



Republic of the Philippines
Province of Cavite
City of Bacoor

Office of the Sangguniang Panlungsod
Received by: *[Signature]*
Date: 15 JUL 2024
By: *[Signature]*

5th SANGGUNIANG PANLUNGSOD

Committee on Public Transportation and Traffic Management
Committee on Rules and Privileges, Laws and Ordinances

JOINT COMMITTEE HEARING REPORT NO. PTTM-001-2024

Subject: AN ORDINANCE SUSPENDING THE COLLECTION OF PASS-THROUGH FEES FROM ALL MOTOR VEHICLES TRANSPORTING GOODS ON NATIONAL ROADS, CITY ROADS, AND PRIVATE RESIDENTIAL SUBDIVISION IN THE CITY OF BACOOR, CAVITE AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF (PCO 2023-139 dated November 20, 2023)

This report discussed an ordinance declaring the suspension of collection of pass-through fees from all motor vehicles transporting goods on national road, city roads, and private residential subdivision in the City of Bacoor, Cavite and imposing penalties for violations hereof. The proposed ordinance was referred to the Committee by the Sangguniang Panlungsod Presiding Officer, Hon. Rowena Bautista-Mendiola, on November 20, 2023.

FINDINGS:

The President of the Philippines issued Executive Order No. 41, entitled "PROHIBITING THE COLLECTION OF PASS-THROUGH FEES ON NATIONAL ROADS AND URGING LOCAL GOVERNMENT UNITS TO SUSPEND THE COLLECTION OF ANY FORM OF FEES UPON ALL TYPES OF VEHICLES TRANSPORTING GOODS UNDER SECTION 153 OR 155 OF REPUBLIC ACT NO. 7160 OR THE LOCAL GOVERNMENT CODE OF 1991" – directing a nationwide policy to alleviate economic burdens on goods transportation by suspending the collection of pass-through fee on national roads.

Representatives from various homeowner's associations attended and registered their objection to the inclusion of the private residential subdivision in the coverage of the proposed ordinance. They cited possible loss of income of the HOA through toll collection implemented pursuant to Magna Carta for HOA. The Committee suggest to remove the inclusion of private residential subdivision in the proposed ordinance. The Committee also instructed the City Legal Office to incorporate some changes and recommendations in the proposed ordinance.



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RECOMMENDATION:

After a thorough review of all the matters brought before its attention, the Committee recommends that proposed ordinance be renamed to "AN ORDINANCE SUSPENDING THE COLLECTION OF PASS-THROUGH FEES FROM ALL MOTOR VEHICLES TRANSPORTING GOODS ON NATIONAL ROADS, CITY ROADS, INCLUDING SOLIDARITY ROUTES WITHIN PRIVATE RESIDENTIAL SUBDIVISIONS IN THE CITY OF BACOOR, CAVITE AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF" and be **APPROVED** by the Sangguniang Panlungsod.

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

Signed this 26th day of February 2024 at the City of Bacoor, Cavite

Committee on Public Transportation and Traffic Management

COUN. ROBERTO L. ADVINCULA
Chairman

COUN. ADRIELITO G. GAWARAN
Vice Chairman

Member – Rules and Privileges, Laws and Ordinances

COUN. REYNALDO FABIAN
Member



Republic of the Philippines
Province of Cavite
City of Bacoor


5th SANGGUNIANG PANLUNGSOD

COUN. MICHAEL SOLIS
Member

Committee on Rules and Privileges, Laws and Ordinances



COUN. REYNALDO PALABRICA
Chairman



COUN. LEVY TELA
Vice Chairman



COUN. ALEJANDRO GUTIERREZ
Member



Republic of the Philippines
Province of Cavite
City of Bacoor

Office of the Sangguniang Panlungsod
Received by: Janet Pring
Date: 15 JUL 2024
By: [Signature]

5th SANGGUNIANG PANLUNGSOD

Committee on Public Transportation and Traffic Management
Committee on Rules and Privileges, Laws and Ordinances

