



Republic of the Philippines
Province of Cavite
City of Bacoor

PLMTH
OCT. 6, 2023
12:41 noon

5th SANGGUNIANG PANLUNGSOD

Committee on Public Transportation and Traffic Management
Committee on Finance, Budget and Appropriation

JOINT COMMITTEE HEARING REPORT NO. PTTM-012-2023

Subject: PCO 2023-113 – A CITY ORDINANCE REPEALING SECTION 29 OF CITY ORDINANCE NO. 11-2019 ENTITLED “AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CITY ORDINANCE NO. 2013-2 AS AMENDED BY CITY ORDINANCE NO. 2013-047 OTHERWISE KNOWN AS THE REVISED TRAFFIC CODE OF THE CITY OF BACOOR AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF”. (PCO 2023-113 SEPTEMBER 4, 2023).

This report states that the ordinance is to amend City Ordinance to recommend to abolish the Bacoor Traffic Management Trust Fund and revert to General Fund.

FINDINGS:

After careful investigation, review and deliberation, the CLFC discovered that there is an underutilization of funds of BTMTF.

The City Government of Bacoor mandate to increase the utilization of funds in order to provide quality and efficient service to its residents, the CLFC decided it will be more advantageous and practical to the City Government and the Bacooreños, to amend the recording of the funds in the BTMTF for this Year 2023 by recording in and reverting the same to the General Fund and to revise the disbursement of the BTMTF for Year 2024 onwards.

RECOMMENDATION:

Considering the objective of increasing the collection efficiently, it is more advantageous and practical to assign the Trust Fund under the BTMD to the General Fund with the assurance that the necessary programs and projects genuine to the purpose of its collection will be accordingly appropriated.



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After a thorough review of all the matters including the attached Resolution No. 1 s. 2023, passed by the CFLC, Committee on Public Transportation Traffic Management thru Committee Chairman Hon. Roberto L. Advincula, recommends to enact Ordinance relative to the above mentioned Proposed City Ordinance. Brought before its attention, the Committee recommends that this resolution be **APPROVED** by the Sangguniang Panlungsod.

WE HEREBY CERTIFY that the contents of the foregoing report are true and correct.

Signed this 7th day of September 2023 at the City of Bacoor, Cavite.

Committee on Public Transportation and Traffic Management

COUN. ROBERTO L. ADVINCULA

Chairman

COUN. ADRIELITO G. GAWARAN

Vice Chairman

COUN. REYNALDO FABIAN

Member

COUN. MICHAEL SOLIS

Member

COUN. ROGELIO NOLASCO

Chairman

Committee on Finance, Budget and Appropriation

COUN. REYNALDO PALABRICA

Member

Committee on Finance, Budget and Appropriation



Republic of the Philippines
Province of Cavite
City of Bacoor

5th SANGGUNIANG PANLUNGSOD

Committee on Public Transportation and Traffic Management
Committee on Finance, Budget and Appropriation

JOINT COMMITTEE HEARING MINUTES

NO. PTIM-012-2023

Subject: *PCO 2023-113 – A CITY ORDINANCE REPEALING SECTION 29 OF CITY ORDINANCE NO. 11-2019 ENTITLED “AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CITY ORDINANCE NO. 2013-2 AS AMENDED BY CITY ORDINANCE NO. 2013-047 OTHERWISE KNOWN AS THE REVISED TRAFFIC CODE OF THE CITY OF BACOOR AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF”. (PCO 2023-113 SEPTEMBER 4, 2023)*

The Committee hearing was held on September 07, 2023 at 11:00 am. It was presided over by the Committee Chairman, Hon. Roberto L. Advincula together with Committee Vice Chairman Hon. Adrielito Gawaran, Committee Member Hon. Reynaldo Fabian and Hon. Michael Solis. In attendance were Hon. Reynaldo Palabrica and Hon. Rogelio Nolasco, Ms. Liezel Saluyo from the Office of Hon. Karen Sarino-Evaristo, Mr. Gerardo Foz from Bacoor Traffic Management Office, City Budget Officer Ms. Elvinia Guerrero, City Treasurer Atty. Edith Napalan and Ms. Jovita Diola from Accounting Office.

