ORDINANCE NO. 11-022

AN ORDINANCE IMPOSING TRUCK BAN UNDERNEATH THE ALABANG VIADUCT OF THE CITY OF MUNTINLUPA AND FOR OTHER PURPOSES.

Sponsored by Hon. Coun. Alexander B. Diaz
Hon. Coun. Margarita Amythyst Patdu-Labios, MD
Hon. Coun. Bal Nieves
Hon. Coun. Ringo A. Teves
Hon. Coun. Dan Hubert A. Barlis
Hon. Coun. Luvi P. Constantino
Hon. Coun. Robert A. Abas
Hon. Coun. Engr. Neptali S. Santiago
Hon. Coun. Joselito V. Arevalo
Hon. Coun. Robert P. Baes
Hon. Coun. Elmer S. Espeleta
Hon. Coun. Rafael T. Sevilla
Hon. Coun. Vergel C. Ulazay
Hon. Coun. Adorado P. San Pedro – ABC President
Hon. Coun. Eulogio DS. Diko – SK President

WHEREAS, the Alabang Viaduct has been rehabilitated to strengthen its capacity for heavy vehicles, particularly heavy cargo trucks which pass thru the viaduct daily along the South Luzon Tollways;

WHEREAS, prior to its repair and rehabilitation, all heavy cargo trucks were prohibited from using the viaduct and were diverted underneath, thereby causing heavy traffic in and around the busy Alabang viaduct intersection;

WHEREAS, now that the rehabilitation of the Alabang viaduct has been completed, it is time to ease the heavy traffic underneath the viaduct caused by the passing through of said heavy cargo vehicles;

WHEREAS, while the widening of roads, the construction of the overpass across the Metropolitan and the Alabang Viaduct, and along Monillano St., and the strict implementation of our traffic ordinance in the area which somehow eased the traffic congestion, there is still a need to regulate the traffic flow to further ease congestion in the said area;

WHEREAS, cargo trucks, heavy vehicles, fuel tankers, cement bulk carriers, long-bed trailers, container vans and other types of heavy and long vehicles pass, travel, enter and traverse the Alabang Viaduct during the open window provided under Ordinance No. 03-083;

WHEREAS, this type of vehicles poses danger to the general public and considering their weight, size, and heavy load, contributes to the gradual deterioration of the road underneath the Alabang Viaduct, notwithstanding that most of these vehicles are merely passing the said area and do not conduct business within the city.
NOW, THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED, by the 6th Sangguniang Panlungsod of Muntinlupa in session assembled that:

SECTION 1. COVERAGE - The banned type of cargo trucks and vehicles as defined in the pertinent provisions and Implementing Rules and Regulations (IRR) of Republic Act 4136, otherwise known as the Land Transportation Act of the Philippines are as follows, to wit:

a) Cargo Trucks
b) Lorries
c) Fuel Tankers
d) Liquid Carriers
e) LPG/LNG Tankers
f) Cement Bulk Carriers
g) Long-Bed Trailers
h) 10 Footer Container Vans and Head/Tractor
i) 20 Footer Container Vans and Head/Tractor
j) 40 Footer Container Vans and Head/Tractor
k) Any size/length Container Vans and Head
l) Heavy equipment like Dump Trucks, Pay loaders, Cranes, etc.
m) Cargo trucks and vehicles with more than 6 wheels

SECTION 2. PROHIBITION – No ten-wheeler cargo trucks or more and/or cargo trucks having gross capacity weight of 20 tons and above are allowed anymore to pass underneath the Alabang Viaduct at anytime except in cases herein provided.

SECTION 3. EXEMPTIONS TO THE TRUCK BAN:

a) Ten-wheeler cargo trucks or more or cargo trucks having a gross capacity weight of 20 tons and above, if the destination is within the City of Muntinlupa only and maintains an office or warehouse in the city;

b) City Government trucks and heavy equipment including trucks and vehicles of Bureau of Fire Protection, Engineering machineries of government entities whether it is from the city of Muntinlupa or other government unit or the national government, ambulances, fire trucks, etc., exempted also are fire trucks, tankers, ambulances and other vehicles which respond to emergencies and crisis;

c) Trucks and vehicles carrying food products and other perishable food items are allowed from 8:00 am to 11:00 am and from 2:00 pm to 7:59 am, the following day, Monday to Friday, Saturdays, Sundays and Holidays.
d) During emergencies, disasters and state of calamity, this ban is lifted in order that vehicles could be used in the delivery of relief goods, ferry and transport evacuees, and perform other disaster response and management measures as needed.

e) Those cargo trucks which have official business and/or conducting business within the territorial jurisdiction of the City of Muntinlupa.

