



Office of the Sangguniang Panlungsod

DISTRICT I

ABSENT
HON. CATHERINE SARINO-EVARISTO
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor

HON. ALEJANDRO F. GUTIERREZ
City Councilor

HON. LEVY M. TELA
City Councilor

DISTRICT II

HON. ROBERTO L. ADVINCULA
City Councilor

HON. REYNALDO D. PALABRICA
City Councilor / President-Pro-Tempore

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City Councilor

HON. ROGELIO M. NOLASCO
City Councilor

HON. ALDE JOSELITO F. PAGULAYAN
City Councilor

HON. SIMPLICIO G. DOMINGUEZ
City Councilor

HON. RAMON N. BAUTISEA
Liga ng mga Barangay President

ABSENT
HON. MAC RAVEN ESPIRITU
SK Federation President

Attested by:

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

Certified by:

HON. REYNALDO D. PALABRICA
Acting Presiding Officer

Approved by:

HON. ROWENA BAUTISTA-MENDIOLA
Acting City Mayor

CITY ORDINANCE NO. 308-2023
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.

Sponsored by:

Hon. Roberto L. Advincula

Co-Sponsored by:

Hon. Ramon N. Bautista, Hon. Simplicio G. Dominguez, Hon. Reynaldo M. Fabian, Hon. Adrielito G. Gawaran, Hon. Alejandro F. Gutierrez, Hon. Rogelio M. Nolasco, Hon. Alde Joselito F. Pagulayan, Hon. Michael E. Solis, and Hon. Levy M. Tela.

WHEREAS, a Trust Fund is defined under Section 309 (b) of Republic Act No. 7160 (the "Local Government Code of 1991") 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 under Section 308 of RA 7160, 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, Section 458 (a)(2)(xii) of the Local Government Code empowered the Sangguniang Panlungsod to:



Office of the Sangguniang Panlungsod

"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;"

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V Federation President

Tested by:

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

Notified by:

HON. REYNALDO D. PALABRICA
Acting Presiding Officer

Proved by:

HON. ROWENA BAUTISTA-MENDIOLA
Acting City Mayor

WHEREAS, Section 11 (2)(i) of Republic Act No. 10160 (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, 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



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Acting City Mayor

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.

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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:



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Attested by:
ATTY. ISALIB A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:
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Acting Presiding Officer

Approved by:
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Acting City Mayor

"Section 56.

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c) Twenty percent (20%) of the total accumulated amount in the Trust Fund is 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 every Fiscal 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 2024, 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.



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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 6. Effectivity. This ordinance shall take effect immediately after its publication in a newspaper of general circulation as prescribed under Republic Act No. 10160.

APPROVED this 11th day of September 2023 by the 5th Sangguniang Panlungsod t the City of Bacoor, Cavite.

I hereby certify that the foregoing Ordinance was approved in accordance with law.

Certified by:

HON. REYNALDO D. PALABRICA
Acting Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary

Approved by:

HON. ROWENA BAUTISTA-MENDIOLA
Acting City Mayor

Date of Approval: 18 SEP 2023