As explicated by Ms. Elvinia Guerrero Head of the Bacoor City Budget Office, the Resolution No. 01 s.2023 they pass of the City Local Finance Committee is to recommend the enactment of the ordinance abolishing the Bacoor Traffic Management Trust Fund and reverting all unused funds to the General Fund and the recording of all subsequent funds accumulated by the Bacoor Traffic Management Department under the General Fund. This will increase the Local Revenue of the City of Bacoor. Hon. Rey Palabrica simply explained also the objective of the said ordinance and to be independent from our local fund resources.



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Mr. Gerry Foz told that there is no objection on this matter coming from the office of the BTMD Chief. They will abide and support the innovation of the Local Government of Bacoor.

After all the discussion and no other matters to be discussed the Presiding Officer adjourned the meeting at exactly 11:45am.

Prepared By:

EVELYN L. AMORA

Clerk

Attested By:

COUN. ROBERTO L. ADVINCULA

Chairman



Republic of the Philippines
Province of Cavite
City of Bacoor

5th SANGGUNIANG PANLUNGSOD



NOTICE OF JOINT COMMITTEE HEARING NO. PTTM-012-2023

Page 1

PCO 2023-113 – A CITY ORDINANCE REPEALING SECTION 29 OF CITY ORDINANCE NO. 11-2019

An ordinance amending certain provisions of City Ordinance No. 2013-2 as amended by City Ordinance No. 2013-047 otherwise known as the revised traffic code of the City of Bacoor and providing penalties for violations hereof.



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Province of Cavite

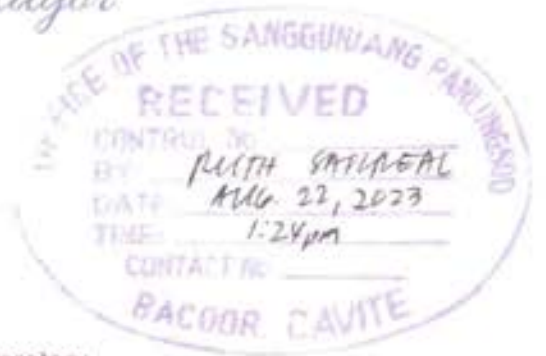
CITY OF BACOOR

Office of the Mayor

17 August 2023

HON. ROWENA BAUTISTA-MENDIOLA

City Vice Mayor of Bacoor
Bacoor Government Center
Bacoor, Cavite



THRU: Atty. Khalid Atega, Jr.
Sanggunian Panlungsod Secretary

SUBJECT: Request for the Passage of a City Ordinance
Repealing Section 29 of City Ordinance No. 11-2019



Dear Hon. Bautista-Mendiola:

The City Local Finance Committee (CLFC), after careful investigation, review, and deliberation, discovered that there is an underutilization of funds in the Bacoor Traffic Management Trust Fund (BTMTF). Since it is the City Government's continuing objective to increase the utilization of funds in order to provide quality and efficient service to its residents, the CLFC decided it will be more advantageous to the City Government and its residents and more practicable to amend the recording of the funds in the BTMTF for this Year 2023 by recording in and reverting the same to the General Fund, and to revise the disbursement of the BTMTF from Year 2024 onwards.

Attached herewith is the City Local Finance Committee Resolution No. 1, Series of 2023 with the abovementioned recommendation, for your reference.

In view thereof, I respectfully request the esteemed members of the Sangguniang Panlungsod to perform the appropriate actions to pass a City Ordinance that will repeal Section 29 of City Ordinance No. 11-2019 otherwise known as An Ordinance Amending Certain Provisions of City Ordinance No. 2013-2, as Amended by City Ordinance No. 2013-047, the Revised Traffic Code of the City of Bacoor.

