

EXCERPTS FROM THE MINUTES OF THE 30TH REGULAR SESSION OF THE SANGGUNIAN BAYAN OF BACOR, CAVITE HELD AT THE SESSION HALL, BACOR MUNICIPAL HALL, BACOR, CAVITE ON THE 31ST DAY OF MARCH 2008.

PRESENT:

HON. MIGUEL N. BAUTISTA ----- Acting Presiding Officer

HON. ROLANDO S. REMULLA ----- Councilor

HON. AVELINO B. SOLIS ----- Councilor

HON. HUBERT V. GERVACIO ----- Councilor

HON. REYNALDO M. FABIAN ----- Councilor

HON. NORMITA D. CELESTINO ----- Councilor

HON. AVELINO S. DE CASTRO ----- Councilor

HON. BAYANI M. DE LEON ----- Councilor

HON. GIANNE LOUISE OLEGARIO ----- Councilor (SKF-Pres)

HON. CATHERINE SARINO ----- Councilor (ABC-Pres.)

**Municipal Ordinance No. 4-C
Series of 2008**

AN ORDINANCE ENACTING THE TRAFFIC CODE OF BACOR.

Sponsored by Councilor Hubert Gervacio

WHEREAS, pursuant to the powers of the Sangguniang Bayan of Bacor, Cavite, its members conducted a series of public hearings in aid of legislation intended to address the vehicular traffic situation and road use practices within the municipality, among others.

WHEREAS, the Sangguniang Bayan hired legal consultants for the purpose of determining the existence of any municipal ordinance pertaining to the above-mentioned issue and assist the Sangguniang Bayan in drafting the necessary legislation to address the same.

WHEREAS, after conducting the necessary consultations and public hearing, a draft ordinance entitled the "Traffic Code of Bacor" was presented to the Sangguniang Bayan for review and consideration.

WHEREAS, after a thorough deliberation on the merits of the said proposed municipal ordinance, the Sangguniang Bayan decided to suspend its Internal Rules and proceeded to vote on the said piece of legislation;

NOW, THEREFORE:

Be it ordained by the Sangguniang Bayan of Bacoor, Cavite in regular session assembled upon motion of Councilor Hubert Gervacio and unanimously seconded by all its members that:

Section 1. The Traffic Code of Bacoor is hereby unanimously enacted. A copy of the said municipal ordinance is attached hereto as **Annex "A"**.

Section 2. Should any provision of the said municipal ordinance be declared void, the remaining provisions of the above-mentioned ordinance not affected thereby shall remain valid and in effect.

Section 3. The said ordinance shall take effect immediately after its publication in a newspaper of general circulation.

Section 4. Let copies of the said municipal ordinance be sent to the Office of the Municipal Mayor and to all the concerned departments of the municipal government of Bacoor, Cavite.

ENACTED by the Sangguniang Bayan of Bacoor, Province of Cavite this 31st day of March, 2008.

Attested by:


ORIGINAL SIGNED
ATTY. KHALID A. ATEGA JR.
Secretary to the Sangguniang Bayan

Certified by:

ORIGINAL SIGNED

HON. ROSETTE M. FERNANDO
Vice Mayor/Presiding Officer

Approved by:

ORIGINAL SIGNED

HON. STRIKE B. REVILLA
Municipal Mayor

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TRAFFIC CODE

ARTICLE I Preliminary Provisions

Section 1. Definitions. As used in this Chapter:

- a. **Motor Vehicle** – shall mean any vehicle propelled by any power other than muscular power using the public highways, but excepting road rollers, trolley cars, street-sweepers, sprinkles, lawn mowers, bulldozers, graders, forklift, 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 use exclusively for agricultural purposes.
- b. **Driver** – shall mean every operator of a motor vehicle.
- c. **Highways** – shall mean every public thoroughfare, public boulevard, driveway, avenue, park, alley and callejon, but shall not include roadway upon grounds owned by private persons, college, universities or other similar institutions.
- d. **Parking or Parked** – shall mean that a motor vehicle has been brought to a stop on the shoulder or proper edge of a highway, and remains inactive in that place or close thereto for an appropriate period of time. A motor vehicle which properly stops merely to discharge a passenger or to take in waiting passenger, or to load or unload a small quantity of freight with reasonable dispatch shall not be considered as "parked", if the motor vehicle again moves away without delay.
- e. **Public Utility Transport** – shall mean public utility vehicles such as Public Utility Buses (PUBs), Public Utility Jeepney (PUJs) Multi-cab (FILCABs), Public Utility Tricycle (PUTs) and Shuttle Service Vehicles (SSVs);
- f. **Route Rationalization** – shall mean as the proper and reasonable determination of route plans and operation of public transportation with consideration to road usage and capacity, loading and unloading zones for passenger commuters; and public transport terminal which are aimed at promoting public welfare and safety;
- g. **Bacoor Route Sticker** – shall mean as the adhesive device which shall be pasted in the front windshield of a Public Utility Transport vehicle intended to determine the compliance of the vehicle for the purpose of this Code;
- h. **DOTC** – shall mean the Department of Transportation and Communications;
- i. **LTFRB** – shall mean the Land Transportation Franchising and Regulatory Board;
- j. **RMC** – shall mean Route Measurement Capacity;
- h. **Out Of Line Vehicles** – are Public Utility Transport vehicles which possess a legitimate franchise decision from the LTFRB but are operating on the routes not covered or stipulated in their franchise decision;
- i. **Colorum Vehicles** – are privately owned vehicles which do not possess any legitimate franchise to operate in any route. These vehicles are illegally operating as Public Utility Transport;
- k. **PUB** – shall mean Public Utility Buses;
- l. **PUJ** – shall mean Public Utility Jeepney;
- m. **FILCAB** – shall mean as Multicab Passenger Vehicles;
- n. **ACV** – shall mean as Air-conditioned Vans;
- o. **PUT** – shall mean as Public Utility Tricycles;
- p. **SSV** – shall mean as Shuttle Service Vehicles;

- q. **RSIRR** –Route Sticker Implementing Rules and Regulations;
- r. **LTO** – shall mean as the Land Transportation Office;
- s. **BTMO** – shall mean as the Bacoar Traffic Management Office;
- t. **Route** – shall mean as the course of road networks or direction that the Public Transport operates as its legal line of operation;
- u. **Commuters** – shall mean as the riding public;
- v. **Traffic Code** – shall refer to this Code
- w. **Franchise** – shall mean the legitimate document of entitlement of public utility vehicle/s to operate within a specific route of road networks and directions. This document is issued by the LTFRB.

Section 2. Number Gender Tense. Whenever consistent with the context of this subtitle, words in the present, past or future tenses shall be construed to be interchangeable with each other, words in the singular number shall be construed to include the plural, words in the plural shall be construed to include the singular, and words in any gender shall apply to the feminine, masculine and neuter genders.

Section 3. Existing Permits to Remain in Force. Except as otherwise provided in this Code, all permits lawfully issued under the provisions of any ordinance repealed by this ordinance shall remain in force and effect until expiration according to the terms thereof, unless sooner surrendered or revoked; subject, however, to all other provisions of this Code.

ARTICLE II THE BACOR TRAFFIC MANAGEMENT OFFICE

Section 1. Creation. There is hereby created a Bacoar Traffic and Management Office under the control and supervision of the Office of the Municipal Mayor, tasked primarily with the enforcement of the provisions of this Code. It shall have under its management and control traffic enforcers the number and remuneration of which shall be determined by the Mayor.

Section 2. Powers and function. The Bacoar Traffic and Management Office shall exercise all powers expressly given under this Code and its Implementing Rules and Regulations.

Section 3. Implementing rules and regulations. – Upon effectivity of the Ordinance, a drafting committee shall be formed by the Office of the Mayor to formulate the Implementing Rules and Regulations (IRR) which shall among other things, specify the organizational structure of the BTMO; identify the number of positions under the said office and operationalize the implementation of the Provisions of this Code.

The IRR shall take effect upon approval of the Bacoar Municipal Council and upon publication in any local newspaper of general circulation.

ARTILCE III

PUBLIC UTILITY VEHICLES

Section 1. Policy. It is hereby declared the policy of the Municipal Government of Bacoor:

- a) To ensure the security and safety of the riding public, the constituents and transient commuters who ride public utility transportation to and from their destination within the territorial jurisdiction of Bacoor.
- b) To monitor and implement the existing laws and the provisions of this Code regarding traffic laws and franchising regulations for all public utility transportation operating in various routes within the territorial jurisdiction of Bacoor.
- c) To promote a viable traffic management plan for public utility transportation operating in various routes within the territorial jurisdiction of Bacoor;
- d) To establish a control and monitoring mechanism of public transport vehicles operating within Bacoor's area of responsibility which is aimed to minimize, if not to totally eradicate, the proliferation of out-of-line and colorum public transport vehicles illegally operating in various routes within the municipality's territorial jurisdiction.