JOINT COMMITTEE HEARING MINUTES NO. PTTM-001-2024

Subject: AN ORDINANCE SUSPENDING THE COLLECTION OF PASS-THROUGH FEES FROM ALL MOTOR VEHICLES TRANSPORTING GOODS ON NATIONAL ROADS, CITY ROADS, AND PRIVATE RESIDENTIAL SUBDIVISION IN THE CITY OF BACOOR, CAVITE AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF (PCO 2023-139 dated November 20, 2023)

This report discussed an ordinance declaring the suspension of collection of pass-through fees from all motor vehicles transporting goods on national road, city roads, and private residential subdivision in the City of Bacoor, Cavite and imposing penalties for violations hereof. The proposed ordinance was referred to the Committee by the Sangguniang Panlungsod Presiding Officer, Hon. Rowena Bautista-Mendiola, on November 20, 2023.

The committee hearing was held on February 01, 2024 at 10:00 am. It was presided over by the Committee Chairman, Hon. Roberto L. Advincula, with Committee Vice-Chairman Hon. Adrielito G. Gawaran, Committee Member Hon. Reynaldo Fabian together with Committee on Rules and Privileges, Laws and Ordinances Vice Chairman Hon. Levy Tela and Member Hon. Alejandro Gutierrez. It was also attended by Atty. Salve Valenciano from City Legal Services Office, Bacoor Homeowners Association Council Inc. (BHOACI) Secretary Mr. Ronaldo Digo, Federation of Springville City Homeowners Association Inc. (FOSCHAI) President Ms. Sunnybelle Basconillo and 9 President from various HOAs.

The Committee discussed the Executive Order No. 41 that was implemented by President Ferdinand R. Marcos Jr. that states prohibiting the collection of pass-through fees on National Roads and urging Local Government Units to suspend the collection of any form of fees upon all types of vehicles transporting goods. Committee Chair also mentioned that the City of Bacoor has to adopt the Executive Order No. 41 and presented the proposed ordinance of City of Bacoor.

Upon discussing the proposed ordinance Mr. Ronaldo Digo of BHOACI commented that stated in Executive Order No. 41 are only national and local government roads and there are no subdivision roads indicated. Unless it is properly donated to the Local Government Unit it is already owned by the City Government but mostly of the road lots in the subdivision are private roads. He mentioned that HOA will



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be affected because the collection of toll fees implemented in the subdivision are being used for the necessary expenses such as maintaining of road lots and payment to security guards. Also, he mentioned that it is indicated in the Board Resolution of each HOA.

Ms. Sunnybelle Basconcello, President of FOSCHAI, said that they have no problem with the proposed ordinance since it is indicated in the Internal Rules and Regulations (IRR) to not collect toll fees with the deliveries of goods when passing through Solidarity Routes in FOSCHAI. She also mentioned that major roads in FOSCHAI which are included in the Solidarity Route are mostly owned by the government and maintained by the government.

Atty. Salve Valenciano from City Legal Services Office suggest that the Solidarity Route subdivision can be included in the proposed ordinance since it is really a pass-through subdivision and cannot imposed collection of toll fees.

Mr. Ronaldo Digo express their request to remove in the proposed ordinance those private roads and private residential subdivision and only national and local government roads be included in the said proposed ordinance.


After the discussion of the proposed ordinance and hearing all the comments and suggestion, the Committee adjourned the hearing at exactly 10:47am.

Prepared By:



ARIANNE JANE C. BAUTISTA
Local Legislative Staff Assistant I

Attested By:



COUN. ROBERTO L. ADVINCULA
Chairman



Republic of the Philippines
Province of Cavite
City of Bacoor

5th SANGGUNIANG PANLUNGSOD

Office of the Sangguniang Panlungsod
Received by: Janet Pring
Date: 1-29-24
Time: 11:10 am

Committee on Public Transportation and Traffic Management

NOTICE OF JOINT COMMITTEE HEARING (PROOF OF RECEIPT)

February 01, 2024/10:00am

MSBR Conference Room, 4th Flr., City of Bacoor Legislative and Disaster Resilience Bldg.,
Bacoor Government Center

Subject: PCO 2023-139 – AN ORDINANCE SUSPENDING THE COLLECTION OF PASS-THROUGH FEES FROM ALL MOTOR VEHICLES TRANSPORTING GOODS ON NATIONAL ROADS, CITY ROADS, AND PRIVATE RESIDENTIAL SUBDIVISION IN THE CITY OF BACOR, CAVITE AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF.