Respectfully yours,


STRIKE B. REVILLA
City Mayor 

 Office of the Mayor 
Strike B. Revilla



SBR2023-1577



STRIKE AS

2000 Bldg. Bacoor Government Center, Mayor Bldg. Strip, Bacoor, City of Cavite, Cavite
 Contact No. 434-1911 | Website: www.bacoor.gov.ph

SCAN ME



OFFICE OF THE CITY LEGAL SERVICE

ENDORSEMENT NO. 567 SERIES of 2023

TO : **HON. STRIKE B. REVILLA**
City Mayor

THRU : **Atty. PAUL MICHAEL G. SANGALANG**
Office of the City Mayor

SUBJECT : **FOR ENDORSEMENT TO THE SANGGUNIANG PANLUNGSOD**
Re: Request for the Passage of a City Ordinance Repealing
Section 29 of City Ordinance No. 11-2019

DATE : 17 AUGUST 2023

Paul Sangalang
SANGALANG
8/17/23 2:40 PM

Respectfully endorsing to your good office the draft Endorsement to the Sangguniang Panlungsod Re: Request for the Passage of a City Ordinance Repealing Section 29 of City Ordinance No. 11-2019, as attached.

The City Local Finance Committee (CLFC), after careful investigation, review, and deliberation, discovered that there is an underutilization of funds in the BTMTF. Since it is the City Government's continuing objective to increase the utilization of funds in order to provide quality and efficient service to its residents, the CLFC decided it will be more advantageous to the City Government and its residents and more practicable to amend the recording of the funds in the BTMTF for this Year 2023 by recording in and reverting the same to the General Fund, and to revise the disbursement of the BTMTF from Year 2024 onwards.

Attached herewith are the ff. documents. (1) City Local Finance Committee Resolution No. 1, Series of 2023 with the abovementioned recommendation and (2) Proposed City Ordinance, for your reference.

All things having been found to be in order, we hereby endorse to your good office the above-mentioned draft, for the approval and signature of the Honorable Mayor Strike B. Revilla and further endorsement to the Sangguniang Panlungsod for the enactment of its corresponding City Ordinance.

Thank you very much!

Respectfully,

Marius D. Sumira
ATTY. MARIUS D. SUMIRA
Office of the City Legal Service

Approved by:

Rey Marco B. Mendoza
Atty. REY MARCO B. MENDOZA
Office of the City Legal Service





CITY LOCAL FINANCE COMMITTEE

Resolution No. 01 s. 2023

A RESOLUTION RECOMMENDING THE ENACTMENT OF AN ORDINANCE ABOLISHING THE BACOOR TRAFFIC MANAGEMENT TRUST FUND AND REVERTING ALL UNUSED FUNDS TO THE GENERAL FUND AND THE RECORDING OF ALL SUBSEQUENT FUNDS ACCUMULATED BY THE BACOOR TRAFFIC AND MANAGEMENT DEPARTMENT UNDER THE GENERAL FUND.

WHEREAS, City Ordinance No. CO 11-2019 or An Ordinance Amending Certain Provisions of City Ordinance No. 2013-2 as Amended by City Ordinance No. 2013-047 Otherwise Known as the Revised Traffic Code of the City of Bacoor and Providing Penalties for Violations Hereof created the Bacoor Traffic Management Trust Fund. To wit:

"Section 29. Amendments to Section 53, 54, 55, and 56 of the Revised Traffic Code. Particularly the amendment in section 56.

Section 56. Creation of the Bacoor Traffic Management Trust Fund. There is hereby created a Bacoor Traffic Development Trust Fund generated from all receipts from franchising, supervisory and regulatory fees, fines, and surcharges set forth in this Ordinance, including parking charges, terminal fees, towing fees, and similar imposition for specific services rendered.

All payments, collections, and interest earnings of the said Trust Fund shall be directly remitted to the Office of the City Treasurer and the City Accountant shall keep and maintain a special account therefor. All records related thereto shall likewise be in the custody of the City Accountant.

xxx

The remainder of the trust fund shall be disbursed by the BTMD only to finance traffic improvement projects in the City of Bacoor, the operational and training expenses of the BTMD, including the maintenance of its facilities and checkpoints, the purchase of vehicles, uniforms, cctv, and body cameras, and other equipment and the purchase and maintenance of traffic control and safety devices. Any unused balance at the end of the fiscal year in excess of 25% of the previous year's expenditures shall revert to the city government's general fund.