Pursuant to the foregoing policy statements, it is hereby mandated that:

- a) All public utility transportation which operates within the jurisdiction of the Municipality of Bacoor shall secure Route Sticker which shall only be issued to legitimate public utility transport operators who have complied with the requirements of having a legitimate franchise decision with the LTFRB and or locally issued franchise, as well as compliance with existing laws such as but not limited to the Clean Air Act, the Bio-fuels Act of 2006, etc.;
- b) There shall be created a task force under the Bacoor Traffic Management Office (BTMO) which shall be called "Task Force Route Sticker", which shall be mandated to implement the Route Sticker Program of Bacoor;
- c) The concerned local government departments/divisions/ are hereby enjoined to support the effective implementation of this Code.

Section 2. Franchising regulation. - All public utility transport operating within the territorial jurisdiction of Bacoor shall be required to secure their legitimate franchise decision duly approved route of their operation. Public Utility Tricycles and Pedicabs shall be required to secure their franchise decision from the Franchising Regulatory Board of Bacoor.

Section 3. Transport organization. - All transport organizations operating within the territorial jurisdiction of Bacoor shall be required to secure their legal registration with the SEC for associations or the CDA for cooperatives. They are mandated to secure clearances and Mayor's Permit for their operation.

Section 4. Public Utility Transport Operators. - All public utility Transport Operators shall be required to secure clearances for the road worthiness of their vehicles compliance certificates pursuant to existing laws and compliance with the Route Sticker and Mayor's

Permit for their operation.

Section 5. Drivers operating a public utility vehicle. – All drivers operating public utility vehicles shall secure a professional drivers license with the LTO, the Bacoor Transport ID and must observe proper decorum at all times while driving their vehicles along their respective routes.

Section 6. Transport terminals. – All transport organizations shall secure their permits from the Bacoor Traffic Management Office (BTMO) for their terminal operations. The BTMO shall coordinate with the concerned Barangays or with the Municipal Planning and Engineering Department for the allocation of terminals for the accredited transport organization of a specific route.

Section 7. Accreditation of transport organization. – All transport organizations shall apply for accreditation as duly accredited transport organization in Bacoor with the Bacoor Traffic Management Office (BTMO). If there are two (2) more transport organizations filing for the accreditation for a specific route, the BTMO shall decide on the matter and may grant accreditation in consideration of the total number of duly registered vehicles associated with the transport organization and its compliance with the requirements prescribed in their application for accreditation. Transport cooperatives shall be granted preferential rights to represent a specific route including the management terminals.

Section 8. Route modification and additional operating units. – All transport organizations who intend to apply for the modification of their route or apply for additional units shall first secure an endorsement from the municipal government. The BTMO shall conduct a Route Measurement Capacity (RMC) study to determine the feasibility if the proposed modification or request for additional franchise units. The BTMO Chief may grant or disapprove the application. The approved request shall be issued an endorsement to the DOTC and the LTFRB for processing and approval.

Section 9. Developmental route. – Transport Operators may apply for developmental routes within the territorial jurisdiction of Bacoor provided that such proposed route is justified by its necessity and applicability with primordial consideration of the existence of such demand and requirements from the riding public. An RMC may be conducted if it satisfies the foregoing consideration. The approved request for developmental route shall be forwarded to the DOTC/LTFRB by way of an endorsement.

Section 10. Building permit. – All applications for building permits shall pass through the BTMO to determine if there are encroachments on public roads, streets, pavement or public property. The BTMO shall issue a clearance within three (3) days from receipt of any application in connection with an impending construction works or establishment of a business. Provided that no building permit or business permit shall be issued without prior clearance from the Bacoor Traffic Management Office (BTMO) to the effect that the property or business does not encroach on any public roads, street, pavement or any public property. In no case, however, shall the clearance be delayed or denied except upon prior determination of such encroachment.

