CITY OF BACOOR
Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. CO 28-2015
Series of 2015


Sponsored by:

DISTRICT 1 COUNCILORS:

DISTRICT 2 COUNCILORS:

EX-OFICIO MEMBER:
Hon. Victorio Guerrero, Jr. (ABC President)

WHEREAS, City Ordinance No. 2013-047 (otherwise known as the “Revised Traffic Code of the City of Bacoor”) took effect on 4 November 2013.

WHEREAS, Section 14 of City Ordinance No. 2013-047 mandated the Bacoor City Transportation Board, the Bacoor Traffic Management Department, and the Sangguniang Panlungsod in coordination with the Office of the City Mayor to review the said ordinance and its implementing guidelines at least once every two (2) years following the approval thereof for possible amendments or revisions.

WHEREAS, on 7 July 2014, the Sangguniang Panlungsod unanimously approved City Ordinance No. CO 10-2014 amending the Revised Traffic Code of the City of Bacoor and instituting the "no contact traffic apprehension IMPLEMENTING GUIDELINES" of the city government upon the recommendation of the BTMD and the Office of the City Mayor.

WHEREAS, City Ordinance No. CO 10-2014 took effect on 20 September 2014. However, it has not been implemented yet due to the lack of implementing guidelines particularly in relation to the various technical requirements needed for the bidding out of the said project in compliance with various pertinent laws.

WHEREAS, the Bacoor Traffic Management Department submitted to the Sangguniang Panlungsod the following guidelines...
for the effective implementation of the “No Contact Traffic Apprehension IMPLEMENTING GUIDELINES” of the City of Bacoor as embodied under City Ordinance No. CO10-2014.

NOW, THEREFORE, the Sangguniang Panlungsod of the City of Bacoor in regular session duly assembled HEREBY ORDAINS that:

Section 1. The following provisions shall be used in the implementation of the “No Contact Traffic Apprehension IMPLEMENTING GUIDELINES” of the City of Bacoor as embodied under City Ordinance No. CO10-2014:

IMPLEMENTING GUIDELINES 1
Preliminary Provisions

1.1. These Guidelines shall be known as the “No Contact Traffic Apprehension IMPLEMENTING GUIDELINES” of the City of Bacoor and shall be used as a guide to implement Sections 159 to 171 of City Ordinance No. 2013-047 (also known as the “Revised Traffic Code of the City of Bacoor”) as amended by City Ordinance No. CO 10-2014.

1.2. These Guidelines shall be implemented in conjunction with the various provisions of City Ordinance No. 2013-047 as amended and other related ordinances in coordination with the Land Transportation Office (LTO) and other pertinent laws and government regulations.

1.3. It shall be the IMPLEMENTING GUIDELINES of the City of Bacoor to promote the responsible use of roads and other public thoroughfares consistent with the duty of local government units to protect the general welfare. These Guidelines shall ensure that public safety is promoted through the implementation of no-contact traffic apprehension IMPLEMENTING GUIDELINES that introduces the indiscriminate, evidence-based, and comprehensive apprehension of traffic violators within the City of Bacoor, as laid out and defined in City Ordinance CO10-2014 and City Ordinance No. 2013-047.

IMPLEMENTING GUIDELINES 2
Coverage

2.1. These Guidelines shall cover all acts of driving, use, and/or operation of a motor vehicle, including but not limited to the observance of traffic signs and signals, illegal loading and unloading of passengers, and parking while on the roads and streets in the City of Bacoor.
IMPLEMENTING GUIDELINES 3
Definition of Terms

3.1. For purposes of these Guidelines, the terms hereunder shall be understood as follows:

a. Alarm - a condition that the LTO imposes on the registration of a certain motor vehicle. An Alarm prevents the registration or the renewal of registration of the motor vehicle;

b. Camera (also referred to "Red Light Camera") - a computer-operated, high-speed, all weather, image-capturing device that is approved and internationally recognized to be accurate by government or traffic management authorities in other countries. It is a camera which may be mounted beside or over a road or installed in any area viewing the road to detect various traffic regulation violations;

c. Camera Captures - images of detected traffic regulation violations, including speeding, vehicles going through a red traffic light, unauthorized use of a bus lane, or for recording vehicles inside a congestion charge area;

d. CCTV (Closed-Circuit Television) Camera - a video capturing device in which its signals are not publicly distributed and are used for monitoring, primarily for surveillance and security purposes.