NAME	BUSINESS/OFFICE AFFILIATION	CONTACT NUMBER	SIGNATURE/DATE
R. VERONA	SP		1/29/2024 <i>[Signature]</i>
df. neta	SP		1/29/24 <i>[Signature]</i>
R. TURANDA	SP		1/29/24 <i>[Signature]</i>
M. Pascual	SP		1/29/24 <i>[Signature]</i>
MARY MAUNIC	SP		1/29/24 <i>[Signature]</i>
F. SOMBRAND	SP		1/29/2024 <i>[Signature]</i>
GHIA OLLER	RHOACI	0917 415 4091	1/29/24 <i>[Signature]</i>
RUEL EUSEBIO JR.	HUDRD	00	1-29-24 <i>[Signature]</i>



Republic of the Philippines
Province of Cavite
City of Bacoor

5th SANGGUNIANG PANLUNGSOD

Office of the Sangguniang Panlungsod
Received by: Janet Priya
Date: 10/20/2024

Committee on Public Transportation and Traffic Management
Committee on Rules and Privileges, Laws and Ordinances

ATTENDANCE OF JOINT COMMITTEE HEARING

February 01, 2024/10:00am
MSBR Conference Room, 4th Flr., City of Bacoor Legislative and Disaster Resilience Bldg.,
Bacoor Government Center

Subject: PCO 2023-139 – AN ORDINANCE SUSPENDING THE COLLECTION OF PASS-THROUGH FEES FROM ALL MOTOR VEHICLES TRANSPORTING GOODS ON NATIONAL ROADS, CITY ROADS, AND PRIVATE RESIDENTIAL SUBDIVISION IN THE CITY OF BACOR, CAVITE AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF.

NAME	BUSINESS/OFFICE AFFILIATION	CONTACT NUMBER	SIGNATURE/DATE	
BENJAMIN DELA CRUZ	GUL EYE MAMA	0998 9381536	[Signature] 2-1-24	
Rodolfo Gamay	Orientevilla Marina	09281737393	[Signature]	
Norberto Lorenzo	PAULA HOMES	0721 747 2883	[Signature]	
Ronaldo N. Diga	BITATA	0917 36511 72	[Signature]	
FLORANTE LAURETA	CHERRY HOMES	09088112247	[Signature]	
ERICK DANIEL	ADAS 4	0919 8900730	[Signature]	
DONG AVORQUE	PVL MAMBONG 4	0998 5734085	[Signature]	
Atty. Galve Valenciano	OCLS		[Signature]	
Symbelle Basanti	FOSCAM	0917 8889621	[Signature]	
RODELINDA ROMERO	FOSCAM	0917 6612083	[Signature]	
BETH MISA	PH. 1 CENTRAL SQ.	0918 7779073	[Signature]	
RODOLFO B. DIGNO	ORIENTEVILLA MARINA	0919 8747661	[Signature]	
ARTHUR R. ALONSO	SAMPONO P3	09212343808	[Signature]	
COOP. LEY TABIAN	SP		[Signature]	
COOP. LEY TILA			[Signature]	
COOP. ALY BUTHERBY				[Signature]
COOP. APRIEL BANARAN				[Signature]
WILMELIZA GAYANG	FRANCE PARK	0993 5029368	[Signature]	

PROPOSED CITY ORDINANCE NO. 2023-__
Series of 2023

AN ORDINANCE SUSPENDING THE COLLECTION OF PASS-THROUGH FEES FROM ALL MOTOR VEHICLES TRANSPORTING GOODS ON NATIONAL ROADS, CITY ROADS, AND PRIVATE RESIDENTIAL SUBDIVISIONS IN THE CITY OF BACOR, CAVITE AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF.