ARTICLE IV Pedestrians

Section 1. Subject to traffic regulations. Pedestrians shall be subject to traffic-control signals and to the direction of officers discharging the duty of directing traffic.

Section 2. Right of Way on Pedestrian Lanes. When traffic-control signals are not in place or not in operation, the driver of an approaching vehicle shall stop to allow a pedestrian using the pedestrian lane to cross the roadway when the pedestrian is upon the half of the roadway upon which the vehicle is travelling, or when the pedestrian is upon the opposite half of the roadway and moving toward the approaching vehicle. This section shall not apply to pedestrians crossing a road at a point other than pedestrian lane so marked.

Section 3. Prohibited Pedestrian Crossing

A. No pedestrian shall cross a roadway where a traffic or pedestrian-control sign prohibits such crossing. Pedestrians are prohibited from crossing the following thoroughfares, except at the designated pedestrian lanes in the said thoroughfares:

- (a) General Evangelista Road
- (b) General Tirona Road
- (c) General Emilio Aguinaldo Highway
- (d) Aniban-Molino Road
- (e) Real-Salinas Road
- (f) Marcos Alvars Road (Bacoar Side)

B. Any person who violates the preceding section hereof shall be punished in accordance with the following:

- | | | |
|-------------------------|---|--|
| 1 st Offense | – | Fine in the amount of ONE HUNDRED PESOS (P100.00) |
| 2 nd Offense | – | Fine in the amount of THREE HUNDRED PESOS (P300.00)
plus four (4) hours of community service |
| 3 rd Offense | – | Fine in the amount of FIVE HUNDRED PESOS (P500.00) plus
eight (8) hours of community service. (ORDINANCE No. 01- S- 2003) |

Section 4. Walking on Sidewalks. Where there are sidewalks provided, no pedestrian shall move along and upon an adjacent roadway.

Section 5. Walking in roadway. Where sidewalks are not provided any pedestrian moving along and upon a street shall, when practicable, move only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and upon meeting an oncoming vehicle, shall move clear of the roadway.

Section 6. Playing in streets. No person upon roller skates, or riding in or by means of any coaster, skateboard, toy vehicle or similar device, shall go upon the roadway, except while crossing such street at duly designated pedestrian lanes.

Section 7. Soliciting business prohibited. No person shall stand in a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.

ARTICLE V BICYCLES

Section 1. Where regulations apply. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street, alley, or way open to the public, subject to those exceptions stated in this article.

Section 2. Rights and duties of rider. Every person operating a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to a driver of a vehicle, except as to the special regulations of this Article and except as to those provisions which by their nature can have no application.

Section 3. Riding on roadways. Every person operating a bicycle upon a roadway at a speed slower than the normal and reasonable flow of motor vehicle traffic thereon shall ride as near to the right side of the right through lane as is safe, except as may be appropriate while preparing to make or while making turning movements, or while overtaking and passing another bicycle or vehicle proceeding in the same direction. A person operating a bicycle upon a roadway that carries traffic in one (1) direction only and that has two (2) or more marked traffic lanes may ride as near to the left side of the left through lane as is safe. A person operating a bicycle upon a roadway may utilize the shoulder of the roadway or any specially designated bicycle lane if such exists.

Section 4. Riding more than two (2) abreast prohibited. Persons operating bicycles upon a roadway or sidewalk shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

Section 5. Right-of-way in crosswalk. A person operating a bicycle across a roadway upon and along a pedestrian lane shall have all the rights and duties applicable to a pedestrian under the same circumstances, but shall yield to pedestrians upon and along the said lane.

Section 6. Riding on sidewalk or public path. Every person operating a bicycle upon any sidewalk or public path shall operate the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of pedestrian traffic, grade and width of sidewalk or public path, and condition of surface, and shall obey all traffic-control devices. Every person operating a bicycle upon a sidewalk or public path shall yield the right-of-way to any pedestrian thereon, and shall give an audible signal before overtaking and passing any pedestrian.

Section 7. Passengers. No person shall use a bicycle to carry more persons at one time than the number for which it is designed and equipped, except that a person eighteen (18) years of age or older may carry a child securely attached to his person.

Section 8. Clinging to vehicles. No person operating any bicycle shall attach the same or himself to any vehicle.

Section 9. Control. No person operating a bicycle shall carry any package, bundle or article which prevents him from keeping at least one (1) hand upon the handlebars, nor shall he operate the bicycle at any time without keeping at least one (1) hand upon the handlebars.

