



Office of the Sangguniang Panlungsod

CITY ORDINANCE NO. 349-2024 Series of 2024

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

Sponsored by:

Hon. Roberto L. Advincula

Co-Sponsored by:

Hon. Palm Angel S. Buncio, Hon. Simplicio G. Dominguez, Hon. Reynaldo M. Fabian, Hon. Randy C. Francisco, Hon. Adriellito G. Gawaran, Hon. Catherine Sarino-Evaristo, Hon. Alejandro F. Gutierrez, Hon. Rogelio M. Nolasco, Hon. Reynaldo D. Palabrica, Hon. Michael E. Solis and Hon. Levy M. Tela.

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, wharves, waterways, bridges, ferries, or telecommunications systems funded and constructed by the LGU concerned;

WHEREAS, Section 133 (e) 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

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HON. PALM ANGEL S. BUNCIO
SK Federation President

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

Certified by:
HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor

Approved by:
HON. STRIKE B. REVILLA
City Mayor



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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 Ban 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 the City of Bacoor or the Barangays within the City of Bacoor and the residential subdivisions on motor vehicles transporting various goods create additional economic barriers that disrupt market efficiency and lead 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.



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- E) The City Government of Bacoor is committed to enforcing 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 are imposed on motor vehicles transporting goods 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 the distance, size, and weight of the goods, the 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,



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Including consumables, raw materials, and manufactured items. 'Cargo' is a broader term encompassing all types of freight a vehicle carries, including goods, merchandise, and other items such as personal belongings or equipment.

- H) **Motor Vehicles Transporting Goods:** Any motorized vehicle 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, including the roads within the private residential subdivisions covered under the Solidarity Route.
- K) **Residential Subdivisions:** Privately owned housing developments that 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 increased costs may influence 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.



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

- A) Types of Vehicles** - AU motor vehicles transporting goods, merchandise, or cargo on any national road, city road, or through private residential subdivision roads included in the Solidarity Route 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 3 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 included in the Solidarity Route.

Section 5. Suspension of Pass-Through Fees for Motor Vehicles Transporting Goods - In accordance with Section 1 of Executive Order No. 41, and in pursuit of promoting economic stability and reducing inflationary pressures, the collection of all pass-through fees, as defined in Section 3(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 3(H) and Section 4(A) of this Ordinance.

This suspension encompasses all national roads and city roads, including private residential subdivision roads comprising the Solidarity Route within the territorial jurisdiction of the City of Bacoor, as defined in Section 2(I) and Section 2(J).

The suspended fees include toll fees, sticker fees, discharging fees, delivery fees, market fees, entry fees, Mayors Permit fees, and any other fees imposed on mere use of roads.

Section 6. 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



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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 7. 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:** Except when they are acting under orders from higher management or as part of established subdivision homeowners' association policies, employees or operators of toll booths or similar setups on roads where these fees are collected shall be held liable.

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) **Barangay Officials:** If barangay officials are found to be involved in authorizing or enforcing the collection of pass-through fees on motor vehicles transporting goods, 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 8. Repealing Clause. All Ordinances, orders, and rules inconsistent with the provisions of this Ordinance are hereby modified or repealed accordingly.



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Section 9. Separability Clause. Any provision of this Ordinance not declared void or unconstitutional by the proper court of law shall remain valid.

Section 10. Effectivity - This Ordinance shall take effect after ten (10) days from the date a copy is posted on 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 26th day of February 2024 Sangguniang Panlungsod of the City of Bacoor, Cavite.

I hereby certify that the foregoing Ordinance was in accordance with law by the 5th Sangguniang Panlungsod 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: 01 MAR 2024