Sponsored by:

Co-Sponsored by:

WHEREAS, Section 5, Article X of the Constitution grants Local Government Units (LGUs) the power to create their own sources of revenue and to levy taxes, fees, or charges, subject to guidelines and limitations as Congress may provide, in alignment with the policy of local autonomy.

WHEREAS, Section 153 of Republic Act (RA) No. 7160 (the "Local Government Code of 1991") as amended provides that LGUs are empowered to impose and collect reasonable fees and charges for services rendered, ensuring that such impositions are fair, equitable, and commensurate with the cost of the services provided.

WHEREAS, Section 155 of RA No. 7160 authorizes a local sanggunian to prescribe terms and conditions and fix the rates for the imposition of toll fees or charges for the use of public roads, piers, wharfs, waterways, bridges, ferries, or telecommunications systems funded and constructed by the LGU concerned.

WHEREAS, Section 133 (a) of RA No. 7160 stipulates that the taxing powers of LGUs shall not extend to the levy of taxes, fees, and charges on goods carried into, out of, or passing through the territorial jurisdictions of LGUs, including charges for wharfage, tolls for bridges, or any other form of taxes, fees, or charges upon such goods.

WHEREAS, on 25 September 2023, the President of the Philippines issued Executive Order No. 41, entitled "PROHIBITING THE COLLECTION OF PASS-THROUGH FEES ON NATIONAL ROADS

AND URGING LOCAL GOVERNMENT UNITS TO SUSPEND THE COLLECTION OF ANY FORM OF FEES UPON ALL TYPES OF VEHICLES TRANSPORTING GOODS UNDER SECTION 153 OR 155 OF REPUBLIC ACT NO. 7160 OR THE 'LOCAL GOVERNMENT CODE OF 1991' directing a nationwide policy to alleviate economic burdens on goods transportation by suspending the collection of pass-through fees on national roads.

WHEREAS, there exists a compelling economic necessity to curb inflation, which is exacerbated by increased transportation and logistical costs, directly impacting the cost of living and financial well-being of consumers.

WHEREAS, the necessity to curb inflation by lowering transportation costs is paramount in ensuring economic stability and growth, as well as in promoting the welfare of the general populace, by reducing the financial burden on both suppliers and consumers, and fostering a more equitable and efficient market environment.

NOW, THEREFORE, LET IT BE ORDAINED by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite, **THAT**:

Section 1. Title – This Ordinance shall be known and referred to as the "**Passing Through Fees San Ordinance of Bacoor**".

Section 2. Rationale – This Ordinance is founded upon the following basic economic facts:

- A) Pass-through fees, such as tolls and various levies on motor vehicles transporting goods, significantly increase transportation and logistics costs.
- B) Added costs in the transportation chain are often passed on to consumers in the form of higher prices. These costs, therefore, contribute to inflationary pressures, thereby affecting the cost of living and placing a financial burden on consumers.
- C) Fees imposed by residential subdivisions on motor vehicles transporting various goods create additional economic barriers that disrupt market efficiency and leads to an increase in the cost of basic commodities.
- D) Stabilizing commodity prices through reduced logistical and operational costs ultimately benefits consumers and public welfare; and
- E) The City Government of Bacoor is committed to enforce policies that foster public welfare and sustainable economic growth by

minimizing unnecessary financial strains on the supply chain of goods.