Section 10. Parking. No person shall park a bicycle upon a sidewalk or public path in such a manner as to obstruct traffic thereon; or within, against or adjacent to a bus stop in a manner which restricts or eliminates the use of such a bus stop by pedestrians who are waiting for public transportation; or upon a roadway except in locations designated for the purpose.

ARTICLE VI MOTORCYCLES

Section 1. Seating. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

Section 2. Operator to keep both hands on handlebars. No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.

Section 3. Passenger interfering. No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of a motorcycle or the view of the operator.

Section 4. Mirrors Required. No person shall operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the handlebars which shall be so located as to give the operator a complete view of the street or alley for a distance of at least two hundred (200) feet to the rear of the motorcycle or motor-driven cycle.

Section 5. Crash Helmets. No person shall operate a motorcycle or motor-driven cycle unless he wears a crash helmet. No other person may ride with the operator of a motorcycle unless he too wears a crash helmet.

Section 6. Lights. Every motorcycle and every motor-driven cycle shall have its head and tail lamps lighted whenever such vehicle is in motion from five (5) in the afternoon until seven (7) in the morning.

ARTICLE VII DRIVING RULES

Section 1. Obstructing traffic at intersections. No driver shall enter an intersection or a pedestrian lane unless there is sufficient space on the other side of the intersection or

pedestrian lane to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

Section 2. Driving on One-Way Streets. No person shall drive any vehicle on any street or alley which is designated for one (1) way traffic, except in the designated direction.

Section 3. Structures concealing traffic signs. No person shall erect any sign, device, or structure in such a manner that it obscures or conceals an official sign, signal, signboard, guide post, or other traffic-control device in such a manner as to interfere with the full and effective use thereof.

Section 4. General Speed

A. No person shall drive a vehicle on a street, alley or way open to the public at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering such street, alley or way open to the public in compliance with legal requirements and the duty of all persons to use due care.

B. The driver of every vehicle shall, consistent with the requirements of this section, drive at an appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when travelling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or roadway conditions

C. Speed Restrictions. Subject to the provisions of the preceding paragraph, the rate of speed of any motor vehicle shall not exceed the following:

MAXIMUM ALLOWABLE SPEED

	MOTORCYCLES, CARS, JEEPNEYS, AND THE LIKE	TRUCKS & BUSES
On open highways or country roads, with no "blind corners", and not closely bordered by habitation	80 KPH	50 KPH
On "through streets" or boulevards, clear of traffic, with no "blind corners".	40 KPH	30 KPH
1) On the other streets with light traffic, when NOT designated as "through streets".....	30 KPH	30 KPH
2)Through crowded streets, approaching		

intersections at "blind corners", passing
"school zones", passing other vehicles
which are stationary, or for similar
dangerous circumstances

20 KPH

20 KPH

D. Exemptions. The rates of speed hereinabove prescribed shall not apply to the following:

1. A physician or his driver when the former responds to emergency calls;
2. The driver of a hospital ambulance on the way to and from the place of accident or other emergency;
3. Any driver bringing a wounded or sick person for emergency treatment to a hospital, clinic or any other similar place;
4. The driver of a motor vehicle belonging to the Armed Forces while in use for official purposes in times of riot, insurrection or invasion.
5. The driver of a vehicle, when he or his passenger are in pursuit of a criminal;
6. A law-enforcement officer who is trying to overtake a violator of traffic laws; and
7. The driver officially operating motor vehicles of any fire department, provided that these exemptions shall not be construed to allow useless or unnecessary fast driving of drivers aforementioned.

Section 5. Minimum Speed. No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. Any person following a vehicle being driven at less than the legal maximum speed and desiring to pass such vehicle shall not exceed the speed limit when passing such vehicle. Where any slow-moving motor vehicle tends to congest traffic, any peace officer may cause such vehicle to be removed from the roadway and permit the congested traffic to be relieved.

Section 6. Driving on right side of roadway -- Exceptions.

