



Sangguniang Panglungsod

REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

ORDINANCE NO. 02-035

AN ORDINANCE PROHIBITING THE USE OF THE ROAD UNDERNEATH ALABANG VIADUCT FOR 10 WHEELER CARGO TRUCKS OR CARGO TRUCKS HAVING GROSS CAPACITY WEIGHT OF 20 TONS AND ABOVE FROM 5:00 A.M. TO 11:00 P.M. EVERYDAY, EXCEPT HOLIDAYS AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Sponsored by: *Hon. Icasiano M. Dela Rea*
Hon. Francis Ian T. Bagatsing
Hon. Patricio L. Boncayao, Jr.
Hon. Bal Niefes
Hon. Nicanor L. Echavez, MD.
Hon. Allan Rey A. Camilon
Hon. Melchor R. Teves
Hon. Mario E. Bulay, Jr.
Hon. Mamerto T. Sevilla, Jr.
Hon. Rufino B. Joaquin

WHEREAS, Section 458 (2) (vi) of Republic Act 7160 otherwise known as the Local Government Code of 1991 authorizes the Sangguniang Panlungsod to prescribe reasonable limits and restraints on the use of property within the jurisdiction of the city;

WHEREAS, Section 458 (5) (v) (vi) of the same Code further empowers the Sangguniang Panlungsod to approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities, and in addition to said services and facilities, shall:

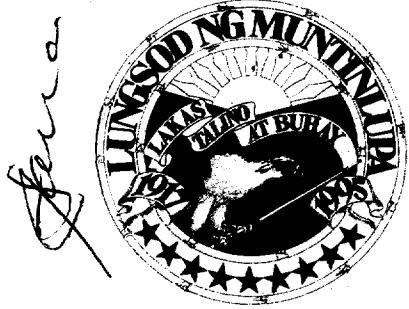
- (v) Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the maintenance of the same;
- (vi) Regulate traffic on all streets and bridges; prohibit encroachments or obstacles thereon and, when necessary in the interest of public welfare, authorize the removal of encroachments in public places;

WHEREAS, the road underneath Alabang Viaduct is the busiest thoroughfare of the City where most of the motorists traverse everyday and where public utility buses and jeeps, whether city or provincial operation, load and unload their passengers;

WHEREAS, at present, there are about 10,000 cargo trucks that use Alabang, and that 7,000 of these with weight less than 20 tons are supposed to pass Alabang Viaduct but for fear that the viaduct will collapse because of its damage and unsafe condition, they use the road underneath Alabang Viaduct;

WHEREAS, those cargo trucks with gross weight capacity of more than 20 tons use the road underneath Alabang Viaduct because they were prevented by the security officers of the PNCC to pass the viaduct;

[Signatures of the officials]



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WHEREAS, the unlimited volume of vehicles and cargo trucks plying along the stretch of National Road underneath Alabang Viaduct including the unlimited number of cargo trucks passing the area has resulted to more traffic congestion;

WHEREAS, that a request to rehabilitate and repair the Viaduct were communicated to the PNCC Management including recent Resolution No. 01-019 copies of which were sent to the Office of the President, Office of the Senate, and the Office of the Speaker of the House of Representatives, but to date the viaduct remains unrepaired and still to be rehabilitated;

WHEREAS, there is a need to regulate the use of the Alabang Viaduct in order to ease traffic congestion in the area;

NOW, THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod of Muntinlupa the following:

Section 1. SCOPE OF THE ORDINANCE. This Ordinance shall apply to all 10 wheeler cargo trucks or cargo trucks having gross capacity weight of 20 tons and above.

Section 2. PROHIBITION.

No 10 wheeler cargo trucks or cargo trucks having gross capacity weight of 20 tons and above are allowed to use the road underneath Alabang Viaduct from 5:00 A.M. to 11:00 P.M. everyday, except holidays.

Any violation of this Ordinance shall be punished in accordance with Sec. 5 of this Ordinance.

For this purpose, the Muntinlupa Traffic Management Bureau (MTMB), the Traffic Environment and Discipline (TED) and any person deputized by the Local Chief Executive to enforce the City traffic ordinances are hereby authorized to fully implement the provisions of this Ordinance.

Section 3. DEFINITION OF TERMS.

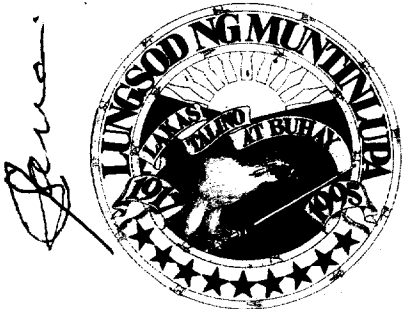
- a. **CARGO TRUCKS** – shall include container vans, 10 wheeler cargo trucks, cargo trucks, trailer lorries and the likes, having gross capacity weight of 20 tons and above;
- b. **LIGHT VEHICLES**- shall include cars, jeeps, pick-ups, buses, mini-buses, and the likes, having gross capacity weight of less than 20 tons;

Section 4. EXEMPTIONS. This Ordinance shall not apply to light vehicles, like cars, jeeps, pick-ups, buses, mini-buses, and the likes, having gross capacity weight of less than 20 tons.

