement from the Sangguniang Bayan shall be required for the application of franchises from the LTFRB. The Municipal Transportation Office (MTR) shall be tasked to determine all application for endorsements to be compliant with the necessary parking spaces and other requirements set forth in this Code.

The number of service/delivery vehicles allowable for business establishments of any nature other than resorts and hotels shall be limited to three (3) vehicles.

- g) Top down tricycles used as a delivery vehicle shall be permitted only to business entities with Mayor's Permit to Operate. The business name of the owner shall be painted legibly on the sidecar of the tricycle. Top down tricycle delivery vehicles shall be colored green.

The number of top down tricycle service for each establishment shall be limited to two (2) tricycles.

Sidecars of tricycles for private use in Boracay Island shall be colored white, and black for Mainland Malay. A sticker or plate (Private/Not for Hire) must be attached thereto.

- h) All delivery vehicles hauling or loaded with sand, gravel, hollow blocks, cement, lime, sawdust, rice bran, soil and similar materials shall securely cover their load to prevent the same from being blown out.
- i) No establishment of whatever nature shall be issued a permit to transport service and delivery vehicles and operation of the same, unless said establishment has secured an updated Mayor's Permit for its operation.
- j) Replacement of units shall be permitted provided that the unit to be replaced shall be transported back to Mainland Malay first before a new permit shall be issued.
- k) Vehicles owned by contractors with projects in Boracay Island shall be limited only to three (3) units and the owner must secure a temporary permit to transport and upon completion of such project, said vehicles shall be transported back to Mainland Malay or to any place of origin.
- l) All Resorts/Hotels and Business establishments shall provide their own loading and unloading bay/area and garage for the vehicles.

- m) Schedule of delivery by four-wheeled or more vehicles are from 9:00 a.m. to 11:00 a.m, 2:00 p.m. to 4:00 p.m. and 8:00 p.m to 12:00 midnight only. The transportation, hauling or delivery of bamboos or other elongated materials shall be allowed only from 9:00 p.m. to 5:00 a.m. These schedules of delivery, however, shall be suspended during Holidays, Saturdays and Sundays. The Municipal Mayor may, upon recommendation of the Municipal Transportation Office, modify these schedules of delivery whenever conditions warrant and in order to ensure orderly traffic flow.

SECTION 2. **PROHIBITED ACTS.** - The following acts are strictly prohibited:

- a) Service or Delivery vehicles of any kind of resorts/hotels and/or business establishments parking or operating in the beaches of Boracay Island except in cases of emergency.
- b) Parking, loading and unloading along the shoulders of highways in the Island of Boracay except in cases of emergency, on designated areas, garbage trucks, emergency/police/military vehicles.
- c) The sale or transfer of ownership of motor vehicles within the Island of Boracay.

SECTION 3. **PENALTIES.** Acts in violation of the provisions of Section 1 and the Prohibited Acts under Section 2 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE XV

RULES AND REGULATIONS ON PUBLIC UTILITY VEHICLES ENTERING THE MUNICIPALITY OF MALAY

SECTION 1. **RULES, REGULATIONS AND GUIDELINES.** - All public utility vehicles, of whatever nature and made, entering and operating within the territorial jurisdiction of the Municipality of Malay shall strictly observe the following:

- a) A Mayor's Permit to Operate is mandatory to all PUVs entering and operating within the Municipality of Malay.
- b) An LGU-Malay Sticker shall be issued to PUVs upon payment of proper fees for the Mayor's Permit.
- c) A valid franchise issued by the Land Transportation Franchising and Regulatory Board (LTFRB) to operate in the Municipality of Malay as point of origin or destination.
- d) A member of transportation cooperative, association or duly registered operators accredited by LGU-Malay;
- e) PUVs with franchise which are not members of any LGU-Malay transport group are likewise granted Mayor's Permit to Operate within this jurisdiction, however, they are strictly not allowed to park and load passengers at municipal-designated and accredited terminals and/or loading areas.

SECTION 2. **PENALTIES.** Acts in violation of paragraphs a, b, c, d and e of Section 1 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE XVI
RULES AND REGULATIONS ON SINGLE MOTORCYCLES IN
BORACAY ISLAND AND MAINLAND MALAY.

SECTION 1. **RULES, REGULATIONS AND GUIDELINES.** Owners/operators of single motorcycles in the Island of Boracay and Mainland Malay shall strictly observe the following.

- a) No franchise shall be issued to single motorcycles that operate to transport passengers for a fee or use the same for public conveyance within the Municipality of Malay.
- b) No single motorcycle of any make for personal or business use shall be transported to the Island of Boracay without first securing a Special Permit to Transport and Permit to Operate, if applicable, issued by the Office of the Mayor.
- c) Single motorcycles, however, maybe permitted to operate on a rental basis, provided the following conditions are complied:
 1. A Mayor's Permit to Operate, as a business of motorbikes-for-rent.
 2. The payment of rent must be on a time frame or per-hour basis.
 3. Parking or display must be done in designated motorcycle-for-rent areas only.
 4. The motorcycle must be driven by the renting party or in any case, a designated driver with a valid driver's license. The designated driver must have undergone appropriate seminars conducted by the Municipal Tourism Office of LGU-Malay and other regulatory agencies thereof. Driver and back rider must wear crash helmets.
 5. Its destination must be in areas inaccessible by tricycles-for-hire.

SECTION 2. **PROHIBITIONS.** The following are strictly prohibited:

- a) Single motorcycles operating as a common carrier or for public conveyance is strictly prohibited.
- b) The sale or transfer of ownership of single motorcycles within the Island of Boracay.

SECTION 3. **PENALTIES.** Acts in violation of the provisions of Section 1 and the Prohibited Acts under Section 2 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE XVII
RULES AND REGULATIONS ON ALL TERRAIN VEHICLES (ATV),
BUG CARS AND GOLF CARTS IN THE ISLAND OF BORACAY
AND MAINLAND MALAY.

SECTION 1. **RULES, REGULATIONS AND GUIDELINES** - Owners/operators of All Terrain Vehicles (ATV), Bug Cars or Golf Carts shall strictly observe the following.

- a) All Terrain Vehicles (ATV), Bug Cars or Golf Carts shall not be transported to the Island of Boracay without first securing a Municipal Registration, a Special Permit to Transport and Permit to Operate issued by the Office of the Mayor.
- b) All Terrain Vehicles (ATV), Bug Cars or Golf Carts must be registered with the Municipal Transportation Office. The Mayor's Permit to Transport and Barangay Certification as to the owner and location of the vehicles shall be required for purposes of registration.

Aside from Permit to Transport Fees, the Annual Registration Fee of Three Thousand Pesos (Php3, 000.00) per unit shall be paid upon submission of application for registration.

- c) ATVs, Bug Cars or Golf Carts shall be exclusively used for recreational and/or sports activities only. Bug Cars or Golf Carts shall be strictly confined within the premises of golf courses, resorts or hotels.

The operation of ATVs and Bug Cars shall be confined only to roads provided by the Municipal Transportation Office. A sketch/road map of these routes shall be provided by the Municipal Transportation Office.

- d) In no case shall ATVs, Bug Cars or Golf Carts, at all times, enter or use the Provincial or Main Roads of Boracay Island except only on designated routes and in cases of emergency.