A. Right-side Driving.

Every person operating a motor vehicle or an animal-drawn vehicle on a highway shall pass to the right when meeting persons or vehicles coming toward him except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
2. When an obstruction exists making it necessary to drive to the left of the centerline of the roadway: *Provided*, that any person so doing shall yield the right-of-way to all vehicles travelling in the proper direction upon the unobstructed portion of the roadway;
3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; or

4. Upon a roadway restricted to one (1) way traffic.

B. Upon any roadway having four (4) or more lanes for moving traffic and providing for two (2) way movement of traffic, no vehicle shall be driven to the left of the centerline of the roadway except as permitted under subsection 6A(2) hereof. However, this subsection shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road or driveway.

Section 7. Slow vehicles -- Right side -- Exceptions. Upon all roadways, any vehicle, proceeding slower than the legal maximum speed or at a speed slower than necessary for safe operation at the time and place under the conditions then existing, shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection, exit, or into a private road or driveway when such left turn is legally permitted.

Section 8. Operate in single lane. Every vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

Section 9. Interval between vehicles. The driver of a motor vehicle shall not follow another vehicle or bicycle more closely than is reasonable and prudent, having due regard for the speed of such vehicles or bicycles and the traffic upon and the condition of the street or alley.

Section 10. Driving on the shoulder. No person shall drive any vehicle or combination of vehicles with one (1) or more of the wheels on the shoulder of a street except for the purpose of stopping off such roadway, for gaining access to adjacent property, or having stopped thereat, for proceeding back onto the roadway.

Section 11. Overtaking a vehicle on the left. The operator of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of such overtaken vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

Section 12. Limitations on overtaking on the left. No person shall drive a vehicle to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this chapter and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within five hundred (500) feet of any approaching vehicle.

Section 13. Overtaken vehicle to give way. Except when overtaking and passing on the right is permitted, the driver of a vehicle being overtaken by a vehicle proceeding in the

same direction shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Section 14. Driving on left side of centerline when approaching a curve. No person shall operate a vehicle on the left side of the centerline when approaching a curve or whenever the operator's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

Section 15. Overtaking on right when overtaken vehicle is turning left. The operator of a vehicle may overtake and pass upon the right of another vehicle when the vehicle overtaken is making or about to make a left turn. Such movement shall not be made by driving off the roadway.

Section 16. Overtaking on right upon multiple lane street. The operator of a vehicle may overtake and pass upon the right of another vehicle upon a roadway with unobstructed pavement of sufficient width for two (2) or more lanes of vehicles moving lawfully in the direction being travelled by the overtaking vehicle.

Section 17. Prohibited Overtaking

- A. Whenever any vehicle is stopped before a marked pedestrian lane or at any unmarked area at an intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- B. The driver of a vehicle shall not overtake or pass any other vehicle proceeding in the same direction, at any railway grade crossing, not at any intersection of highways, unless such intersection or crossing is controlled by traffic signal, or unless permitted to do so by a watchman or a peace officer, except on a highway having two or more lanes for movement of traffic in one direction where the driver of a vehicle may overtake or pass another vehicle on the right.
- C. The driver of a vehicle shall not overtake or pass, or attempt to pass, any other vehicle, proceeding in the same direction, between any points indicated by placing of official temporary warning or caution signs indicating that men are working on the highway.
- D. The driver of a vehicle shall not overtake or pass, or attempt to overtake or pass, any other vehicle proceeding in the same direction in any "no- passing or no over-taking zone".

Section 18. Right of Way. The following rules shall be observed in yielding the right of way:

- 1) When two vehicles approach or enter an intersection at the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right, except as otherwise provided therein. The driver of any vehicle travelling at an unlawful speed shall forfeit any right of way which he might otherwise have under the provisions hereof.

- 2) The driver of the vehicle approaching but not having entered an intersection, shall yield the right of way to a vehicle within such intersection of turning therein to the left across the line of travel of such first mentioned vehicle turning left has given a plainly visible signal of intention to turn as required therein.
- 3) The driver of any vehicle upon a highway within a business or residential district shall yield the right of way to a pedestrian crossing such highway within a crosswalk, except in an intersection where the movement of traffic is being regulated by a traffic enforcer or by traffic signal. Every pedestrian crossing a highway within a business or residential district, at any point other than a cross walk, shall yield the right of way to vehicles upon the highway.

The driver of a vehicle upon a highway shall bring to full stop such vehicle before traversing any "through street" or railroad crossing: Provided, that when it is apparent that no hazard exists, the vehicle may be slowed down to ten (10) kilometres per hour instead of bringing it to a full stop.

