



Republic of the Philippines
CITY OF BACOR
 Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

PRESENT:

HON. CATHERINE SARINO-EVARISTO City Vice Mayor/
 Presiding Officer

DISTRICT I:

HON. EDWIN G. GAWARAN City Councilor
 HON. MIGUEL N. BAUTISTA City Councilor
 HON. ROWENA BAUTISTA-MENDIOLA City Councilor
 HON. REYNALDO M. FABIAN City Councilor
 HON. VENUS D. DE CASTRO City Councilor

DISTRICT II:

HON. REYNALDO D. PALABRICA City Councilor
 HON. HERNANDO C. GUTIERREZ City Councilor
 HON. GAUDENCIO P. NOLASCO City Councilor
 HON. BAYANI M. DE LEON City Councilor
 HON. LEANDRO A. DE LEON City Councilor
 HON. ROBERTO R. JAVIER City Councilor

HON. VICTORIO L. GUERRERO, JR. City Councilor
 (ABC-Pres.)

SICK LEAVE:

HON. AVELINO B. SOLIS City Councilor

CITY ORDINANCE NO. CO 10-2014
 Series of 2014

AN ORDINANCE IMPOSING A "NO CONTACT TRAFFIC APPREHENSION POLICY", AMENDING PERTINENT PROVISIONS OF THE REVISED TRAFFIC CODE OF THE CITY OF BACOR, AND CREATING THE BACOR TRAFFIC APPEALS BOARD.

Sponsored by:

DISTRICT 1 COUNCILORS:

Hon. Edwin G. Gawaran, Hon. Miguel N. Bautista, Hon. Rowena Bautista-Mendiola, Hon. Reynaldo M. Fabian, and Hon. Venus D. De Castro

DISTRICT 2 COUNCILORS:

Hon. Reynaldo D. Palabrica, Hon. Hernando C. Gutierrez, Hon. Gaudencio P. Nolasco, Hon. Bayani M. De Leon, Hon. Leandro A. De Leon, and Hon. Roberto R. Javier

EX-OFICIO MEMBER:

Hon. Victorio L. Guerrero, Jr. (ABC President)

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 City Councilor - ABC Pres.

Attested by:

ATTY. KHALID A. AREGA, JR.
 Sangguniang Panlungsod Secretary

Certified by:

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

Approved by:

HON. STRIKE B. REVILLA
 City Mayor



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Approved by:

HON. STRIKE B. REVILLA
 City Mayor

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

WHEREAS, Section 14 of the said City Ordinance mandated the Bacoor City Transportation Board (BCTB), the Bacoor Traffic Management Department (BTMD), and the Sangguniang Panlungsod, in coordination with the Office of the City Mayor, to review the said ordinance and its implementing guidelines at least once every two (2) years following the approval thereof for possible amendments or revisions;

WHEREAS, on 24 February 2014, the Bacoor Traffic Management Department and the Office of the City Mayor proposed the revision of the same City Ordinance through the imposition of a "no contact traffic apprehension policy";

WHEREAS, public hearings conducted by the Sangguniang Panlungsod regarding the said proposal revealed that the implementation of such a policy would lessen the temptation to commit graft and corruption on the part of traffic enforcers, create a culture of traffic law compliance among motorists even if they do not see traffic law enforcers along the road, and improve the capability of the BTMD to enforce the said Revised Traffic Code;

WHEREAS, to ensure that the "no contact traffic apprehension policy" shall be fairly and equitably implemented, an appropriate body that will address controversies relating to such policy should be created.

NOW, THEREFORE, the Sangguniang Panlungsod, in regular session assembled, **HEREBY ORDAINS** that:

Section 1. The following provisions are hereby inserted between Sections 158 to 159 of City Ordinance No. 2013-047:

"RULE XXI

The No Contact Traffic Apprehension Policy

Section 159. Imposition of the "No Contact Traffic Apprehension Policy". - A no contact traffic apprehension policy ("the Policy" for brevity) shall be strictly observed in all roads within the City of Bacoor.