SECTION 2. PROHIBITION. The following is strictly prohibited.

- a) ATVs, Bug Cars or Golf Carts entering, using, or driving through the main roads or highways of Boracay Island and Mainland Malay.
- b) ATVs, Bug Cars or Golf Carts to be used for conveying passengers for a fee or as a common carrier.
- c) The sale or transfer of ownership of ATVs, Bug Cars or Golf Carts within the Island of Boracay.

SECTION 3. PENALTIES. Acts in violation of the provisions of Section 1 and the Prohibited Acts under Section 2 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE XVIII
SPECIAL PERMIT TO TRANSPORT MOTOR VEHICLES
TO BORACAY ISLAND

SECTION 1. RATIONALE. Boracay Island is overcrowded and crammed with motor vehicles leading to traffic problems and congested roads. The Municipality of Malay deems it imperative and urgent to regulate the transfer or transportation of vehicles to the Island of Boracay, as one way of controlling the influx of motor vehicles in order to preserve the beauty of the Island.

SECTION 2. COVERAGE. Every person, natural or juridical, with the intention to move or transport any motor vehicle to the Island of Boracay for personal or business use shall secure a Special Permit to Transport issued by the Office of the Mayor. Said permit, when issued must be renewed annually for its continued validity.

The issuance of the Special Permit is personal to the grantee, hence, any sale or transfer of the Special Permit that has been granted under the coverage of this Article is not allowed, and no such sale or transfer shall be recognized by the Municipality.

The issuance of the Special Permit shall be issued upon compliance with, but not limited to, the following requirements, to wit:

- a) Letter-Request to the Municipal Mayor;
- b) Photocopy of Official Receipt/Certificate of Registration or Delivery Receipt;
- c) Barangay Clearance for permit applied;
- d) Inspection Clearance from the Municipal Transportation Office;
- e) Business Permit or Mayor's Permit to Operate (for Business Establishments)

The Municipal Transportation Office may require submission of additional documents as it may see fit for the proper issuance of the Special Permit.

The Municipal Mayor shall exercise sound discretion to limit the grant of the Special Permit, taking into consideration the actual, necessary and urgent need for the vehicle, the traffic and road conditions, and the overall general welfare of Boracay Island and its inhabitants.

SECTION 3. PROHIBITED ACTS - The following is strictly prohibited.

- a) The sale or transfer of the Special Permit to Transport is strictly prohibited.
- b) Any person, natural or juridical, ferrying or transporting any vehicle (motorized or electric) to the Island of Boracay without the necessary Special Permit to transport.

It shall also be unlawful for cargo boats, barges and the like to ferry or transport any vehicle without the necessary Special Permit to Transport.

SECTION 4. PENALTIES. The Prohibited Acts under Section 3 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE XIX

OPERATION OF BICYCLES AND PEDICABS

SECTION 1. EFFECT OF REGULATIONS - The regulations applicable to bicycles and pedicabs shall apply whenever operated upon designated road or upon any path set aside for the exclusive use of such bicycles.

SECTION 2. **LICENSE/REGISTRATION.** Bicycles and pedicabs owned by residents of Malay shall be registered with the Municipal Transportation Office for issuance of Bicycle and Pedicab License Plates and upon payment of FIFTY PESOS (Php50.00). No person, whether resident or not of the municipality, shall operate, ride or propel bicycle and pedicab on designated streets, or upon any public path set aside for the exclusive use of bicycles and pedicabs unless such has been licensed and a license sticker/plate 5.0 cm x 7.5 cm (2" x 3") in size is attached thereto.

SECTION 3. **TRAFFIC LAWS APPLICABLE TO PERSONS RIDING BICYCLES.** The provisions of this Code granting right to and imposing duties upon a driver of a vehicle shall apply to every person operating a bicycle upon a road or in a public place, except those provisions that by their very nature are not applicable.

SECTION 4. **RULES, REGULATIONS AND GUIDELINES ON RIDING BICYCLES/PEDICABS.** Persons riding bicycles/pedicabs shall strictly observe the following.

- a) No person shall ride a bicycle which does not have a permanent and regular seat attached to it.
- b) No bicycle shall be used to carry at one time more persons than the number for which it is designed and equipped.
- c) No person shall ride a bicycle without having at least one hand on the handle bars.
- d) Whenever a bicycle lane is provided, the rider of a bicycle shall use that bicycle lane.
- e) No person shall ride a bicycle within two meters of the rear of a motor vehicle.
- f) A person riding a bicycle shall not attach himself to nor permit him to be drawn by any other vehicle.
- g) The driver of a motor vehicle shall not permit a person riding a bicycle to attach himself to or be drawn by the motor vehicle.
- h) For safety reasons, no person shall drive a bicycle on any national road utilized by 4-wheeled vehicles greater than 4 tons and with normal speed of 40 Kph. Exception may be permitted only if there is no other alternative path and prior clearance from the Municipal Transportation Office.
- i) Except on a bicycle lane where such is permitted by signs or other means, no person shall ride a bicycle so that it is traveling abreast of more than one bicycle, but the same shall not operate to prevent a cyclist from overtaking and passing other persons riding bicycle abreast.

A bicycle shall be deemed to be abreast of another bicycle if any part of it by the side of any part of the other.

- j) Pedicabs shall not traverse or ply national roads, provincial roads or main roads.

SECTION 5. **PENALTIES.** Acts in violation of the provisions of Section 2 and Section 4 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE XX
LIGHTING, WARNING SIGNS, EQUIPMENT, etc.

SECTION 1. **LIGHTS ON MOVING MOTOR VEHICLES.** No person shall drive a motor vehicle or a combination of a motor vehicle and trailer between sunset and sunrise, unless the motor vehicle or combination is equipped with appropriate lamps and reflectors prescribed as mandatory by the Land Transportation Office (LTO) to be carried by or attached to that vehicle or combination, and the lamps are turned on.

SECTION 2. **DIMMING OF HEAD LIGHTS.** The driver of a motor vehicle shall dim the headlights or tilt the beam downward whenever the vehicle is approached by any other vehicle traveling in the opposite direction:

- a) When the other vehicle reaches a point 200 meters from his motor vehicle, or
- b) Immediately when the light projected by every headlight of the other vehicle in the opposite direction is switched to low beam and shall cause every headlight of his vehicle to remain on low beam until the other vehicle has passed him by.

No person shall drive a motor vehicle without the required headlights that are capable of being operated on low beam.

SECTION 3. **LIGHTS ON STATIONARY MOTOR VEHICLES.** Subject to the provisions of Section 9, no person shall leave a motor vehicle waiting on a road with a lamp of a power exceeding seven watts lighted and showing to the front, except while the vehicle is loading or unloading passengers or is compelled to remain stationary by the exigencies of traffic.

No person shall leave a motor vehicle or a trailer waiting on or partly on any thoroughfare between sunset and sunrise unless that motor vehicle or trailer is equipped with (i) two lamps (one on each side) showing a clear white light to the front and clearly visible under normal atmospheric conditions at a distance of 180 meters, or where the motor vehicle or trailer is waiting on or adjacent to the boundary of the thoroughfare, one such lamp, which shall be on the side of the motor vehicle or trailer near to the center of the thoroughfare; and (ii) appropriate rear lamps, number-plate lamps, front and rear clearance lamps and reflectors prescribed as mandatory by the Land Transportation Office (LTO) and the lamps so affixed are lighted.