e. Computerized Violation Notification System - is the software to be developed and operated by the private entity that will operate the red light cameras and its related equipment that would print out the Notices of Violation to be sent to the address of the registered owner/s of the vehicles found violating the Revised Traffic Code, other traffic related ordinances, and pertinent laws.

f. No-Contact-Apprehension - traffic management policy to be implemented by the BTMD that would enable the city government to record violations of traffic-related ordinances and laws with the use of a computer-based system that would automatically send notices of violation to erring motorists.

g. Motor Vehicle - any vehicle propelled by any power other than muscular power using the public highways, but excepting road rollers, trolley cars, street-sweepers, sprinklers, lawn mowers, bulldozers, graders, fork-lifts, amphibian trucks, and cranes if not used on public highways, vehicles which run only on rails or tracks, and tractors, trailers and traction engines of all kinds used exclusively for agricultural purposes.

h. Speed cameras - devices used to measure and record the speed of moving objects.

i. Summons -- a written order apprising the registered owner of a motor vehicle believed to have violated the Revised Traffic
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Code and other related traffic laws and regulations and giving him/her the opportunity to be heard and to defend himself/herself.

Traffic Violation Report – A documented report detailing the detected traffic regulation; a written notice to the Motor Vehicle Registered Owner of the traffic regulation violation committed. The said notice shall include the LTO Registered Name and Address of the registered owner of a vehicle, the type and make of the vehicle involved, and other important details that may be made available by the Land Transportation Office.

IMPLEMENTING GUIDELINES 4
“Meaning and Mechanics of the
“No Contact Traffic Apprehension Policy”

4.1. The “No Contact Traffic Apprehension Policy” pertains to the sending of Traffic Violation Reports (TVR) to the address of the registered owner of a vehicle that violates any provision of the Revised Traffic Code and of other traffic-related ordinances of the City of Bacoor and any traffic related laws of the Philippines even without being apprehended by a traffic enforcer. Provided that camera captures of the said vehicle as it was violating this Ordinance shall be attached to the said reports. Provided also that the time and date when the said violation was made shall be indicated in the said picture and reports.

4.2. The City Government shall install Red Light Traffic Cameras and/or speed cameras in all major intersections within the City of Bacoor. The “Red Light Traffic Cameras” are electronic devices that automatically take high speed, high resolution photos of vehicles that will beat a red light or enter a “yellow box” after a traffic light has turned red, break the speed limit, make wrong turns, travel against the flow of traffic, violate Section 85 of the Revised Traffic Code (also known as the truck ban), encroach upon or stay on a pedestrian lane near an intersection, or commit other violations of the Revised Traffic Code. Speed cameras are devices used to measure the speed of moving objects;

4.3. Only Red Light Cameras and speed cameras conforming to internationally accepted standards such as those already being successfully used and tested in the US, Canada, Europe, Australia, and other foreign countries shall be installed within the City of Bacoor;

4.4. The Red Light Camera system and speed cameras to be installed within the City of Bacoor shall continuously monitor the traffic situation in the intersections or on any other areas where they shall be installed on a 24/7 basis. Any vehicle entering the intersection after the traffic light has turned red shall automatically trigger the Red Light Cameras. On the other hand, designated personnel of the BTMD shall operate speed cameras that would then automatically take pictures of vehicles moving beyond the maximum speed limit. A vehicle that enters an intersection after the
traffic light located thereon has turned red, or that break the speed limit, make wrong turns, travel against the flow of traffic, violate the truck ban, swerves, travels out of line, or that commits other violations of the Revised Traffic Code as well as the driver of such vehicle shall be known henceforth as a "red light runner";

