



EXCERPT FROM THE MINUTES OF THE 41ST REGULAR SESSION OF THE 5TH SANGGUNIANG PANLUNGSOD (SP) HELD AT THE SP SESSION HALL, LEGISLATIVE BUILDING, EAST POBLACION, CITY OF NAGA, CEBU ON APRIL 27, 2023.

PRESENT:

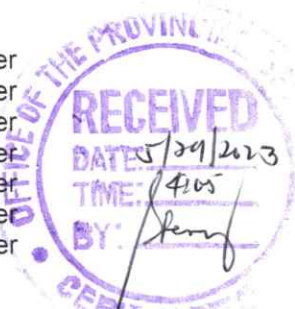
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|-----------------------------|---------------------------------|
| HON. VIRGILIO M. CHIONG | - Vice Mayor/Presiding Officer |
| HON. CLINT ISIDRO A. CHIONG | - Presiding Officer Pro Tempore |
| HON. CARMELINO N. CRUZ, JR. | - Majority Floor Leader |
| HON. ALEXANDER R. LARA | - Sangguniang Panlungsod Member |
| HON. AURELIO B. ALINSONORIN | - Sangguniang Panlungsod Member |
| HON. CHARMAINE R. NAVARRO | - Sangguniang Panlungsod Member |
| HON. RAY A. MANABAT | - Sangguniang Panlungsod Member |
| HON. LUZMINDA R. LAPITAN | - Sangguniang Panlungsod Member |
| HON. JUSTINO L. DAKAY | - Sangguniang Panlungsod Member |
| HON. LETECIA F. ABANGAN | - Sangguniang Panlungsod Member |
| HON. KERSY C. BAFLOR | - SK Federation President |

ON OFFICIAL BUSINESS:

HON. SCOTT JUVENAL A. CHIONG - Assistant Majority Floor Leader/Liga ng mga Barangay President

ON LEAVE:

HON. DOMINADOR A. LIBOR - Sangguniang Panlungsod Member



ORDINANCE NO. 2023-15

REQUIRING 10-WHEELER AND ABOVE TRUCKS WITH LOAD COMING OUT OF THE JURISDICTION OF THE CITY OF NAGA, CEBU USING THE COGON-INAYAGAN-CANTAO-AN-GUINDARUHAN ACCESS ROAD TO PAY ROAD USERS FEE IN THE AMOUNT OF ONE HUNDRED PESOS (P100.00)

EXPLANATORY NOTE

Section 5 of the 1987 Constitution of the Republic of the Philippines provides that the maintenance of peace and order, the protection of life, liberty, and property and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy;

Section 16 of Republic Act (RA) 7160, otherwise known as the Local Government Code of 1991, provides that Local Government Units (LGUs), within their respective jurisdictions, shall ensure and support, among other things, promotion of health and safety; and preserve the comfort and convenience of their inhabitants;

By virtue of Republic Act No. 9491, otherwise known as "An Act Converting the Municipality of Naga in the Province of Cebu into a Component City to be known as the City of Naga, Cebu", the Local Government is also charged with the responsibility to maintain roads and public works within its territorial jurisdiction;

Through the initiative of the City Government of Naga, Cebu (LGU-Naga), the Cogon-Inayagan-Cantao-an-Guindaruhan access road was constructed to enhance the road network, foster mobility of residents, and motorists, and spur local economic growth;

It was observed that some parts of the access road have already been severely damaged exposing constituents of the City of Naga, Cebu to the high risk of road accidents; hence, prompting the LGU to conduct a survey to determine the cause of the untimely destruction of the access road;

The result of the 12-hour survey conducted by the City of Naga Traffic Management Authority revealed that there are 672 commuters, residents and dump trucks of quarry business operators that pass through the access road;

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The said dump trucks with load average of 20,000 kilograms per truck, pass through the access road at an average daily frequency of at least five trucks per hour;

The access road was built for the average commuter vehicles with a regular load capacity of 13,500 kilograms, more or less;

The LGU-Naga, which is mandated by law to ensure the safety of its constituents, deems it necessary to repair and/or rehabilitate the access road;

The financial capacity of the LGU-Naga is limited and the same is constrained to allocate funds for the repair and/or rehabilitation of the access road every time the same is damaged, which could be recurring, considering the frequency of road passage of the said dump trucks;

The LGU-Naga, in its exercise of delegated police power, deems it necessary to obligate these quarry operators and require them to contribute to the repair and/or rehabilitation of the access road;

NOW THEREFORE, BE IT ENACTED as it hereby **ENACTED** by the Sangguniang Panlungsod of the City of Naga, Cebu, in a session duly assembled, that:

SECTION 1. TITLE. This Ordinance shall be known as the **“COLLECTION OF ROAD USERS FEE FOR 10-WHEELER AND ABOVE TRUCKS WITH LOAD COMING OUT FROM THE JURISDICTION OF THE CITY OF NAGA CEBU THROUGH THE COGON-INAYAGAN-CANTAO-AN-GUINDARUHAN ACCESS ROAD.”**

SECTION 2. DEFINITION OF TERMS. Whenever used in this Ordinance, the following terms shall mean:

1. Access Road - the Cogon-Inayagan-Cantao-an-Guindaruhan access road.
2. Dump Trucks - 10-wheeler and above trucks used by quarry operators to haul quarry materials.
3. Other Trucks - other 10-wheeler trucks such as container and trailer wing vans.

SECTION 3. COVERAGE. This Ordinance shall cover the following:

1. All 10-wheeler and above dump trucks with load, regardless of kind and volume, passing through the access road; and
2. All other 10-wheeler and above trucks such as but not limited to container vans and trailer wing vans, with load, regardless of kind and volume, passing through the access road.

SECTION 4. ROAD USER'S FEE. All 10-wheeler and above dump trucks and trucks with load passing through the Cogon-Inayagan-Cantao-an-Guindaruhan access road shall pay a toll fee of One Hundred Pesos (**₱100.00**) regardless of the load kind and volume.

SECTION 5. BOUNDARIES OF THE JURISDICTION OF THE CITY OF NAGA, CEBU. 4.33 km from the boundary of Sitio Estaca, Barangay Inayagan, City of Naga, Cebu and Municipality of Minglanilla, Cebu traversing up to Sitio Biasong, Barangay Cantao-an, City of Naga, Cebu and Municipality of Minglanilla, Cebu.

SECTION 6. IMPLEMENTING OFFICE. The Treasurer's Office shall be the designated office for the collection of road users fee.

SECTION 7. OPENING OF TRUST FUND. A trust fund shall be opened to which the collected fees shall be deposited.

SECTION 8. USE OF THE PROCEEDS. The proceeds collected and deposited to the Trust Fund shall be used solely for the maintenance, repair and/rehabilitation of the access road.

SECTION 9. REPEALING CLAUSE. All ordinances contrary to or inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 10. SEPARABILITY Clause. If any part or provision of this Ordinance is declared unconstitutional or invalid, the same shall not affect the validity and effectivity of the other parts or provisions hereof.

SECTION 11. EFFECTIVITY CLAUSE. This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation in accordance with provisions of the Local Government of Code of 1991.

ENACTED BY the 5th Sangguniang Panlungsod of the City of Naga, Cebu, in its 41st Regular Session held on April 27, 2023.

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CERTIFIED TRUE AND CORRECT:


GERALDINE L. TAMPOS
Secretary to the Sanggunian-Designate

ATTESTED BY:


VIRGILIO M. CHIONG
Vice Mayor/Presiding Officer

APPROVED BY:


VALDEMAR M. CHIONG
City Mayor

5/2/2023