The second paragraph of this Section shall not apply (i) where the street lighting in the vicinity renders the motor vehicle or the trailer clearly visible at a distance of 180 meters; or (ii) to any motorcycle not connected to a side car, trailer left waiting parallel to and as near as practicable to the boundary of the thoroughfare.

SECTION 4. **PORTABLE EARLY WARNING DEVICE FOR DISABLED VEHICLES.** No person shall drive a vehicle on a road, or permit a vehicle to be driven, unless that vehicle carries a portable early warning device complying with the specifications prescribed by the LTO.

Whenever a disabled vehicle is stationary on a thoroughfare, the portable early warning devices shall be placed one to the rear of the vehicle and one to the front side nearer to the center of the thoroughfare at a distance prescribed by the LTO to give reasonable warning to approaching drivers.

Nothing in this section shall affect any duty imposed by this Code to display lighted lamps on stationary vehicles.

SECTION 5. LIGHTS AND OTHER EQUIPMENT ON BICYCLES. No person shall ride or propel a bicycle between sunset and sunrise, unless it is equipped with (i) a lighted lamp showing a clear white light to the front; (ii) a lighted lamp showing a clear red light to the rear; (iii) a red reflector on its rear; and (iv) a rear mudguard, the rear half of which is colored white.

Such lamps and reflectors shall be of the types and affixed in the positions prescribed by the proper authorities and shall be kept clean at all times.

No person shall ride a bicycle unless it is equipped with (i) an efficient brake; and (ii) an efficient bell or some other suitable warning device.

SECTION 6. LIGHTS ON TOWED VEHICLES. No person shall, between sunset and sunrise, drive a motor vehicle which is towing another vehicle unless a lighted lamp is attached to the portion of the towed vehicle facing any following vehicle, with a power not exceeding seven watts showing a clear red light visible under normal atmosphere conditions at a distance of 100 meters which lamp is so placed that:

- a) Its center is not more than 1 meter above the ground; and
- b) It is in the center or to the left side of the center of that portion of the towed vehicle which faces any following vehicle.

SECTION 7. FLASHING WARNING LIGHTS. No person shall drive or leave waiting a vehicle on which is mounted a lamp displaying intermittent flashes, except (i) a lamp displaying intermittent red and/or blue flashes on the top of an emergency vehicle; (ii) a lamp displaying intermittent amber flashes on top of: (i) a tow truck or motor breakdown service vehicle at the scene of an accident or breakdown; or (ii) a vehicle being used by a government, public or local authority in connection with its functions and occupying a hazardous position on the thoroughfare.

A motor vehicle moving or stationary in a hazardous position on a thoroughfare because of an emergency situation, shall display such flashes from both sides of the front and rear of the vehicle by means of a flashing lamp signaling devices or Early Warning Device (EWD); provided, that the display of such flashes and the operation of the EWD are in accordance with the specifications of the LTO.

SECTION 8. SPOT LAMPS. No person shall cause or permit any spot lamp or search lamp offered or connected to any vehicle to be lighted unless (i) the vehicle is stationary and the lamp is used only for the purpose of reading a road sign; or (ii) the vehicle is outside a built-up area and the lamp is lighted and used only for the purpose of reading a road sign.

However, the provision above shall not apply if the vehicle is an emergency vehicle or if the vehicle is being used by law enforcement agencies in the performance of their official function.

SECTION 9. MUFFLERS AND NOISE CONTROLLING DEVICES. No person shall operate a motor vehicle on a street unless such motor vehicle is equipped, at all times, with a muffler or mufflers in constant operation and of sufficient capacity for the motor, and equipped with an exhaust system to prevent the escape of excessive fumes or smoke and unusual noise. Owners or operators of motor vehicles within the territorial jurisdiction of the Municipality shall at all times ensure that their vehicles comply with the exhaust emission standards set forth in R.A. No. 8749, otherwise known as the "Philippine Clean Air Act of 1999" and its implementing rules and regulations.

SECTION 10. WINDSHIELDS TO BE UNOBSTRUCTED AND EQUIPPED WITH WIPERS. No person shall drive any motor vehicle with any sign, poster, or other non-transparent material upon the front windshield of such vehicle which obstructs the driver's clear view of the highway.

Posters or stickers approved by the proper authority shall be placed at the lower right hand corner of the front windshield.

No person shall drive any motor vehicle with any non-transparent material or object suspended within the windshield area as viewed from the drivers' seat nor shall any person drive any motor vehicle upon the hood of which is attached any fixture or ornament of any material which vibrates, or swings within view of the driver of said vehicle.

The windshields on every motor vehicle shall be equipped with a wiper for cleaning rain or other moisture from the windshield and shall be always be maintained in good working condition.

SECTION 11. PENALTIES. Acts in violation of the provisions under this Article shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE XXI WEIGHT, SIZE AND LOAD

SECTION 1. GROSS WEIGHT, AXLE AND WHEEL LOADS. No motor vehicle or trailer or combination of such vehicles equipped wholly with pneumatic tires, which has a total gross weight, including vehicle and load, in excess of the requirements prescribed as mandatory by the LTO, shall be operated or moved upon any public places, road, street or highway.

SECTION 2. PROJECTING LOADS ON PASSENGER VEHICLES. No passenger type vehicle shall be operated on any highway with a load thereon projecting beyond the extreme width of the vehicle, regardless of the nature of the property being transported.

SECTION 3. LOADS TO BE PROPERLY SECURED AND COVERED. No vehicle shall be driven or moved on any road or highway unless such vehicle is so constructed, loaded, secured or covered as to prevent any of its load from dropping, shifting, leaking, blown out or otherwise escaping therefrom, except that sand may be dropped for the purpose of traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway; or any load consisting partially or entirely of loose paper, empty cartons, crates, sand, gravel, hollow blocks, cement, lime, sawdust, rice bran, soil or any other material susceptible of being blown out or carried by the wind, unless such load is entirely covered by tarpaulin, net, canopy, or other suitable material, effectively preventing any part of such load from being blown out or carried by the wind.

SECTION 4. POLICE OFFICERS MAY WEIGH VEHICLES AND REQUIRE REMOVAL OF EXCESS LOADS. Any Traffic Officer having reason to believe that the weight of a vehicle and load is unlawful, is authorized to require the driver to stop and submit to a weighing by means of a portable or stationary scales and may require that the vehicle be driven to the nearest public scales in the event such scales are within 2 kilometers.

Whenever an officer upon weighing a vehicle and load as above provided, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until the portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to such limit as permitted. All material so unloaded shall be cared for by the owner of the vehicle at their own risk.

Any driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing when directed by an officer shall be guilty of a misdemeanor.

SECTION 5. RESTRICTING THE USE OVER BRIDGES. No person shall drive or operate any motor vehicle having an aggregate weight of vehicle and load in excess of the specified allowable weight indicated over any bridge within the Municipality.

No person shall drive any motor vehicle over any wooden bridge at a speed greater than 10 kilometers per hour.

SECTION 6. PERMIT TO MOVE EQUIPMENT AND/OR LOAD OF EXCESSIVE WEIGHT, WIDTH OR HEIGHT. No vehicle shall be moved, transported or caused to be moved through the Municipal streets having an equipment and/or load of excessive weight, width or height unless a permit or clearance has been issued by the Municipal Transportation Office.