4.5. A series of photographs and video images (also known as "camera captures") showing the red light runner prior to the violation as well as the vehicle's progression through the intersection or on any road covered by a red light camera or speed camera shall be recorded and shall be accepted as evidence of such violation. Provided that the Bacoor Traffic Management Department (BTMD) shall keep records of such violations for at least two (2) months. Provided further that cases against the registered owners of red light runners should be filed within two (2) months from the date of the commission of the said offense. Provided lastly, that such recordings shall be provided by the BTMD to the Philippine National Police (PNP) or to the National Bureau of Investigation (NBI) in relation to any criminal investigation where such evidence may be needed;

4.6. The Red Light Cameras and speed cameras shall be calibrated in such a way that it will record the license plate of the red light runner as well as the date, time of day, and the time elapsed when the said violation was made;

4.7. The BTMD and/or the City Engineering Office shall install traffic lights and clearly marked and legible stop lines, "yellow boxes" in all intersections that will be equipped with Red Light Cameras, as well as other traffic signs where the Red Light Cameras and speed cameras shall be installed or located;

4.8. The yellow warning sign of traffic lights to be installed on the said intersections shall be set at three (3) seconds before the signal light turns red. Traffic signs shall be placed in strategic areas within the City of Bacoor advising motorists of the citywide coverage of the Red Light Camera and speed cameras system;

4.9. The use of non-transparent tints or tints that limit visibility to less than 70% on windshields of vehicles operating within the City of Bacoor shall be discouraged so as to enhance the evidence gathering capabilities of the Red Light Cameras and prevent the commission of crimes inside such vehicles. Vehicles with such tints shall be flagged down by BTMD personnel and the driver thereof shall be reminded that dark windshield tints limit visibility, exposes motorists to vehicular accidents, and limits the ability of the city government and of police authorities to assist him in case a crime is being committed inside his vehicle. Alternatively, the BTMD and/or by the City Engineering Office shall post signs advising the public of the dangers of using non-transparent windshield tints on various public places all over the City of Bacoor;

4.10. A motorist who drives past the stop line before the traffic control signal applicable to him turns red is not a red light runner;
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4.11. Where expressly allowed by a traffic sign to turn right anytime with care, a motorist, after executing a complete stop, may drive his vehicle and enter the intersection and turn right with care even if the traffic signals applicable to him has turned red;

4.12. A TVR shall be sent to the address of the registered owner of the red light runner within seven (7) days from the date the traffic violation occurred. Photographic evidence of such violation shall be attached to the receipt. If possible, the said evidence shall include a picture of the driver of the red light runner at the time the violation was made. The Land Transportation Office (LTO) shall also be furnished with a copy of the said ticket and photographic evidence;

4.13. Summons shall also be sent to the registered owner of the red light runner together with the TVR and he/she shall be given the opportunity to defend himself/herself in front of the Bacoor Traffic Appeals Board which is hereby created and shall be comprised of the following: (a) the Head of the BTMD, (b) the City Legal Officer, and (c) the Chairperson of the Committee on Traffic Management of the Sangguniang Panlungsod who shall also be its Presiding Officer;

4.14. The following provisions shall be printed on the back of the said summons:

"If you are (a) no longer the owner of the vehicle in question, or (b) you were not the one driving the vehicle in question when the traffic violation was made, please truthfully answer the following questions:

(1) What is the complete name of the new owner of the vehicle?

(2) What is your proof that you no longer own the said vehicle?
(State the title of written instrument transferring ownership, the date it was signed, and the name of the lawyer who notarized it.)

(3) If you still own the vehicle but you were not the one driving it at the time of the traffic violation, what is the full name of the person driving the vehicle at the time of the traffic violation?
(State his/her complete name)

(4) How is the said driver related to you?

(5) What is the license number and birth date of the said driver?

License

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No._________ Birthdate__________ (day/month/year)
(6) What is the complete residential/business address of the said driver?
________________________________________________________

(7) Do you swear that the information you provided above are all true? Yes___ No__

(8) Are you aware that providing false information in a public document such as this is against the law? Yes___ No__

4.15. If the purported red light runner is proven to have violated any provision of the Revised Traffic Code as amended, or of any traffic law, he/she shall be held liable to pay the appropriate fines as defined in the said Code or laws. If the purported red light runner proves his/her innocence, the charges against him/her shall be dismissed and expunged.