Section 19. Exemption to Right of Way Rule

- 1) The driver of a vehicle entering a highway from a private road or driveway shall yield the right of way to all vehicles approaching on such highway.
- 2) The driver of a vehicle upon a highway shall yield the right of way to a police or fire department vehicle or ambulance when such vehicle is being operated on official business and the driver thereof sounds audible signal of his approach.

The driver of a vehicle entering a "through street" or "stop intersection" shall yield the right of way to all vehicles approaching in either direction on such "through street". Provided, that nothing in this Section shall be construed as relieving the driver of any vehicle being operated on a "through street or highway" from the duty of driving with due regard to the safety of vehicles entering such highway or street nor as protecting the said driver from the consequences of an arbitrary exercise of such right of way.

Section 20. Obedience to Traffic Authorities. No person shall wilfully fail or refuse to comply with any lawful order of any peace officer, or any duly authorized traffic enforcer who is at the time discharging the duty of regulating and directing traffic or pedestrians.

ARTICLE VIII STOPPING, PARKING, LOADING UNLOADING AND TOWED VEHICLES

Section 1. Signal on Starting, Stopping, or Turning. The following rules shall be observed before starting, stopping, or turning a vehicle:

The driver of any vehicle upon a highway, before starting, stopping or turning from a direct line, shall first see that such movement can be made in safety, and if any clearly audible signal by sounding the horn, and whenever the operation of any other vehicle approaching or following may be affected by such movement, shall give a signal plainly visible to the driver of such other vehicles of the intention to make such movement.

The signal therein required shall be given by means of extending the hand and arm beyond the left side of the vehicle, or by any approved mechanical or electrical signal device.

Section 2. Blocking or obstructing traffic or sidewalk

- A. No person shall park a vehicle upon or along any street when traffic will be unreasonably obstructed thereby.
- B. No person shall stop, or park a vehicle, even if he remains therein upon or along any street when traffic will be unreasonably obstructed.
- C. No driver shall park a vehicle or permit to stand, whether attended or unattended, upon a highway in any of the following places:

- 1) Within an intersection
- 2) On a crosswalk
- 3) Within six (6) meters of the intersection of curb lines.
- 4) Within four (4) meters of the driveway entrance to any fire station.
- 5) Within four (4) meters of a fire hydrant.
- 6) In front of a private driveway.
- 7) On the road way side of any vehicle.
- 8) At any place where official signs have been erected or installed prohibited parking.
- 9) Within four (4) meters of the driveway to any hospital.

Other places which are officially designated by the Sangguniang Bayan as a "No-parking" area.

- D. Except in designated parking areas, parking of any vehicle is strictly prohibited in the following thoroughfares (in accordance with Ordinance S-02-S-2003):

- (1) General Evangelista Road
- (2) General Tirona Road
- (3) General Emilio Aguinaldo Highway
- (4) Aniban-Molino Road
- (5) Bayanan-Mambog Road
- (6) Real-Salinas Road
- (7) Marcos Alvares Road (Bacoar Side)

- E. The Office of the Mayor is hereby given the power to determine and designate the areas in the said thoroughfares where parking may be provided in accordance with

Ordinance S-02-S-2003.

F. Violations of the foregoing provisions shall be subject to the following penalties:

1st Offense – fine in the amount of ONE HUNDRED PESOS (P100)

2ND Offense – fine in the amount of THREE HUNDRED PESOS plus four (4) hours of community service;

3rd Offense – fine in the amount of FIVE HUNDRED (P500,00) plus eight hours of community service.

G. Business establishments along Aguinaldo Highway (Zapote Portion), Evangelista Road, Aniban-Molino Road (Aniban-Zapote Portion) are prohibited from leasing portion or portions of their areas dedicated for parking for other purposes. Any business or commercial establishment found violating this sub section shall be penalized with the revocation of their Business Permits from the Office of the Mayor.

Section 3. Load and unload zones.

A. No person shall stop, or park a vehicle in a load and unload zone, for any purpose or length of time other than for the expeditious pickup and loading or unloading and delivery of persons or property, and then in no case shall the stop for such purposes exceed thirty (30) minutes.

B. No person shall load or unload persons or property in the following thoroughfares, except in the designated loading and unloading zones therein.