All application for permits required under this Section shall be made in writing to the Municipal Transportation Office and shall contain the following: (i) Description of the vehicle, equipment and/or load to be moved; (ii) Street location or other identifying description of the place to which the same is to be moved; (iii) Complete designation of the route to be followed; (iv) Height, width and length of the same; (v) Time at which the movement of the vehicle will commence and terminate; (vi) The applicant shall have filed with the issuing officer, a certificate of any insurance carrier certifying that there is a comprehensive automobile liability insurance policy covering said applicant and his authorized agents, administrators and heirs in case of bodily injury to or death of one or more persons in any accident or damage to or destruction to property.

The Municipal Transportation Office may recommend to the Municipal Mayor the change of route to be followed or the time during which the movement shall be made prior to the issuance of a permit.

SECTION 7. PENALTIES. Acts in violation of the provisions under this Article shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE XXII

TRUCK BANS AND PUBLIC TRANSPORT ROUTES

SECTION 1. TRUCK ROUTES AND LIMITED TRUCK BAN - Cargo trucks, gravel and sand trucks, bamboo haulers and other heavy cargo trucks with six wheels and up, or whose gross vehicle weights exceed 4,500 kilograms, including tractor trailers or containerized haulers, shall not be allowed to travel, nor park on shoulders, of any municipal streets, except along the streets specified as truck routes. The use of the truck routes shall be restricted to the hours of seven in the morning (7:00 a.m.) to nine in the morning (9:00 a.m), eleven in the morning (11:00) to two in the afternoon (2:00 p.m.) and four in the afternoon (4:00 p.m.) to eight in the evening (8:00 p.m.). The Municipal Mayor may, upon recommendation of the Municipal Transportation Office, ban the access for limited hours of any cargo trucks and heavy vehicles on any other street when conditions warrant and in order to ensure orderly traffic flow.

SECTION 2. **ROUTES OF PUBLIC UTILITY BUSES AND JEEPNEYS** - Public utility buses and jeepneys, multicabs, including mega-taxis and shuttle vans with valid authorizations from the Land Transportation Franchising and Regulatory Board (LTFRB) and whose routes terminate or originate within the Municipality shall furnish the Municipal Transportation Office a copy of their approved routes. Without necessarily modifying their basic authorized routes, the MTRO unit may adjust the turning points and terminal of public utility buses and jeepneys, multicabs prescribe their loading or unloading points, and/or require them to utilize passenger interchange terminals, if so required by an approved traffic improvement scheme.

SECTION 3. **PENALTIES.** Acts in violation of Section 1 and 2 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE XXIII PEDESTRIAN RIGHTS AND DUTIES

SECTION 1. **PEDESTRIAN CROSSING** - A driver approaching a pedestrian crossing shall travel at such a speed that, if necessary to comply with this section, he will be able to stop his vehicle before reaching the pedestrian crossing.

A driver shall give way to any pedestrian who is on a pedestrian crossing.

A driver shall not permit any portion of his vehicle to enter upon a pedestrian crossing even if any vehicle headed in the same direction is stopped on the approach side of, or upon the pedestrian crossing apparently for the purpose of complying with this section.

SECTION 2. **DUTIES OF PEDESTRIANS.** A pedestrian shall:

- a) When on a footway, marked cross-walk, or pedestrian crossing, shall keep as close as practicable to the right side of the footway;
- b) When crossing a thoroughfare at an intersection shall keep right of pedestrian crossing in the opposite direction;
- c) When crossing a thoroughfare or portion of a thoroughfare shall do so promptly by the shortest and most direct route, as may be practicable, to the thoroughfare boundary.

SECTION 3. **RESTRICTIONS ON PEDESTRIANS** - A person shall not:

- a) While waiting to board a vehicle, stand on any portion of thoroughfare;
- b) Proceed from a footway towards a vehicle that has not fully stopped for the purpose of boarding it;
- c) Alight from or board a moving vehicle, or do so at an area where loading and unloading is prohibited;
- d) Remain on a pedestrian crossing or marked cross-walk longer than is necessary for the purpose of passing over the thoroughfare with reasonable dispatch;
- e) Stand up a footway or thoroughfare so as to inconvenience, obstruct, hinder or prevent the free passage of any other pedestrian or any vehicle.

f) Jay-walk or commit any jaywalking acts in any thoroughfares or portions of any roads or streets within the Municipality.

SECTION 4. **PEDESTRIANS ON THOROUGHFARE.** Except when there is a sidewalk or footway, a pedestrian:

- a) Proceeding along a thoroughfare shall, when practicable, travel on the thoroughfare or side of the thoroughfare used by vehicles traveling in the opposite direction, and shall keep as close as he can to the boundary of the thoroughfare on his left.
- b) Shall not proceed along a thoroughfare abreast of more than one other pedestrian, except in a procession or parade authorized by the proper authority.

SECTION 5. **PENALTIES.** Acts in violation Sections 1 and 3 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE XXIV MISCELLANEOUS PROVISIONS

SECTION 1. **OBSTRUCTION TO DRIVER'S VIEW OR DRIVING MECHANISM.** No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three including the driver, as to obstruct the view of the driver to the front or sides of the vehicles or as to interfere with the driver's control over the driving mechanism of the vehicle.

No passenger in a vehicle shall ride in such a position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

SECTION 2. **FOLLOWING FIRE TRUCKS/APPARATUS PROHIBITED.** The driver of any vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than 150 meters, or drive into or parked such vehicle within the block where a fire apparatus has stopped in answer to a fire alarm.

SECTION 3. **PUTTING GLASS, ETC. ON A HIGHWAY.** No person shall throw or deposit upon any street or highway, any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle on a highway.

SECTION 4. **TRACKING MUD UNTO THE HIGHWAY.** No vehicle using the public highway shall track mud or dirt unto the traveled portion of such highway in such quantities as will constitute a hazard when the roadway is wet, or obscure the painted pavement markings thereon. In the event that mud or dirt is unavoidably tracked unto the highway, it shall be the duty of the owner of the offending vehicle to have said mud or dirt removed as quickly as possible.

SECTION 5. **DRIVING THROUGH FUNERALS OR OTHER PROCESSIONS.** No person shall drive a vehicle between the vehicles comprising a funeral or other authorized procession while they are in motion. When the lead car of any funeral or other procession shall have entered any intersection, notwithstanding the light conditions at those intersections controlled by signal devices, then all other traffic shall yield the right-of-way to all vehicles comprising such funeral or other procession until it has passed through the intersection.

The foregoing provisions of this Section shall apply only to such funeral or other procession moving under police escort.

No funeral, procession, assembly, or parade containing 200 or more persons or 50 or more vehicles, excepting the Armed Forces of the Philippines and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the MTRC and such other regulations as set forth herein which may apply.

A funeral procession composed of any number of vehicles shall be identified as such by the conspicuous display on the top center of each vehicle a banner not less than twenty centimeters (20 cm.) [or 8 inches] long and ten centimeters (10 cm) [or 4 inches] wide, predominantly black or violet in color, with the word FUNERAL printed on both sides thereof, in letters no less than four centimeters (4 cm) [or 1 ½ inches] in height and the display on the top center of both the lead vehicle and the end vehicles of a flashing amber light having a minimum diameter of fifteen centimeters (15 cm) [or 6 inches]. The flags and lights shall be fastened by means of magnets, suction cups, or strings. While in the procession each driver shall turn on the head lamps of his vehicle as further identification.