IMPLEMENTING GUIDELINES 5

Penalties

5.1. Persons who shall violate the foregoing provisions of these Guidelines shall be imposed a fine of P3,000.00 and, in case of tricycles, the cancellation of the Tricycle Franchise issued in favor of the operator of the said tricycle, if any. In case a red light runner commits various traffic violations in one instance (i.e., beating the red light while making a wrong turn, or over-speeding while beating the red light), the said person shall only be penalized once for the said violations. Provided that: The LTO shall have a share in all revenues collected by the City of Bacoor through the said agency's implementation of the "Motor Vehicle Registration Alert (MVRA)" system. Provided further that: The said share shall be remitted by the City of Bacoor to the LTO before the end of every fiscal year following the implementation of this Ordinance. Provided moreover that: the implementation of such income sharing scheme shall be preceded by the signing of a Memorandum of Agreement between the LTO and the City of Bacoor where the details of the said scheme as well as the manner by which the MVRA shall be implemented would be provided in accordance with law. Provided lastly that: the provisions of the said Memorandum of Agreement shall be deemed an integral part of these Guidelines.

5.2. Any violation of the provisions of the Revised Traffic Code shall be penalized with fines and/or community service, or both fine and community service, as provided in these Guidelines. Where the violator is not the registered owner of the vehicle, the deputized traffic enforcer shall issue a written notice or citation to the offending party. The violator shall have five working (5) days from the date of violation within which to redeem his license which shall only be released upon presentation of TVR and proof of payment of appropriate fines or rendition of community service. An additional surcharge of five percent (5%) for each day of delay or failure to pay the appropriate fine is hereby imposed until the full amount of fine and surcharge is paid.

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5.3. If the person violating any of the provisions of this Ordinance is a minor, his parents or guardians shall pay any fine imposed upon him. In no instance shall such minor be imprisoned or be subjected to any cruel, unusual, or dehumanizing punishment such as, but not limited to, the rendition of any menial labor or embarrassing task.

IMPLEMENTING GUIDELINES 6  
Grievance Machinery

6.1. The following complaints shall be brought before the City Legal Officer for investigation:

a) complaints against the behaviour of any employee assigned to or supervised by the BTMD;

b) complaints on the nature of infractions imputed to the violator, and

c) complaints on the penalties imposed.

6.2. The complaint should be in writing, signed by the complainant, and should be duly notarized. No fee or charge shall be imposed for the filing of such complaint.

6.3. Upon receipt of the complaint, the City Legal Officer will send a written Notice to the respondent, together with a copy of the complaint, directing the respondent to submit a written and notarized reply to the complaint within ten (10) days from the date of receipt. If the respondent fails to submit a reply, he shall be deemed to have waived his right to be heard.

6.4. The City Legal Office, may, in its discretion, summon the complainant and the respondent for clarificatory questioning. If the complainant fails to appear when so required, his complaint may be dismissed.

6.5. The City Legal Officer may also recommend to the City Mayor the preventive suspension of the respondent pending the investigation thereof consistent with pertinent provisions of law and civil service rules; Provided, that should the City Mayor approve the preventive suspension, such suspension shall not exceed sixty (60) days from receipt of written notice by the respondent; Provided moreover, that the salaries and benefits of the respondent shall be forfeited during the period of suspension if found guilty of the violation, and provided further, that such salaries and benefits shall be given to the respondent in case he is exonerated; Provided lastly, that the reimbursements shall not exceed 2 years worth of his salaries and benefits.

6.6. Within fifteen (15) days from either the receipt of the respondent's reply or upon termination of the clarificatory hearing, the City Legal Officer shall submit its findings and recommendation
to the City Mayor, who shall have fifteen (15) days within which to act thereon.