Section 160. Meaning and Mechanics of the Policy. - The Policy pertains to the sending of a Traffic Violation Receipt (TVR) to the address of the registered owner of a vehicle that violates any provision of this Ordinance even without being apprehended by a traffic enforcer.

160.1. The City Government shall cause the installation of Red Light Traffic Cameras and/or speed cameras in all major



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

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

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

160.4. A series of photographs and video images showing the red light runner prior to the violation as well as the vehicle's progression through the intersection or on any road covered by a red light camera or speed camera shall be recorded and shall be accepted as evidence of such violation. The BTMD shall keep records of such violations for at least two (2) years but cases against the registered owners of red light runners should be filed within two (2) years from the date of the commission of the said offense. The BTMD's records shall be provided to the Philippine National Police (PNP) or to the National Bureau of Investigation (NBI) in relation to any criminal investigation where such evidence may be needed;

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

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

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City Councillor - ABC Pres.

Attested by:

ATTY. KHALID A. ATEGA, JR.

Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE S. EVARISTO

City Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA

City Mayor



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City Mayor

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

160.8. The use of non-transparent tints or tints that limit visibility to less than 70% on windshields of vehicles operating within the City of Bacoor shall be discouraged so as to enhance the evidence gathering capabilities of the Red Light Cameras and prevent the commission of crimes inside such vehicles. Vehicles with such tints shall be flagged down by BTMD personnel and the driver thereof shall be reminded that dark windshield tints reduce visibility, expose motorists to vehicular accidents, and limit the ability of the City Government and the police authorities to assist him in case a crime is being committed inside his vehicle;

160.9. A motorist who drives past the stop line before the traffic control signal applicable to him turns red is not a red light runner;

160.10. Where expressly allowed by a traffic sign to turn right anytime with care, a motorist, after executing a complete stop, may drive his vehicle and enter the intersection and turn right with care even if the traffic signals applicable to him has turned red;

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

The addressee of the summons shall be required to supply the following required information printed at the back of the said summons:

a) If no longer the owner of the vehicle, complete name of the new owner. Attach proof of transfer of ownership.

b) If not the driver of the vehicle at the time of the commission of the violation:

Complete name of the driver: _____

Address of the driver: _____



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Relationship _____ to _____ said driver: _____

License No. _____ of _____ the driver: _____

If the addressee provides false information, he/she shall be liable for perjury.

Section 164. The "Motor Vehicle Registration Alert (MVRA)" System. - The City Government of Bacoor shall link up with the Land Transportation Office (LTO) in the implementation of its "Motor Vehicle Registration Alert (MVRA)" system and remit to the said agency its share in all revenues generated therefrom. Such shares shall be transmitted by the City Government of Bacoor to the LTO before the end of every fiscal year, **provided** that the details of the income sharing scheme as well as the manner by which the MVRA shall be implemented, shall be embodied in a Memorandum of Agreement duly executed by and between the LTO and the City Government of Bacoor, in accordance with law. The provisions of the said Memorandum of Agreement shall be deemed an integral part of this Ordinance.

Section 2. Section 159, Rule XXI of Ordinance No. 2013-047 and the succeeding Sections are hereby amended and shall henceforth read as follows:

**"RULE XXII
 Grievance Machinery**

Section 165. The Bacoor Traffic Appeals Board. - The Bacoor Traffic Appeals Board (BTAB) is hereby created and shall be comprised of the following:

- (a) the Chairperson of the Committee on Traffic Management of the Sangguniang Panlungsod as the Presiding Officer
- (b) the Head of the BTMD, and
- (c) the City Legal Officer

Section 166. Powers and Functions. - The BTAB shall hear and decide cases involving violations of all traffic rules and regulations within the City of Bacoor. Such cases shall include:

- a) complaints against the behaviour of any employee assigned to or supervised by the BTMD;
- b) complaints on the nature of infractions imputed to the violator, and
- c) complaints on the penalties imposed.