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[Handwritten signatures of officials]



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Section 5. *PENALTIES.*

Any person who shall violate this ordinance will be penalized or pay fines in a manner provided for below:

- a. **FIRST OFFENSE**- a fine of Five Hundred Pesos (P500.00) or an imprisonment of five (5) days, or both, at the discretion of the court.
- b. **SECOND OFFENSE**- a fine of One Thousand Pesos (P1,000.00) or an imprisonment of ten (10) days, or both, at the discretion of the court.
- c. **THIRD AND SUCCEEDING OFFENSE**- a fine of Three Thousand Pesos (Php3,000.00) or an imprisonment of one (1) month, or both, at the discretion of the court.

The fines imposed under this Ordinance must be paid within five (5) days from the time of each infraction, otherwise, the case shall be filed against him with the court.

In addition to the fine and/or imprisonment imposed in the third offense, the MTMB/TED shall recommend to the Land Transportation Office (LTO) the cancellation/revocation of the owner's registration of vehicle and to require the driver of the vehicle to undergo traffic seminar before he could redeem his driver's license. The vehicle shall also be towed and impounded at the impounding area of the City.

Section 6. *SEPARABILITY CLAUSE.* If for any reason, any part or provision of this Ordinance shall be declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 7. *REPEALING CLAUSE.* All ordinances or part or parts thereof, which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 8. *EFFECTIVITY CLAUSE.* This Ordinance shall take effect immediately after publication in any newspaper of general circulation of the City.

ENACTED, by the *Sangguniang Panlungsod of Muntinlupa* during its 18th Regular Session, on the 17th day of January 2002.

CONCURRED:

BAL NIEFES
Councilor

FRANCIS IAN T. BAGATSING
Councilor




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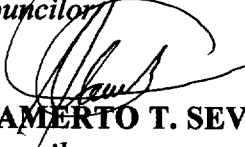
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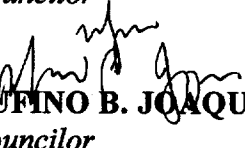

DR. NICANOR L. ECHAVEZ
Councilor


MARIO E. BULAY, JR.
Councilor

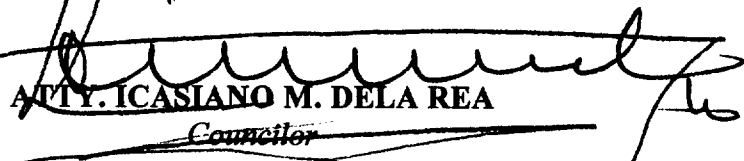

ATTY. PATRICIO L. BONCAYAO, JR.
Councilor


MAMERTO T. SEVILLA, JR.
Councilor


ALLAN REYA CAMILON
Councilor

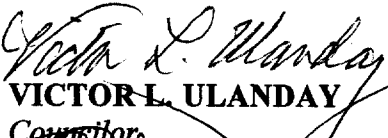

RUFINO B. JOAQUIN
Councilor


MELCHOR R. TEVES
Councilor


ATTY. ICASIANO M. DELA REA
Councilor

ABSTAIN:


ALDRIN L. SAN PEDRO
Councilor



VICTOR L. ULANDAY
Councilor


ATTY. RAUL R. CORRO
Councilor

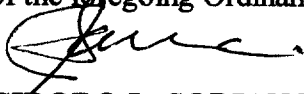

ELMER S. ESPELETA
Councilor

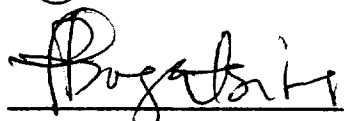

LUCIO B. CONSTANTINO
Councilor

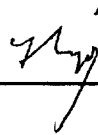

RENE CARL S. CAYETANO
Councilor


ARTEMIO A. SIMUNDAC
Sectoral Representative
President
Association of Barangay Captains

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.


ATTY. ISIDORO L. SORIANO, JR.
Secretary
SANGGUNIANG PANLUNGSOD





Gene.



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ATTESTED

ATTY. JO JASON T. ALCARAZ
City Vice Mayor/Presiding Officer

pbs jr.

APPROVED:

ATTY. JAIME R. FRESNEDI
City Mayor

Date: _____

LITO B. SALAMAT, JR/26/09/01
/Nory

pu n. bar

Rich L. Monkey