WHEREAS, a Trust Fund is defined by the Local Government Code under Section 309 (b) as follows:

"(b) Trust Funds shall consist of private and public monies which have officially come into the possession of the local government or of a local government official as trustee, agent or administrator, or which have been received as a guaranty for the fulfillment of some obligation. A trust fund shall only be used for the specific purpose for which it was created or for which it came into the possession of the local government unit."

WHEREAS, the General Fund is defined by the Local Government Code under Section 308. To wit:





"Section 308. Local Funds. - Every local government unit shall maintain a General Fund which shall be used to account for such monies and resources as may be received by and disbursed from the local treasury. The General Fund shall consist of monies and resources of the local government which are available for the payment of expenditures, obligations or purposes not specifically declared by law as accruing and chargeable to, or payable from, any other fund."

WHEREAS, in a meeting of the City Local Finance Committee dated 13 June 2023, the Committee observed that the various Trust Funds under the City Government have the tendency to reduce the reported collections under the General Fund because they are not included under the budgeting and accounting rules;

WHEREAS, considering the objective of increasing the collection efficiently, it is more advantageous and practicable to assign the Trust Fund under the Bacoor Traffic Management Department (BTMD) to the General Fund with the assurance that the necessary programs and projects germane to the purpose of its collection will be appropriated accordingly;

WHEREAS, under Section 458 (a)(2)(xii) of the Local Government Code empowered the Sangguniang Panlungsod to:

"Approve the annual and supplemental budgets of the city government and appropriate funds for specific programs, projects, services and activities of the city, or for other purposes not contrary to law, in order to promote the general welfare of the city and its inhabitants;"

WHEREAS, Section 11 (2)(i) of Republic Act No. 10160 or the Charter of the City of Bacoor also empowered the Sangguniang Panlungsod to:

"(i) Approve the annual and supplemental budgets of the city government and appropriate funds for specific programs; projects, services and activities of the City, or for other purposes not contrary to law, in order to promote the general welfare of the City and its inhabitants: Provided, That no annual or supplemental budget shall be approved without deliberation and hearing to be attended by the respective heads of all the departments, units or offices of the city government and by reputable representatives of civil society, church groups, irrespective of denomination, and the media;"

WHEREAS, it is declared as a Fundamental Principle in Local Fiscal Administration, particularly under Section 305 (e) of the Local Government Code that:

"(e) Trust funds in the local treasury shall not be paid out except in fulfillment of the purpose for which the trust was created or the funds received."

WHEREAS, the second paragraph of Section 344 provides for the disbursement of special or trust funds as follows:

"In cases of special or trust funds, disbursements shall be approved by the administrator of the fund."

WHEREAS, there is a need to amend City Ordinance No. CO 11-2019 to abolish the Bacoor Traffic Management Trust Fund and revert the unutilized





amounts therein to the General Fund and record all the subsequent funds received by the same Department to the General Fund;

WHEREAS, the collections accruing to the BTMD Fund are no different from local tax and regulatory collections, and no specific external funding s are expected to be transferred thereto;

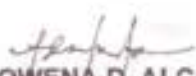
WHEREAS, the Amending Ordinance shall also provide assurance that the collected fund that will be reverted or recorded to the General Fund shall be used or disbursed for the purposes enumerated in Section 29 of City Ordinance No. CO 11-2019 to ensure unhampered and efficient delivery of public service in transportation, traffic management, and public safety by January 2024;


NOW THEREFORE, pursuant to the authority of this committee to formulate or adopt such policy or plan of action that will ensure the effective discharge of its functions, the City Local Finance Committee, **RESOLVED** to recommend to the City Mayor the following:

1. To amend City Ordinance No. CO 11-2019 for the purpose of abolishing the Bacoor Traffic Management Trust Fund effective 2024;
2. To revert all unutilized funds therein to the General Fund and to record all subsequent thereafter under the General Fund; and
3. To have the amending ordinance provide assurance that the necessary programs and projects germane to the purpose of its collection will be appropriated accordingly.