SECTION 6. RESTRICTING ANIMALS AND LIVESTOCK ON HIGHWAYS. No person owning, controlling or having the possession of any livestock or animals such as cattle, horses, and swine's, goats, and the like, shall negligently permit any such livestock or animals to stray upon or remain unaccompanied by a person in-charge or control thereof, upon any street or highway.

No person shall drive or lead any such livestock upon, or across any street or highway, without keeping a sufficient number of herders on continual duty to open the road so as to permit the passage of vehicles.

SECTION 7. SAFETY HELMETS FOR MOTORCYCLE AND BICYCLE RIDERS. A person shall not drive or ride upon a motorcycle and bicycle unless that person is wearing a safety helmet on his head securely fastened under the chin of the wearer. A safety helmet referred to herein shall comply with the standards set by the proper authority.

A person shall not drive a motorcycle and bicycle while wearing a safety helmet to which is attached an eye protector unless that eye protector complies with the standard set by the proper authority.

SECTION 8. DRIVING WITHOUT VALID DRIVER'S LICENSE/PRODUCTION TO TRAFFIC OFFICER. No person shall drive a motor vehicle on the road unless he or she has a valid driver's license issued by the Land Transportation Office (LTO) for that type of vehicle. Any person who drives a vehicle on a road shall carry his/her driver's license with him/her at all times.

Any person driving a motor vehicle on a road shall, when requested to do so by a member of the traffic force or any other authorized person, produce his/her license for inspection and state his/her true name and address.

A bonafide tourist or transient who is holding an international driver's license may be permitted to operate a motor vehicle in the Philippines for the period not exceeding the expiry date of said license, or in accordance with international agreements to which the Philippines is a signatory thereto.

A person who knowingly drives a motor vehicle without having secured appropriate license is guilty of a major offense, and shall be punishable with the highest penalty provided under the schedule of fines and penalties.

SECTION 9. OPENING DOORS AND ALIGHTING FROM VEHICLES. A person shall not open or leave open a door of a vehicle or alight from a vehicle unto a thoroughfare, so as to cause danger to other person using the road or so as to impede the passage of traffic.

SECTION 10. USE OF HORNS. No person shall use or cause to be used the horn or any other warning instrument on a vehicle, except when necessary as a traffic warning or as indication that the driver of the vehicle intends to overtake another vehicle.

Section 11. Use of Seatbelts - A driver of any motor vehicle, as well as passengers occupying the front seats and other specified locations, must wear a seat belt as provided for under Republic Act No. 8750 and the implementing rules and regulations issued by the Land Transportation Office.

SECTION 12. OBSTRUCTING ROADS - The following shall be strictly observed.

- a) A person shall not, without the written permission of the Municipal Transportation Office, drive or leave standing any vehicle on a road for the purpose of: (i) soliciting employment or business from the vehicle; (ii) displaying an advertisement on the vehicle; or (iii) offering goods for sale from the vehicle.
- b) A person shall not stand or place himself on a road for the purpose of: (i) soliciting contributions; (ii) display any advertisement; or (iii) offering goods for sale.
- c) A person in vehicle shall not buy or offer to buy an article from any person standing or placed on a road.
- d) A person shall not bar, impede or divert the flow or direction of traffic from any road, street or highway, unless authorized in writing or except when the closure of a road or any part thereof to traffic or the diversion of traffic is dictated by reasons of emergency to protect the public from any calamity, fire or other public danger.
- e) The prohibition contained herein shall also apply to the use of sidewalks by vendors, repair shops or any establishments.
- f) Stalled vehicles on thoroughfares shall be construed as obstructing traffic if not removed or towed within 15 minutes.

SECTION 13. DIGGINGS AND EXCAVATIONS ON EXISTING ROADS. The following shall be strictly observed.

- a) It shall be unlawful for any person or entity, whether on their own or as contractors to any government agency, local or national, to excavate or dig for purposes of installing water pipes, telecommunication lines, poles, drainage pipes, and other underground facilities, within roads, streets, thoroughfares and alleys without first securing an excavation permit from the Municipal Transportation Office, except in cases of emergency in which case the permit should be secured within three (3) working days.
- b) The application for temporary closure of a road or part of the road, due to diggings and/or excavations shall be evaluated first by the MTRO so that remedial steps and other precautionary measures can be undertaken to minimize adverse effect on traffic flow.

- c) Excavators/diggers must all times put up road signs for precautionary measures to motorists and pedestrians alike or safety warning signs of excavation works ahead.
- d) All areas dug or excavated must be properly restored to its original form under the standard specification for road construction. To ensure restoration, the party undertaking the digging or excavation shall post a bond equivalent to one-hundred-fifty per centum (150%) of the cost to restore the same, the amount to be determined by the Municipal Engineer. The bond shall be forfeited in favor of the Municipal Government if restoration work is not commenced within 10 days of completion of the excavation and completed within the same number of days for which the excavation had been authorized. It shall be released within five (5) days after determination by the Municipal Engineer or his authorized representative that the road has been restored satisfactorily.

SECTION 14. **ACCESS RESTRICTIONS ON SOME ROADS** - It shall be unlawful for any person, natural or juridical, to close, obstruct, prevent, or otherwise refuse to the public or vehicular traffic, the use of or free access to any subdivision or community street owned by the government and within the jurisdiction of the Municipality of Malay, or to exact fees in any form for the use thereof, unless with prior authorization of the Sangguniang Bayan. Such act is hereby declared a nuisance *per se* and the Mayor is hereby authorized to remove such closure or obstruction and to open said road to the public *motu proprio* at the expense of the offender.

Subdivision roads and/or private roads not turned over to the Municipality may be opened to the public under the following conditions: (i) the road will strengthen the road network and provide traffic relief to nearby roads that are congested as may be determined by the Municipal Transportation Office; (ii) the Sangguniang Bayan has approved its opening, under such terms and conditions that will minimize or obviate any disturbance, pollution, or inconvenience to the residents in the area.

SECTION 15. **PENALTIES**. Acts in violation of Sections 1 to 14 hereof shall be punishable with fines and/or penalties provided under Article XXVII.

ARTICLE XXV

PENALTIES AND PROCEDURES

SECTION 1. **PROCEDURES IN THE ISSUANCE OF TICKETS TO VIOLATORS OF THIS CODE**. Except when authorized or directed by law to immediately take or arrest a person for violation of any of the traffic laws before a Court, the following procedures shall be observed in the apprehension of any person found violating any provision of this Code:

- a. In case of drivers of motor vehicles, the traffic officer or deputized agent of the LTO shall demand presentation of and confiscate the driver's license and/or the registration of the motor vehicle. The apprehending officer shall then indicate the name and address of the driver, the license number and the issuing agency of the driver's license in the citation ticket. The name and the address of the owner and the registering agency of the vehicle, including the certificate of registration number, shall likewise be indicated therein.

The apprehending officer shall stipulate the specific violation and furnish copy of the citation ticket to the person apprehended.