SECTION 4. IMPOSITION OF TRAFFIC CLEARANCE – notwithstanding the exceptions given to the abovementioned vehicles, the owners/drivers/operators of the said vehicles passing/traveling the Alabang Viaduct are still required to secure traffic clearance pursuant to Ordinance No. 09-089. The traffic clearance shall be paid under the following manner:

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>FEES</th>
<th>DURATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tractor Head/Cargo Truck/Container Vans with 10 wheeler or more</td>
<td>250.00</td>
<td>Four months from the date of issuance</td>
</tr>
<tr>
<td>Tractor Head/Cargo Truck/Container Vans with eight (8) and six (6) wheeler</td>
<td>150.00</td>
<td>Four months from the date of issuance</td>
</tr>
</tbody>
</table>

The Traffic Clearance Fee (TCF) can also be paid annually.

SECTION 5. GUIDELINES AND REGULATIONS – The Muntinlupa Traffic Management Bureau (MTMB) shall formulate within ten (10) days after the approval of this ordinance the Implementing Rules and Regulations (IRR), and shall submit the same to the Sangguniang Panlungsod for review.

SECTION 6. PENALTIES –

<table>
<thead>
<tr>
<th>VIOLATION</th>
<th>PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIRST VIOLATION</td>
<td>Two Thousand Five Hundred Pesos (Php2,500.00) fine</td>
</tr>
<tr>
<td>SECOND VIOLATION</td>
<td>Four Thousand Pesos (Php4,000.00) fine</td>
</tr>
<tr>
<td>THIRD VIOLATION</td>
<td>Five Thousand Pesos (Php5,000.00) fine and/or imprisonment of the driver/operator of the cargo trucks at the discretion of the Court.</td>
</tr>
</tbody>
</table>

SECTION 7. SEPARABILITY CLAUSE - If for any reason/s, any part/s or provisions 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 8. REPEALING CLAUSE – all ordinances or resolutions or part or parts thereof, which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

[Signature]
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SECTION 9. EFFECTIVITY CLAUSE – This ordinance shall take effect within fifteen (15) days from its publication in a newspaper of general circulation.

ENACTED, by the 6th Sangguniang Panlungsod of Muntinlupa this 14th day of February 2011, on its 24th Regular Session.

CONCURRED:

DISTRICT I:

COUN. ATTY. RAUL R. CORRO
Member

COUN. ATTY. PATRICIO L. BONCAYAO, JR.
Member

COUN. MARGARITA AMIRTHYST PATDU-LABIOS, MD
Member

COUN. BAL NIEFES
Member

COUN. ALEXANDER B. DIAZ
Member

COUN. RINGO A. TEVES
Member

COUN. DAN HUBERT A. BARLIS
Member

DISTRICT II:

COUN. LUVI P. CONSTANTINO
Member

COUN. ROBERT A. ABAS
Member

COUN. ENGR. NEPTALI S. SANTIAGO
Member

COUN. JOSELITO V. AREVALO
Member

COUN. ROBERT P. BAES
Member

COUN. ELMER S. ESPELETA
Member
Ordinance No. 11-022

Sangguniang Panglungsod

COUN. RAFAEL T. SEVILLA
Member

COUN. VERGEL C. OLANDAY
Member

COUN. ADORADO P. SAN PEDRO
Sectoral Representative
President
Association of Barangay Captains

COUN. EULOGIO DS. DIOKO
Sectoral Representative
President
Federation of Sangguniang Kabataan

ABSENT:

COUN. ALLEN F. AMPAYA
Member

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

CECILIA C. LAZARTE
Secretary

ATTESTED:

ARTEMIO A. SIMUNDAC
City Vice-Mayor, Presiding Officer

APPROVED:

ALDRIN L. SAN PEDRO
City Mayor
Date: __________

Norie/Gth SP