Section 3. Definition of Terms – As used in this Ordinance, the following terms are defined as follows:

- A) Pass-Through Fees:** Charges imposed on motor vehicles transporting goods while using public or private roads. This includes, but is not limited to, toll fees, sticker fees, discharging fees, delivery fees, market fees, entry fees, and Mayor's Permit Fees.
- B) Toll Fees:** Charges imposed on vehicles for using a particular stretch of road, usually a highway or a bridge. Toll fees are typically collected to recover the cost of road construction and maintenance. They can be fixed fees or vary based on vehicle type, distance traveled, or time of day.
- C) Sticker Fees:** Fees charged for issuing a sticker or decal that authorizes a vehicle to access certain areas, use specific facilities, or denote payment of certain dues. These are often used in residential areas, schools, or business complexes to manage parking or traffic within these zones.
- D) Discharging Fees:** Charges levied for unloading goods or merchandise from a vehicle at a designated area, such as a warehouse, market, or dock. These fees are typically imposed to cover the costs associated with the unloading process, including labor and use of equipment.
- E) Delivery Fees:** Fees charged for transporting goods from one location to another. Delivery fees can vary based on distance, size and weight of the goods, urgency of delivery, and the type of vehicle used.
- F) Motor Vehicles:** Any self-propelled vehicles used for transporting passengers or goods on roads. This includes cars, trucks, buses, motorcycles, and other similar vehicles.
- G) Goods, Merchandise, or Cargo:** These terms generally refer to items being transported for commercial purposes. 'Goods' and 'merchandise' often refer to products that are sold or traded, including consumables, raw materials, and manufactured items. 'Cargo' is a broader term that encompasses all types of freight carried by a vehicle, including goods, merchandise, and other items such as personal belongings or equipment.
- H) Motor Vehicles Transporting Goods:** Any motorized vehicle used for the purpose of transporting goods, merchandise, or cargo. This encompasses a range of vehicles including trucks, vans, trailers, and other similar vehicles designated for goods transportation.

- I) **National Roads:** Public roads that are constructed, maintained, and administered by the national government or its designated agencies.
- J) **City Roads:** Roads that are constructed, maintained, and administered by the city government or its designated local authorities.
- K) **Residential Subdivisions:** Privately owned housing developments which consist of residential lots and commonly shared spaces, including internal roads and amenities already owned by the City Government and/or being fully or partly maintained by the City Government using public funds.
- L) **Goods or Merchandise:** Items or products transported for commercial purposes, including but not limited to, consumables, food, raw materials, manufactured products, and other tangible items intended for trade or sale.
- M) **Inflationary Pressures:** Economic conditions characterized by an increase in prices, which may be influenced by increased costs in production, transportation, and other related services.
- N) **Market Efficiency:** The optimal allocation and utilization of resources within the market, characterized by an equitable distribution of goods and services and minimal barriers to trade and transportation.
- O) **Operational Costs:** Expenditures incurred in the process of transporting goods, including fuel, vehicle maintenance, and other related expenses.

Section 4. Scope – This Ordinance shall have the following scope:

- A) **Types of Vehicles** – All motor vehicles transporting goods, merchandise, or cargo on any national road, city road, or through private residential subdivisions within the territorial jurisdiction of the City of Bacoor. This includes, but is not limited to, trucks, vans, trailers, and other similar motor vehicles designated for goods transportation.
- B) **Types of Fees:** All types of pass-through fees, as defined in Section 2 of this Ordinance, including toll fees, sticker fees, discharging fees, delivery fees, market fees, entry fees, and Mayor's Permit fees, that are imposed upon motor vehicles transporting goods by residential subdivisions and the City Government. This Ordinance does not apply to fees that are not classified as pass-through fees as defined in this Ordinance, such as fees that are imposed for regulatory purposes, such as licensing, inspections, or compliance with safety and environmental standards.
- C) **Type of Roads** – National roads, city roads, and private residential subdivision roads.

Section 5. Suspension of Pass-Through Fees for Motor Vehicles Transporting Goods - In accordance with Executive Order 41, Section 1, and in pursuit of promoting economic stability and reducing inflationary pressures, the collection of all pass-through fees, as defined in Section 2(A) of this Ordinance, is hereby suspended with immediate effect. This suspension applies to all motor vehicles transporting goods, merchandise, or cargo, as detailed in Section 2(H) and Section 3(A) of this Ordinance.