- b. In case of business establishments found violating the provisions on traffic obstructions, the apprehending officer shall demand the presentation of Mayor's Permit, or in case of construction, the Building Permit; and indicate the name and address of the owner and the corresponding Mayor's or Building Permit Number, the particular provision violated and furnish copy of said citation ticket. In the event, however, that the person found violating the provisions of this Code is not engaged in any occupation or business requiring a permit, his name and correct address shall be ascertained and indicated in the citation ticket.
- c. In case of pedestrians found violating this Code, they shall be taken to Municipal Transportation Office to pay the appropriate penalty. In the event of inability to pay the fine or that the person decides to contest his apprehension, the apprehending officer shall immediately file the corresponding complaint before the Office of the Provincial Prosecutor.

SECTION 2. FAILURE TO OBEY SUMMONS. Any person who fails to appear at the place and within the time specified in the summons issued to him by an officer upon his arrest for any traffic violation is guilty of a misdemeanor.

SECTION 3. SUMMONS ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions contained in this Code, the officer finding the vehicle shall note down its plate number and may take any information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a summon for the driver to answer to the charge against him within 7 days, during the hours and at a place specified in the summon.

SECTION 4. FAILURE TO COMPLY WITH SUMMONS ATTACHED TO PARKED VEHICLES. Persons apprehended and issued citation tickets shall appear before the Municipal Transportation Office for appropriate disposition within the period specified in the said ticket or written summons. Failure to appear shall be construed as waiver of their right to contest the citation and shall be liable for the payment of the corresponding charges. If a violator of the restrictions on stopping, standing or parking under this traffic code does not appear in response to a summon affixed to a motor vehicle within a period of 7 days, the proper authority shall issue to the registered owner of the motor vehicle to which the summon was affixed, a penal summon ordering his appearance in Court. The Municipality shall also furnish the LTO on a periodic basis, the list of motor vehicles and their owners or drivers who had been issued summons.

SECTION 5. WHEN COMPLAINT TO BE ISSUED - In the event any person fails to comply with a summon given to him or attached to a vehicle or if any person fails or refuses to deposit surety as required and within the time permitted, the proper authority shall have a complaint entered against such person and secure the issuance of a warrant of his arrest.

Aside from filing of the appropriate action before the Court, the following administrative remedies for enforcement may be undertaken:

- a) For driving-related violations, the Municipal Transportation Office shall communicate with the Land Transportation Office to hold in abeyance the renewal of driver's license or vehicle registration until clearance has been obtained from the Municipality.

- b) For other violations, the Municipal Transportation Office shall immediately request for cancellation of the permit and the issuance of closure order from the Municipal Mayor. In the event that the owner of the thing or object causing the obstruction on the sidewalk or city streets could not be determined, the MTRO shall cause its removal or impoundment.

SECTION 6. **IMPOSITION OF PENALTY** - Any violation of the provisions of this Code shall be punishable with fines and/or penalties provided under Article XXVII hereof. A Traffic Violation Receipt (TVR) as the single ticketing system for the Municipality of Malay shall be issued by a duly authorized traffic enforcement officer to an offending driver. Confiscation/Impoundment of vehicles subject of the offense shall be effected by indicating the same in the TVR. The amount of Three Hundred Pesos (Php300.00) shall be imposed as Towing Fee.

Where the violator is not a driver, a written notice or citation to the offending party shall be issued by the Police or Local Traffic Enforcer.

The appropriate fine shall be paid within five (5) days from the date of issuance of the citation ticket. In the event of failure to pay the prescribed fine, an additional surcharge of ten percent for each day of delay or failure to pay the appropriate fine is hereby imposed until the full amount of fine and surcharge is made.

SECTION 7. **CREATION OF TRAFFIC FUND** - There is hereby created a special account in the General Fund of the Municipality to be known as the Traffic Fund wherein all receipts from registration, franchising, supervisory, regulatory fees, fines and surcharges as set forth in this Code, including all expenditures and transfers shall be recorded thereunder. Fines collected for violation of any section or provision of this Code evidenced by the issuance of TVR shall be paid to the Municipal Treasurer. Parking charges, terminal fees, towing fees, and similar imposition for specific services rendered shall accrue to the Traffic Fund. The Fund shall be disbursed only for traffic improvement measures and other activities and requirements of the Municipal Transportation Office, including maintenance of facilities and traffic control devices as well as incentives equivalent to 20% of the fund for traffic enforcers in the form of office supplies, uniforms and necessary capability-building trainings and seminars. Any unused balance at the end of the fiscal year in excess of twenty five percent of the previous year's expenditures shall revert back to the General Fund.

ARTICLE XXVI

TRAFFIC ADMINISTRATION

SECTION 1. **CREATION OF THE MUNICIPAL TRANSPORTATION OFFICE (MTRO)**. There is hereby created a Municipal Transportation Office under the direct supervision and control of the Municipal Mayor. It shall be the sole Municipal Transportation Office vested with the powers to enforce and implement this Code and such traffic management plans and programs that may hereafter be drawn or prepared.

The Municipal Transportation Office (MTRO) shall have the following functions:

1) **TRAFFIC ENGINEERING**

- (i) Identify traffic bottleneck points and establish priorities in implementing remedial measures;
- (ii) Formulate traffic engineering schemes, such as banning of turning movements, creation of one-way streets, prohibition of parking, designation of loading/unloading zones, installation of traffic signages, regulating speeds, and similar measures, in accordance with its approved priority list;
- (iii) Secure agreement on proposed traffic schemes;
- (iv) Install and maintain traffic signs, road markings and other traffic control devices or cause the preparation and installation of the same;
- (v) Recommend ordinances in support of traffic management schemes;
- (vi) Review major property development proposals as to their traffic impact, especially those involving land use conversion from low to high-intensity traffic generation;
- (vii) Identify private roads that should be opened to improve overall circulation, and initiate moves for the full or partial integration into the road network;
- (viii) Collect traffic data and statistics such as vehicular counts, road layouts and dimensions, etc.
- (ix) Review and approve request for road diggings, road constructions, temporary closures, parades, and conduct of extra-ordinary events that would reduce road capacity.

2) **TRAFFIC ENFORCEMENT**

- (i) Assign personnel to direct or control traffic at intersections and other locations requiring such intervention;
- (ii) Execute the enforcement component of any traffic scheme devised or conceived by the MTRO;
- (iii) Enforce applicable traffic rules and regulations, including apprehension and issuance of traffic citation tickets to drivers found in violation of any provisions of this Code;
- (iv) Conduct an investigation of any vehicular accidents that occur within the municipality/city;
- (v) Coordinate with the Land Transportation Office and the Philippine National Police traffic enforcers to harmonize personnel deployment and field operations within the municipality;
- (vi) Initiate the towing or removal of vehicles obstructing traffic;
- (vii) Suggest changes in any traffic scheme, including provision of traffic signals;

- (viii) Cause the removal of any obstructions on sidewalks, alleys and main thoroughfares which are in violation of this Code. In the event that no one admits ownership of any object or thing found impeding vehicular or pedestrian, traffic enforcement section take possession of the same for storage in the Municipality's Impoundment Area for later disposition.
- (ix) Formulate and implement a local traffic education and road safety program.

