



ORDINANCE NO. 124

Series of 2002

ORDINANCE IMPOSING THE PENALTY OF PERMANENT CANCELLATION OF THE FRANCHISE-TO-OPERATE OF ANY PUBLIC UTILITY TRICYCLE APPREHENDED AND FOUND TO BE OPERATED BY A DRUG-USER/PUSHER AND/OR BEING USED AS A MEANS OF TRANSPORT IN THE DISTRIBUTION OF ILLEGAL DRUGS

Introduced by: Vice Mayor MARION S. ANDRES, M.D.

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WHEREAS, Section 458 (a), sub-paragraph (1) of the Local Government Code of 1991 provides that the Sangguniang Panlungsod, as the legislative body of the City, for an efficient and effective city government, shall:

*“x x x (v) Enact ordinances intended to prevent, suppress and impose appropriate penalties for x x x drug addiction, maintenance of drug dens, drug pushing x x x, and such other activities inimical to the welfare and morals and inhabitants of the city x x x”*

WHEREAS, sub-paragraph (3) of the said Section of the same Code has also provided that the Sangguniang Panlungsod shall enact ordinances granting franchises x x x, and pursuant to this legislative authority, shall:

*“x x x (vi) Subject to the guidelines prescribed by the Department of Transportation and Communication, regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the city x x x”*

WHEREAS, the evil of illegal drugs and the menace it does to society need no further elaboration, and the City Government of Marikina is serious in its all-out efforts in waging a total war against all unscrupulous people behind the proliferation of these stupeficient drugs in the city;

WHEREAS, the City Government is aware that the sale and distribution of illegal drugs need direct hand-over to pushers and users that require speedy transport to avoid detection and apprehension, and this nefarious scheme involves the use of motorcycles and private or public utility tricycles;

WHEREAS, while under the law, a vehicle used or involved in the commission of crimes is usually confiscated and impounded to serve as court evidence, the City Government of Marikina believes that one effective way to suppress the circulation of illegal drugs in the city and a more stringent penalty should be imposed on public utility vehicles being utilized as common carrier of illegal drugs, and that is, the cancellation of their franchise to operate.

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED by the SANGGUNIANG PANLUNGSOD OF MARIKINA in session duly assembled, that:

SECTION 1. Any public utility tricycle apprehended and found to be operated by a drug pusher/ user and/or being used as a means of transport in the distribution of illegal drugs, shall be imposed with the penalty of permanent cancellation of the franchise-to-operate.

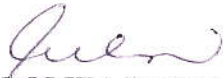
SECTION 2. The apprehended public utility tricycle shall be impounded for use as evidence and its franchise-to-operate and relative documents thereof shall be stamped or marked as permanently cancelled by the Public Utility Transportation Franchising regulatory Board (PUTFRB) and the Marikina Land Transportation Office (MLTO).

SECTION 3. The driver/operator of the public utility tricycle shall be subjected to the usual blood test and drug examination, and shall be imposed with the corresponding penalties or punishment in accordance with existing laws and ordinances.

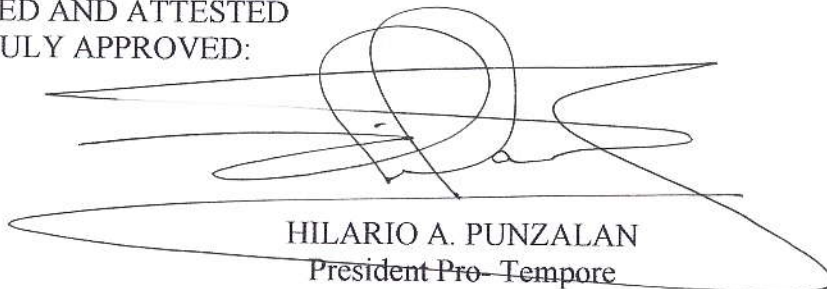
SECTION 4. This ordinance shall take effect upon its approval.

APPROVED by the SANGGUNIANG PANLUNGSOD of MARIKINA this 9<sup>th</sup> day of October, 2002.

I hereby certify to the passage of the foregoing ORDINANCE, which was duly approved by the City Council of Marikina during its 38<sup>th</sup> Regular Session held on the 9<sup>th</sup> day of October, 2002


  
LOLITA E. DE LEON  
Secretary to the Sanggunian

CERTIFIED AND ATTESTED  
TO BE DULY APPROVED:

  
HILARIO A. PUNZALAN  
President Pro-Tempore

APPROVED by the Hon. ACTING CITY MAYOR on this

09 OCT 2002

  
MARION S. ANDRES, M.D.  
Acting City Mayor