- a. General Evangelista Road
- b. General Tirona Road
- c. General Emilio Aguinaldo Highway
- d. Aniban-Molino Road
- e. Bayanan-Mambog Road
- f. Real-Salinas Road
- g. Marcos Alvarez Road

C. Violations of the foregoing prohibition shall be subject to the following penalties:

1st Offense – fine in the amount of ONE HUNDRED PESOS (P100)

2ND Offense – fine in the amount of THREE HUNDRED PESOS (P300) plus four (4) hours of community service;

3rd Offense – fine in the amount of FIVE HUNDRED (P500,00) plus eight hours of community service.

Section 4. Towed Vehicles. Any vehicle which violates the foregoing rules on parking, or has been left in a location which causes it to be an obstruction to the orderly flow of traffic, or has otherwise stalled, shall be towed and impounded at the expense of its owner or driver.

Section 5. Towing Fee – There shall be imposed a Towing Fee of ONE THOUSAND FIVE HUNDRED PESOS (P1,500.00) to be collected from the owner or driver of a vehicle which has been towed and or impounded in accordance with the preceding section. The said fee

shall be paid before the vehicle could be released to the owner thereof.

ARTICLE IX

Miscellaneous Traffic Rules

Section 1. Reckless Driving. No person shall operate a motor vehicle on any highway recklessly or without reasonable caution considering the width, traffic, grades, crossing, curvatures, visibility, and other conditions of the highway and the conditions of the atmosphere and weather, or so as to endanger the property or the safety or rights of any person or so as to cause excessive or unreasonable damage to the highway.

Section 2. Right of Way for Police and Other Emergency Vehicles. Upon the approach of any police or fire department vehicles, or of any ambulance giving audible signal, the driver of every vehicle shall immediately drive the same to a position as near as possible and parallel highways, and shall stop and remain in such position unless directed by a peace officer, or until such vehicle shall have passed.

Section 3. Hitching to a Vehicle. No person shall hang on to, or ride on, the outside rear of any vehicle, and no person on a bicycle, roller skate or other similar device, shall hold fast to or hitch on to any moving vehicle, and no driver shall knowingly permit any person to hang on to ride on, the outside or rear end of his vehicle or allow any person on a bicycle, roller skate or other similar device to hold fast or hitch to his vehicle.

Section 4. Driving or Parking on Sidewalk. No person shall drive or park a motor vehicle upon or along any sidewalk, path or alley not intended for vehicular traffic or parking.

Section 5. Driving While Under the Influence of Liquor or Narcotic Drugs. No person shall drive a motor vehicle while under the influence of liquor or narcotic drug.

Section 6. Duty of driver in case of Accident. In the event that any accident should occur as a result of the operation of a motor vehicle upon a highway, the driver of that vehicle shall stop immediately, and, if requested by any person present, shall show his driver's license, give his true name and address and also the true name and address of the owner of the motor vehicle.

No driver of a motor vehicle concerned in a vehicular accident shall leave the scene of the accident without aiding the victim, except under any of the following circumstances:

- 1) If he is in imminent danger of being seriously harmed by any person or persons by reason of the accident;
- 2) If he reports the accident to the nearest officer of the law;
- 3) If he has to summon a physician or nurse to aid the victim.

Section 7. Applicability Clause. The provisions of existing ordinances which are not inconsistent herewith are hereby "restated" and "adopted" and are hereby made an integral part of this Article.

ARTICLE X

Penal Provisions

Section 1. Penalties. Any person who violates any provision of this Code shall be punished by a fine of not exceeding the amount prescribed under R.A. 4136, as amended, or its implementing rules and regulations or imprisonment of more than fifteen (15) days, or both fine and imprisonment, at the discretion of the Court.

Any person who commits an offense which is punishable under the provisions of this Code but not punishable under R.A. 4136 shall be penalized only under the provisions hereof. If the offense committed is punishable both under the provisions of this Code and that of R.A. 4136, it shall be prosecuted only under either but not in both, otherwise the offender will be twice put in jeopardy of punishment for the same offense which is prohibited under Section 21, Article III of the Philippine Constitution.

Section 2. Penalty for Other Offenses. The conviction of any person for any offense under this Chapter shall not bar his prosecution for any other offense which may have been committed by such person concurrently with the commission of the offense for which he was convicted or in doing the act or series of acts which constituted the offense for which he was convicted.