This suspension encompasses all national roads and city roads within the territorial jurisdiction of the City of Bacoor, as defined in Section 2(I) and Section 3(J).

The suspended fees include toll fees, sticker fees, discharging fees, delivery fees, market fees, entry fees, Mayor's Permit fees, and any other fees that are imposed on the basis of mere use of roads.

Section 6. Prohibition on Imposing the Same or Similar Fees by Private Residential Subdivisions - Consistent with the principles established in Section 1 EO 41 and the rationale of this Ordinance, private residential subdivisions, as defined in Section 2(K), are hereby prohibited from imposing any pass-through fees or any similar charges upon motor vehicles transporting goods through the roads of the said gated communities.

This prohibition includes all fees that are analogous to or serve the same function as the pass-through fees defined in Section 2(A), regardless of the terminology or method of imposition used by the homeowners' associations of the said residential subdivisions.

Section 7. Penalties - Any individual, entity, or subdivision that engages in the unauthorized collection of pass-through fees on motor vehicles transporting goods and cargo shall be subject to a fine of Two Thousand Pesos (PHP 2,000.00). Each instance of fee collection or imposition in contravention of this Ordinance shall constitute a separate violation.

Additionally, all money that was collected as pass-through fees or similar fees shall be forfeited in favor of the City Government.

Section 8. Persons Liable - The following may be held liable under this Ordinance:

- A) **Subdivision Administrators or Managers:** If a private residential subdivision imposes unauthorized fees, the individuals in charge of administering or managing the subdivision shall be held liable. This could include the head of the homeowner's association, property managers, or other officials responsible for decision-making within the subdivision.
- B) **Toll Operators or Staff:** Employees or operators of toll booths or similar setups on roads where these fees are collected shall be held liable. If they are acting under orders from higher management or as part of established subdivision policies, this shall not apply.
- C) **Individual Homeowners or Residents:** In cases where individual homeowners or residents of a subdivision take it upon themselves to impose or collect these fees, they shall be held personally liable.
- D) **Security Personnel or Gatekeepers:** If security personnel or gatekeepers are involved in collecting these fees at the entrances or exits of subdivisions or specific roads, they shall be liable. This shall not apply if they are enforcing these fees upon orders or as part of their job responsibilities and their employment will be at risk of termination if they do not comply with such orders or responsibilities.
- E) **Local Government Officials:** If local government officials are found to be involved in authorizing or enforcing the collection of these unauthorized fees, they shall be held accountable under this section.
- F) **Corporate Entities or Business Owners:** If the subdivision is owned or operated by a corporate entity or a business owner, the legal entity itself shall be held liable.
- G) **Any Other Individuals or Entities Involved in Collection:** This could include any other individuals or entities that are directly involved in the unauthorized collection of fees, in any capacity.

Section 9. Repealing Clause. All Ordinances, orders, and rules inconsistent with the provisions of this Ordinance are hereby modified or repealed accordingly.

Section 10. Separability Clause. Any provision of this Ordinance not declared void or unconstitutional by the proper court of law shall remain valid.

Section 11. Effectivity - This Ordinance shall take effect after ten (10) days from the date a copy is posted in a bulletin board at the entrance of the City Hall of Bacoor and in at least two (2) other conspicuous places in the City of Bacoor.

ENACTED this __th day of _____ 2023 by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite.

I hereby certify that the foregoing Ordinance was approved in accordance with law by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite.

Certified by:

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor/Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary

Approved by:

HON. STRIKE B. REVILLA
City Mayor
Date of Approval: _____



Republic of the Philippines
Province of Cavite
City of Bacoor

5th SANGGUNIANG PANLUNGSOD

Committee on Public Transportation and Traffic Management
Committee on Rules and Privileges, Laws and Ordinances

JOINT COMMITTEE HEARING REPORT NO. PTTM-001-2024





Republic of the Philippines
Province of Cavite
City of Bacoor

5th SANGGUNIANG PANLUNGSOD