3) **FACILITIES MANAGEMENT**

- (i) Establish, operate, maintain and/or administer terminals, parking facilities, bicycle paths, including collection of user fees and charges thereto;
- (ii) Operate a towing unit, by itself or with private entities;
- (iii) Initiate or administer pedestrian districts or streets temporarily or permanently withdrawn from vehicular use, including time allocation for use of roads other than for vehicles;
- (iv) Take custody of vehicles and articles impounded by virtue of this Code and secure the same in the Municipal Impoundment Area until released to their owners or lawful claimants, or otherwise disposed of in accordance with this Code.

SECTION 2. **QUALIFICATIONS OF THE OFFICE HEAD.** The Municipal Transportation Office shall be headed by an Office Head who shall be appointed by the Municipal Mayor. He shall be a natural-born citizen, a resident of the Municipality of Malay, of legal age, good moral character and sound probity, a college graduate with appropriate expertise or equivalent experience in the field of assignment. The head of the Office shall have the rank of a Unit Head and the salary and emoluments applicable to that position grade. The Municipal Transportation Officer shall provide technical assistance to the MTFRB and submit reports and recommendations.

SECTION 3. **STAFFING.** The number and composition of staff comprising the Municipal Transportation Office shall be determined by the Municipal Mayor subject to the approval of the plantilla and budget by the Sangguniang Bayan. In addition, the Municipal Mayor may deputize any Municipal Government Officials or employees to act as traffic auxiliaries. The appointed or designated traffic auxiliaries shall be under the operational supervision of the Head of the MTRO.

Existing personnel affected by the creation of the MTRO under this Article, such as those involved in tricycle regulation, parking administration, traffic enforcement, shall comprise the initial staff of the Office to which their functions belong.

SECTION 4. **UNIFORM OF TRAFFIC OFFICERS.** In order to provide a distinction between Traffic Officers and members of the Philippine National Police, the Traffic Officers shall wear a uniform distinct from the uniform or attire of the members of the PNP. The determination of the color and type of uniform shall be left to the discretion of the Municipal Mayor; Provided, however, that no changes in the type, color or style of the uniform shall be allowed for a period of three (3) years, determined from the date the prescribed uniforms were first implemented.

ARTICLE XXVII
SCHEDULE OF FINES AND PENALTIES

No.	ARTICLE/SECTION	TYPE OF OFFENSE OR VIOLATION	AMOUNT/PENALTY
1.	Article III/Sec. 1	Erection and Interference With Traffic Items	₱ 500.00
2.	Article III/Sec. 4	Display of Dazzling Lights, etc	500.00
3.	Article IV/Sec. 1	Disobedience to Traffic Control Signals	500.00
4.	Article IV/Sec. 2	Disobedience to Signs	500.00
5.	Article V	Any violation of General Driving Rules	500.00
6.	Article VI/Sec. 1	Not Giving Way at Intersection	500.00
7.	Article VI/Sec. 2	Not Giving Way during Turns	500.00
8.	Article VI/Sec. 3	Improper Movements to or from Parking Area	500.00
9.	Article VI/Sec. 4	Not Giving Way to Emergency Vehicles	500.00
10.	Article VI/Sec. 6	Not Giving Way at Roundabouts or Rotundas	500.00
11.	Article VII/ Secs. 1 and 2	Violating Speed Limits/ Engaging In Speed Contests	1,000.00
12.	Article VIII/Sec 2	Violating Operating Rule on One-way Streets	500.00
13.	Article IX	Improper Turning, Reversing and Stopping	500.00
14.	Article X/ Secs. 1 and 2	Vehicles in Prohibited Areas/Parking/Loading/ Unloading or Waiting in Prohibited Areas	500.00
15.	Article X/Sec. 4	Parking Near a Crest or Curve	500.00
16.	Article X/Sec. 5	Parking on Parade Routes and on any Special Occasion	500.00
17.	Article X/Sec. 6	Parking for certain Purposes Prohibited	500.00
18.	Article X/Sec. 7	Illegal Loading/Unloading from Road Intersections	500.00
19.	Article XI/Sec. 6	Violations in Parking Areas	500.00
20.	Article XII/Sec. 2	Careless Driving	500.00
21.	Article XII/Sec. 3	Reckless and Dangerous Driving	2,500.00
22.	Article XII/Sec. 4	Driving under the Influence of Liquor or Drugs	2,500.00

(SPECIAL PROVISIONS)			
23.	Article XIII/ Sec. 13(a)	Operating Tricycles-for-Hire without Franchise (Colorum)	₱2,500.00 and Three (3) days impoundment for the 1 st offense; 2 nd offense - ₱2,500.00 and Five (5) days impoundment; 3 rd and subsequent offenses - ₱2,500.00 and Seven (7) days impoundment then removal of sidecar or confiscation of tricycle/e-Trike.
24.	Article XIII/ Sec. 13(b)	Operating Tricycles-for-Hire without Mayor's Permit	₱ 2,500.00
25.	Article XIII/ Sec. 13(c)	Sale or Transfer of Franchise (CTOP)	₱ 2,500.00 and automatic revocation of the franchise.
26.	Article XIII/ Sec. 13(d)	Non-compliance with Color Coding Scheme	₱ 500.00
27.	Article XIII/ Sec. 13(e)	Display of Fake Plates/Body Number	2,500.00
28.	Article XIII/Sec. 13 (f)	Driving without License/Expired	1,000.00
29.	Article XIII/ Sec. 13(g)	Use of Tricycle for Illegal Activities	1,000.00
30.	Article XIII/Sec. 13(h)	Overloading	500.00
31.	Article XIII/Sec. 13(i)	Attaching Unaccredited Motorcycle or Sidecar	1,000.00
32.	Article XII/Sec. 13(j)	Refusal to Convey Passengers	500.00
33.	Article XIII/Sec. 13(k)	Discrimination	500.00
34.	Article XIII/Sec. 13(l)	Non-wearing of Uniform	500.00
35.	Article XIII/Sec. 13(m)	Excessive Charging of Fare	500.00
36.	Article XIII/Sec. 13(n)	Misconduct/Arrogance	500.00
37.	Article XIII/Sec. 13(o)	Out-of-Route	500.00
38.	Article XIII/Sec. 13(p)	Using of Dummy	₱2,500.00 and Revocation of the Franchise.
39.	Article XIV/Sec. 1(a)	Without Required Permits	₱2,500.00 and Confiscation/ Impoundment