6.7. The City Mayor may decide to exonerate, declare the liability of the violator, or reduce the fines or penalty imposed but in no instance shall he be allowed to impose a penalty stiffer than the ones imposed herein. In case the City Mayor decides to reduce the fines or penalty to be imposed against the traffic violator, such reduction shall not exceed 50% of the fine imposed under these Guidelines or under the various ordinances of the City.

6.8. The City Mayor’s written disposition, shall be remanded to the City Legal Officer, which shall, in turn, send copies thereof to the parties within three (3) working days.

6.9. If the complaint is filed directly with the Office of the City Mayor, the City Mayor may either refer the complaint to the City Legal Officer for the conduct of the investigation as provided in the preceding Section or take direct action on the complaint. Upon due notice and summary hearing, the City Mayor may immediately remove or terminate the services of the respondent, in any of the following cases:

(a) When the charge is serious and the evidence of guilt is strong;

(b) When the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that he is guilty of the charges; and

(c) When the respondent is notoriously undesirable.

IMPLEMENTING GUIDELINES 7
Bidding and Procurement of Red Light Cameras and Other Related Equipment

7.1. The City Government shall acquire the necessary red light cameras and other related equipment to implement the provisions of these Guidelines and of the Revised Traffic Code subject to pertinent laws and government procurement regulations.

IMPLEMENTING GUIDELINES 8
Operation and Maintenance of the Red Light Cameras and Other Related Equipment

8.1. The City Mayor is hereby authorized to enter into formal agreements with the private sector subject to pertinent laws and government regulations in order to ensure that the red light cameras and other related equipment mentioned above are properly operated and maintained.

8.2. The City Mayor is further authorized to enter into an income sharing arrangement with any corporation that would emerge as the winning bidder or project proponent. Provided, that...
such arrangements should be in accordance with law and should not be disadvantageous to the government.

8.3. The winning bidder or project proponent shall be required to enter into a formal agreement that specifies the following minimum requirements:

8.3.1. The income sharing arrangement shall be for a period not exceeding twenty (20) years which may be reduced to a lesser period upon recovery by the winning bidder or project proponent of a reasonable rate of return from its initial investment. The formula to be used in determining the "reasonable rate of return" shall be the one provided under pertinent laws and government regulations of the Republic of the Philippines that are applicable to the said transaction.

8.3.2. All income derived from the operation of the red light cameras and other related equipment shall be deposited in a special trust fund under the name of the city government and of the winning bidder/project proponent.

8.3.3. The specific amount of the respective shares of the city government shall be specified in a Memorandum of Agreement to be reviewed and approved by the Sangguniang Panlungsod after the reasonable rate of return for which the winning bidder or project proponent is legally entitled to has been determined.

8.3.4. The respective shares of the city government and of the winning bidder/project proponent shall be taken from the net income derived from the operation of the red light cameras in relation to the implementation of these Guidelines, the Revised Traffic Code, the city's various traffic-related, and the various traffic-related laws of the Philippines where the red light cameras or its computerized violation notification system played a pivotal role in the apprehension of the erring motorists and in the collection of the pertinent fines.

8.3.5. The computerized violation notification system shall be operated and developed by the winning bidder or project proponent. The winning bidder or project proponent shall also be responsible to sending out the Notices of Violation to red light runners and shall advance the cost of mailing or delivering the said notices.

8.3.6. The winning bidder or project proponent shall maintain and operate the red light cameras and its related equipment such as the traffic lights and poles to which the said cameras are attached. The winning bidder or project proponent shall also agree to train at least four permanent employees of the city government in the operation, maintenance, and upgrading of the red light cameras and of the computerized violation notification system.

8.3.7. The winning bidder or project proponent shall agree to turnover the ownership of the red light cameras, its related
equipment, and the computerized violation notification system to the city government upon the expiration of its income-sharing arrangement.

8.3.8. Any traffic light or operating system to be provided by the winning bidder or project proponent in order to make the red light cameras or speed cameras operational should possess digital interconnectivity capabilities such that they can be centrally controlled by the Bacoor Traffic Management Department and may be accessed by the Philippine National Police, the Bureau of Fire Protection, or by the Bacoor Disaster Risk Reduction and Management Department during times of calamity or emergency.