Done this 13 June 2023 at Bacoor City, Cavite.



ATTY. AIMEE T. NERI
Chairperson


RHOWENA D. ALCANTARA
Vice Chairperson


ELVINIA S. GUERRERO
Member


ATTY. EDITH C. NAPALAN
Member


ABBEY CHARLES F. GAWARAN
Member


ENGR. ALLAN QUINATADCAN
Member


LODGENE G. ASUNCION
Member


CHRISTIAN T. GAWARAN
Member



Proposed City Ordinance No. _____
Series of 2023

AN ORDINANCE REPEALING SECTION 29 OF CITY ORDINANCE NO. 11-2019 (REVISED TRAFFIC CODE OF THE CITY OF BACOR) CREATING THE BACOR TRAFFIC MANAGEMENT TRUST FUND FOR THE PURPOSE OF REVERTING ALL UNUSED FUNDS TO THE GENERAL FUND AND RECORDING OF ALL SUBSEQUENT FUNDS ACCUMULATED BY THE BACOR TRAFFIC AND MANAGEMENT DEPARTMENT TO THE GENERAL FUND.

WHEREAS, a Trust Fund is defined by the Local Government Code under Section 309 (b) as follows:

"(b) Trust Funds shall consist of private and public monies which have officially come into the possession of the local government or of a local government official as trustee, agent or administrator, or which have been received as a guaranty for the fulfillment of some obligation. A trust fund shall only be used for the specific purpose for which it was created or for which it came into the possession of the local government unit."

WHEREAS, the General Fund is defined by the Local Government Code under Section 308. To wit:

"Section 308. Local Funds. - Every local government unit shall maintain a General Fund which shall be used to account for such monies and resources as may be received by and disbursed from the local treasury. The General Fund shall consist of monies and resources of the local government which are available for the payment of expenditures, obligations or purposes not specifically declared by law as accruing and chargeable to, or payable from, any other fund."

WHEREAS, under Section 458 (a)(2)(iii) of the Local Government Code empowered the Sangguniang Panlungsod to:

"Approve the annual and supplemental budgets of the city government and appropriate funds for specific programs, projects, services and activities of the city, or for other purposes not contrary to law, in order to promote the general welfare of the city and its inhabitants;"

WHEREAS, Section 11 (2)(i) of Republic Act No. 10160 or the Charter of the City of Bacor also empowered the Sangguniang Panlungsod to:

"(i) Approve the annual and supplemental budgets of the city government and appropriate funds for specific programs;"

projects, services and activities of the City, or for other purposes not contrary to law, in order to promote the general welfare of the City and its inhabitants: Provided, That no annual or supplemental budget shall be approved without deliberation and hearing to be attended by the respective heads of all the departments, units or offices of the city government and by reputable representatives of civil society, church groups, irrespective of denomination, and the media;"

WHEREAS, it is declared as a Fundamental Principle in Local Fiscal Administration, particularly under Section 305 (e) of the Local Government Code that:

"(e) Trust funds in the local treasury shall not be paid out except in fulfillment of the purpose for which the trust was created or the funds received;"

WHEREAS, the second paragraph of Section 344 provides for the disbursement of special or trust funds as follows:

"In cases of special or trust funds, disbursements shall be approved by the administrator of the fund."

WHEREAS, City Ordinance No. CO 11-2019 or An Ordinance Amending Certain Provisions of City Ordinance No. 2013-2, as Amended by City Ordinance No. 2013-047 Otherwise Known as the Revised Traffic Code of the City of Bacoor and Providing Penalties for Violations Hereof, created the Bacoor Traffic Management Trust Fund and provided for the creation of the Bacoor Traffic Management Trust Fund("BTMTF"). To wit:

"Section 29. Amendments to Section 53, 54, 55, and 56 of the Revised Traffic Code. Particularly the amendment in section 56.