40.	Article XIV/Sec. 1(b) & (c)	Excessive Gross Weight	₱ 2,500.00
41.	Article XIV/Sec. 1(d)	Non-compliance with the Color Code	₱ 2,500.00
42.	Article XIV/Sec. 1(e)	Over-utilization of Service Vehicles	₱ 2,500.00 and Confiscation/Impoundment
43.	Article XIV/Sec. 1(f)	Excessive Service Vehicles	₱ 2,500.00 and Confiscation/Impoundment of Vehicles
44.	Article XIV/Sec. 1(g)	Unauthorized Topdown Tricycle/Non-compliance with Color Code	₱ 1,000.00 and Confiscation/Impoundment
45.	Article XIV/Sec. 1(h)	Uncovered Load	₱ 1,000.00
46.	Article XIV/Sec. 1(k)	No Permit/Overstaying	₱ 2,500.00 and Confiscation/Impoundment
47.	Article XIV/Sec. 1(l)	No Parking Area	₱ 2,500.00
48.	Article XIV/Sec. 1(m)	Non-Observance of Schedule of Delivery	₱2,500.00
49.	Article XIV/Sec. 2(a)	Prohibited Operation of Vehicles in the Beaches of Boracay	₱ 2,500.00
50.	Article XIV/Sec. 2(b)	Illegal Parking, Loading and Unloading on Shoulders of Highways	₱ 2,500.00
51.	Article XIV/Sec. 2(c)	Sale/Transfer of Vehicles	₱ 2,500.00 and Confiscation/Impoundment
52.	Article XV/Sec. 1(a)	Without Mayor's Permit	₱ 500.00
53.	Article XV/Sec. 1(b)	Without Proper Sticker	500.00
54.	Article XV/Sec. 1(c)	Without Franchise	500.00
55.	Article XV/Sec. 1(e)	Illegal Parking/Loading	500.00
56.	Article XVI/Sec. 1(b)	Without Required Permits	₱ 2,500.00 and Confiscation/Impoundment
57.	Article XVI/Sec.2(a)	Operating as a Common Carrier	₱ 2,500.00 and Confiscation/Impoundment
58.	Article XVI/Sec. 2(b)	Sale/Transfer of Vehicles	₱ 2,500.00 and Confiscation/Impoundment
59.	Article XVII/Sec. 1(a) & (b)	Without Registration/Permits	₱ 2,500.00 and Confiscation/Impoundment
60.	Article XVII/Sec. 2(a)	Using/Entering Main Roads	₱ 2,500.00 and Confiscation/Impoundment
61.	Article XVII/Sec. 2(b)	Operating as a Common Carrier	₱ 2,500.00 and Confiscation/Impoundment
62.	Article XVII/Sec. 2(c)	Sale/Transfer of Vehicles	₱ 2,500.00 and Confiscation/Impoundment

63.	Article XVIII/Sec. 3(a)	Sale/Transfer of Permit to Transport	₱ 2,500.00 and Confiscation/Impoundment
64.	Article XVIII/Sec. 3(b)	Without Special Permit to Transport	₱ 2,500.00 and Confiscation/Impoundment Revocation of Mayor's Permit for offending cargo boats, barges and the like
65.	Article XIX/Sec. 2	Operating Unlicensed or Unregistered Bicycles and Pedicabs	₱ 500.00
66.	Article XIX/Sec. 4	Improper Riding or Towing of Bicycle	500.00
67.	Article XX	Violation or Non-compliance regarding Lighting, Warning Signs, Equipment, etc.	500.00
68.	Article XXI/Sec. 1	Exceeding Gross Weight, Axle and Wheel Loads	500.00
69.	Article XXI/Sec. 2	Projecting Loads on Passenger Vehicles	500.00
70.	Article XXI/Sec. 3	Loads Not Properly Secured	500.00
71.	Article XXI/Sec. 4	Refusal to have Vehicles Weighed and/or to Remove Excess Load	500.00
72.	Article XXI/Sec. 5	Violation of Restrictions or Limits in the Use of Bridge	500.00
73.	Article XXI/Sec. 6	No Permit to Move Equipment and/or Load of Excessive Weight, width or Height.	500.00
74.	Article XXII	Non-compliance with the Truck Ban/Non-complying Buses and Jeepneys	500.00
75.	Article XXIII/Sec. 1	Violating Pedestrian Crossing Rules	500.00
76.	Article XXIII/Sec. 3	Violating Restrictions on Pedestrians/Jaywalking	500.00
77.	Article XXIV/Sec. 1	Obstructing Driver's View or Driving Mechanism	500.00
78.	Article XXIV/Sec. 2	Following Fire Trucks/Apparatus	500.00
79.	Article XXIV/Sec. 3	Putting Glass, etc. on a Highway	500.00
80.	Article XXIV/Sec. 4	Tracking Mud unto the Highway	500.00
81.	Article XXIV/Sec. 5	Driving Through Funeral or Other Processions	500.00
82.	Article XXIV/Sec. 6	Violating Restrictions on Animals and Livestock	500.00
83.	Article XXIV/Sec. 7	No Safety Helmets for Motorcycle and Bicycle Riders	500.00
84.	Article XXIV/Sec. 8	Driving without Valid License/Non-Production to Traffic Officer	₱2,500.00 and Confiscation/Impoundment

85.	Article XXIV/Sec. 9	Improper Opening of Doors and Alighting from Vehicles	₱ 500.00
86.	Article XXIV/Sec. 10	Improper Use of Horns	500.00
87.	Article XXIV/Sec. 11	Non-use of Seatbelts	500.00
88.	Article XXIV/sec. 12	Obstructing Roads/Sidewalks by Motor Vehicles, Stalled Vehicles, Vendors and Establishments	500.00
89.	Article XXIV/Sec. 13	Street Diggings or Road Closures Without Permit	2,500.00
90.	Article XXIV/Sec. 14	Unlawful Restriction on Road Access	2,500.00

For the second and subsequent offenses, the fines or penalties shall be imposed two times the value of the most recent fines on record, whether the same has been paid or not, unless the same has reached the maximum fine allowable under the Local Government Code of 1991 or RA 7160. Habitual offenders, or when the violations under this Code involved damage to property in excess of ₱10,000.00 or loss of life, the Municipal Transportation Office may seek the cancellation of the Driver's License through the Land Transportation Office (LTO).

ARTICLE XXVIII
FINAL PROVISIONS

SECTION 1. **ADMINISTRATIVE PROVISION.** The Office of the Mayor or the Municipal Transportation Office (MTRO) shall promulgate such rules and regulations or guidelines as may be necessary to properly implement the intents and purposes of this Code in coordination with the Malay Auxiliary Police (MAP), the Philippine National Police (PNP) and other law enforcement agencies.

The MTRO shall have the authority to inspect all motorized vehicles to determine roadworthiness, safety, and compliance to the requirements provided under this Code.

Only those MTRO or MAP personnel duly deputized by the Land Transportation Office (LTO) shall have the authority to confiscate Driver's Licenses of violators under this Code. They shall, at all times, wear their identification cards while on duty.

SECTION 2. **REPEALING CLAUSE.** All previous ordinances, issuances, rules and regulations or parts thereof which are inconsistent or in conflict with the provisions of this Code are hereby repealed or modified accordingly.

SECTION 3. **SEPARABILITY CLAUSE.** If for any reason or reasons, any part, provision, or section of this Code shall be declared as unconstitutional or invalid by a court of competent jurisdiction, other parts or provisions thereof not affected shall continue to be in full force and effect.

SECTION 4. **EFFECTIVITY.** This Code shall take effect upon approval and proper publication in a newspaper of general circulation.

ENACTED. MARCH 5, 2013.

APPROVED. JANUARY 20, 2015.

X X X

I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.



CONCORDIA S. ALCANTARA
Secretary to the Sangguniang Bayan

ATTESTED:



WILBEC M. GELITO
Municipal Vice Mayor
Presiding Officer

APPROVED:



JOHN P. YAP
Municipal Mayor

APPROVED. SP RESOLUTION NO. 084, S. 2015, dtd. 3-11-15

PUBLISHED. MADYAAS PEN, dtd. 4-18, 25, 2015 & 5-2, 2015