Section 167. Procedure for Filing Cases and for the Conduct of the Proceedings. - The complaint should be in writing and signed

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by the complainant and should be duly notarized. No fee or charge shall be imposed for the filing of such complaint.

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

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

The BTAB may also recommend to the City Mayor the preventive suspension of the respondent pending the investigation thereof if there is a strong possibility that the respondent may tamper with the evidence, harass the complainant, or pose a danger to the public; Provided, that should the City Mayor approve the preventive suspension, such suspension shall not exceed sixty (60) days from receipt of written notice by the respondent; Provided moreover, that the salaries and benefits of the respondent shall be forfeited during the period of suspension if found guilty of the violation, and provided further, that such salaries and benefits shall be given to the respondent in case he is exonerated; Provided lastly, that the reimbursements shall not exceed 2 years worth of his salaries and benefits.

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

The City Mayor may decide to either exonerate or declare the liability of the violator and/or waive or reduce the fines or penalty imposed but in no instance shall he be allowed to impose a penalty stiffer than the ones imposed herein.

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

Section 168. Summary Dismissal Powers of the City Mayor. – If the complaint against an employee assigned to or supervised by the BTMD is filed directly with the Office of the City Mayor, the City Mayor may either refer the complaint to the BTAB for the conduct of the investigation as provided in the preceding Section or take direct action on the complaint. Upon due notice and summary hearing, the City Mayor may immediately remove or terminate the services of the respondent, in any of the following cases:

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

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

(c) When the respondent is guilty of conduct unbecoming of a government employee.

RULE XXIII
Penal Provisions

Section 169. Special Penalties. - Persons who shall violate the provisions of Rule XXI shall be imposed a fine of Php3,000.00 and, in case of tricycles, the cancellation of the Tricycle Franchise issued in favor of the operator of the said tricycle, if any. If the red light runner commits various traffic violations in one instance (e.g., beating the red light while making a wrong turn, or over-speeding while beating the red light), the higher penalty shall be singly imposed for all the violations.

Section 170. Other Penalties. - Any violation of the other provisions of this Ordinance shall be penalized with fines and/or community service, or both fine and community service, as provided in these Rules. Where the violator is not a driver, the deputized traffic enforcer shall issue a written notice or citation to the offending party. The violator shall have five working (5) days from the date of violation within which to redeem his license which shall only be released upon presentation of OVR and proof of payment of appropriate fines or rendition of community service. An additional surcharge of five percent (5%) for each day of delay or failure to pay the appropriate fine is hereby imposed until the full amount of fine and surcharge is paid.

Section 171. Minor Offenders. - If the person violating any of the provisions of this Ordinance is a minor, his parents or guardians shall pay any fine imposed upon him. In no instance shall such minor be imprisoned or be subjected to any cruel, unusual, or dehumanizing punishment such as, but not limited to, the rendition of any menial labor or embarrassing task."

Section 3. Repeal Clause. - All existing Ordinances, Resolutions, and Executive Orders that are in conflict with, or that duplicates this Ordinance or any of its provisions are hereby repealed and/or modified accordingly.

Section 4. Separability Clause. - If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 5. Effectivity. - This Ordinance shall take effect thirty (30) days after its publication at least once in a local newspaper of general circulation.

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HON. STRIKE B. REVILLA
City Mayor

Section 6. Dissemination. - Let copies of this Ordinance be sent to the Office of the City Mayor and to all government departments, agencies, and offices concerned.

Section 7. Mandatory Information Dissemination.— The Public Information Office of the City of Bacoor is hereby mandated to conduct a massive information campaign for at least thirty (30) days on the implementation of the provisions embodied in Section 1 hereof. The PIO is hereby authorized to coordinate with national media organizations to ensure the widest dissemination of information regarding the implementation of the "no contact apprehension policy" embodied in Section 1 hereof.

UNANIMOUSLY APPROVED by the Sangguniang Panlungsod of the City of Bacoor on 7 July 2014.

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


Certified by:


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

Attested by:


ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary

Approved by:


HON. STRIKE B. REVILLA, PhD
City Mayor