Section 56. Creation of the Bacoor Traffic Management Trust Fund. There is hereby created a Bacoor Traffic Development Trust Fund generated from all receipts from franchising, supervisory and regulatory fees, fines, and surcharges set forth in this Ordinance, including parking charges, terminal fees, mooring fees, and similar imposition for specific services rendered.

All payments, collections, and interest earnings of the said Trust Fund shall be directly remitted to the Office of the City Treasurer and the City Accountant shall keep and maintain a special account therefor. All records related thereto shall likewise be in the custody of the City Accountant.

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The remainder of the trust fund shall be disbursed by the BTMD only to finance traffic improvement projects in the City

of Bacoor, the operational and training expenses of the BTMD, including the maintenance of its facilities and checkpoints, the purchase of vehicles, uniforms, cctv, and body cameras, and other equipment and the purchase and maintenance of traffic control and safety devices. Any unused balance at the end of the fiscal year in excess of 25% of the previous year's expenditures shall revert to the city government's general fund."

WHEREAS, the City Local Finance Committee (CLFC), after careful investigation, review, and deliberation, discovered that there is an underutilization of funds in the BTMTF. Since it is the City Government's continuing objective to increase the utilization of funds in order to provide quality and efficient service to its residents, the CLFC decided it will be more advantageous to the City Government and its residents and more practicable to amend the recording of the funds in the BTMTF for this Year 2023 by recording in and reverting to the General Fund, and to revise the disbursement of the BTMTF from Year 2024 onwards;

WHEREAS, the City Local Finance Committee (CLFC) issued a CLFC Resolution No. 01, Series of 2023 recommending the approval of an ordinance that will amend the recording of the funds in the BTMTF for this Year 2023 by recording in and reverting to the General Fund, and that will abolish the BTMTF from the Year 2024 onwards;

NOW THEREFORE, be it **ORDAINED** by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite that:

Section 1. Amend Section 29 of CO 11-2019.

Section 29 of City Ordinance No. 11-2019 amending Section 56 of the Revised Traffic Code is hereby amended to read:

"Section 56.

xxx

c) Twenty percent (20%) of the total accumulated amount in the Trust Fundis to be shared equally by all the Units under the BTMD before the end of the fiscal year subject to compliance with all relevant government rules and policies.

d) The remaining seventy percent (70%) of the Trust Fund shall be recorded in and reverted to the General Fund and may be disbursed for purposes as may be defined by the local chief executive or in accordance with the usual rules and regulations for disbursement of the General Fund.

Provided further that before the end of everyFiscal Quarter, any unutilized collection or

funds in the Trust Fund allocated to traffic aides, barangays, and the BTMD in accordance with Section 56.a, 56.b, and 56.c of the Traffic Code, shall be recorded in and reverted to the General Fund.

All provisions of City Ordinance No. 11-2019, City Ordinance No. 2013-2, and City Ordinance No. 2013-047 inconsistent with this Section are hereby repealed.

Section 2. Recording of the unutilized funds in BTMTF for Year 2023.

All unutilized collections or funds under the BTMTF upon effectivity of this Agreement shall be recorded in and reverted to the General Fund.

Section 3. Effect of the Amendment stated in Section 1 of this Ordinance.

Starting 01 January 2023, the seventy percent (70%) allocation in the BTMF shall be automatically recorded in and reverted to the General Fund without prior need of approval.

Every start of Fiscal Quarter, any unutilized funds or collections from the thirty percent (30%) shall automatically be recorded in and reverted to the General Fund

Section 4. Separability.

In case certain provisions of this Ordinance are declared void by a court of law, the provisions hereof not affected by the said judicial declaration shall continue to have legal force and effect.

Section 5. Repeal.

All ordinances, resolutions, or executive orders inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 10. Effectivity.

This ordinance shall take effect immediately after its publication in a newspaper of general circulation as prescribed under the Local Government Code.

APPROVED this ___ day of _____ 2023 at the City of Bacoor, Cavite.