IMPLEMENTING GUIDELINES 9
Qualifications of Interested Bidders and/or Project Proponents

The following requirements shall be complied with by any private corporation interested to participate in the implementation of the “No Contact Traffic Apprehension IMPLEMENTING GUIDELINES” as a bidder or project proponent:

9.1. The interested bidder or project proponent should be a domestic corporation duly organized and existing under Philippine laws which should be at least 70% Filipino owned;

9.2. The interested bidder or project proponent should have a capitalization equivalent to at least 30% of the total project cost at the time when the bidding took place or when the project proposal was submitted;

9.3. The interested bidder or project proponent should be the manufacturer or sole/exclusive distributor in the Philippines of any red light camera brand that is being manufactured in either the United States, Australia, Canada, or Japan;

9.4. The interested bidder or project proponent should have a project similar to the “No Contact Traffic Apprehension IMPLEMENTING GUIDELINES” and its components already in actual operation in any of the cities of the Philippines at the time of the bidding or when the project proposal was submitted;

9.5. The interested bidder or project proponent should have a type approval issued by a government institution abroad that regulates technologically advanced products such as red light cameras in order to verify the accuracy of the cameras that the interested bidder or proponent proposes to install in the City;

9.6. The interested bidder or project proponent should agree to all the provisions under IMPLEMENTING GUIDELINES 8 hereof and should submit a Deed of Undertaking indicating its agreement with the said provisions together with its project proposal or other bid documents;

9.7. The red light cameras to be installed, operated, and maintained by the interested bidder or project proponent in the City
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of Bacoor in case it wins in the bidding should possess the following minimum technical specifications:

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<td>Video Clips Length</td>
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| Surveillance Video Storage Length | 30-60 days                        |
| Surveillance Video Format         | NTSC/PAL                          |
| Ethernet Requirements             | Broadband                         |
| Remote System Connectivity        | Web-based                         |
| Remote System Testing             | Yes                               |
| Upload                            | FTP with on-board memory backup   |
| Image Data Bar                    | Integrated data bar embedded on the violation image |
| Troubleshooting                   | System fault emailing service to administrator |
| Power source                      | Electricity supplied by power utility, solar powered, and with power generator |

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Section 2. Repeal Clause.-- All existing ordinances, resolutions, and executive orders that are in conflict with, or that duplicates this ordinance or the foregoing Guidelines or any of its provisions are hereby repealed and/or modified accordingly.

Section 3. Separability Clause.-- If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 4. Effectivity.-- This ordinance shall take effect immediately after its publication at least once in a local newspaper of general circulation and after it has been posted on the bulletin boards of all the 73 barangays of the City of Bacoor.

Section 5. Dissemination.-- Let copies of this Ordinance be sent to the Office of the City Mayor and to all government departments, agencies, and offices concerned.

Section 6. Mandatory Information Dissemination.-- The Public Information Office of the City of Bacoor is hereby mandated to conduct a massive information campaign for at least thirty (30) days on the implementation of the foregoing Guidelines. The PIO is hereby authorized to coordinate with national media organizations to ensure the widest dissemination of information regarding the implementation of the "no contact apprehension IMPLEMENTING GUIDELINES".

UNANIMOUSLY APPROVED by the Sangguniang Panlungsod of the City of Bacoor on 15 June 2015.

I hereby certify that the foregoing Ordinance was duly approved in accordance with law and that the contents hereof are true and correct.

Certified by:

HON. CATHARINE S. EVARISTO
City Vice Mayor/Presiding Officer

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Republic of the Philippines
CITY OF BACOOR
Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

Attested by:

RAQUEL G. ALAGAR
Administrative Officer III

Approved by:

HON. STRIKE B. REVILLA, PhD
City Mayor

Attested by:

Certified by:

Approved by:

HON. STRIKE B. REVILLA
City Mayor

City Ordinance No. CO 28-2015, 15 June 2015