



REPUBLIC OF THE PHILIPPINES  
CITY OF ILOILO  
OFFICE OF THE CITY MAYOR  
7<sup>th</sup> Floor Iloilo City Hall, Plaza Libertad, Iloilo City 5000  
Fax (033)335-0689, Email: iloilocmo2019@gmail.com

August 15, 2023

**VETO**  
**OF REGULATION ORDINANCE NO. 2023-175 entitled:**  
**"AN ORDINANCE FOR THE CREATION OF THE TRAFFIC**  
**ADJUDICATION BOARD (TAB) PROVIDING FOR ITS FUNCTIONS,**  
**DUTIES AND RESPONSIBILITIES THEREOF AND FOR OTHER**  
**PURPOSES"**

**HONORABLE CHAIRMAN AND MEMBERS**  
**OF THE SANGGUNIANG PANLUNGSOD**  
Iloilo City

**Sirs/Mesdames:**

With gratitude to the all-out support that this august body has shown in all endeavors of Iloilo City Local Government, the undersigned, borne purely from civic and moral duty and acting with full reasons, hereby expresses the intent to exercise a statutorily delegated power, the power to veto a legislative act.

The undersigned received an endorsement on August 11, 2023 of Regulation Ordinance No. 2023-175 entitled: "AN ORDINANCE FOR THE CREATION OF THE TRAFFIC ADJUDICATION BOARD (TAB) PROVIDING FOR ITS FUNCTIONS, DUTIES AND RESPONSIBILITIES THEREOF AND FOR OTHER PURPOSES". For being ultra vires the undersigned resolves to veto this Resolution.

The local chief executive is empowered by Republic Act 7160 or the Local Government Code under Section 55 to veto an Ordinance of the Sangguniang Panlungsod on the ground that it is *ultra vires* to wit:

**Section 55. Veto Power of the Local Chief Executive. -**

(a) The local chief executive may veto any ordinance of the sanggunian panlalawigan, sangguniang panlungsod, or sanggunian bayan on the ground that it is ultra vires or prejudicial to the public welfare, stating his reasons therefor in writing.

**Enacting Regulation Ordinance No. 2023-175 is an ultra vires act**

**Section 3 of Regulation Ordinance No. 2023-175 states to wit:**

**"SECTION 3. BURDEN OF PROOF. – Any driver of motor vehicle apprehended by any traffic enforcement personnel of the Iloilo City Government or its deputized agents may contest the traffic apprehension before the Traffic Adjudication Board of the City of Iloilo.**

**The apprehending traffic enforcement personnel has the burden of proof and shall prove before the Traffic Adjudication Board that the driver was properly apprehended." (Emphasis added)**

This provision of the above-mentioned regulation ordinance violates two (2) fundamental principles of law. First is the principle of the presumption of regularity, and the second is the principle in evidence that he who alleges, has the burden of proof.

It is a fundamental rule that unless the contrary is proven, official duty is presumed to have been performed with regularity. This applies to traffic enforcement personnel of the Iloilo City Government or its deputized agents who are in the performance of their official duties. To have the burden of proof be carried by these traffic enforcement personnel or its deputized agents would defeat this fundamental rule, let alone be construed that they are not performing their official function regularly. This system, where there is no presumption of regularity, would not only unduly burden the traffic enforcement personnel or its deputized agents but also burden the Traffic Adjudication Board if created. Without the presumption of regularity of the official acts of agents of the government, it naturally follows that the same will be laden with the burden of proof which is another violation of the subject ordinance.

The fundamental principle that he or she who alleges has the burden of proof has been upheld by no less than the Supreme Court of the Philippines in numberless cases. This principle in evidence is violated if such provision of the subject ordinance is enacted and put into force. Such is the effect with the second paragraph of Section 3 of Regulation Ordinance No. 2023-175. When a person violating traffic laws is apprehended and there is a presumption of regularity on the apprehending officer, the allegations of that person apprehended will remain an allegation which cannot be considered evidence. This person apprehended carries the burden of proving his or her allegations with the requisite quantum of evidence.

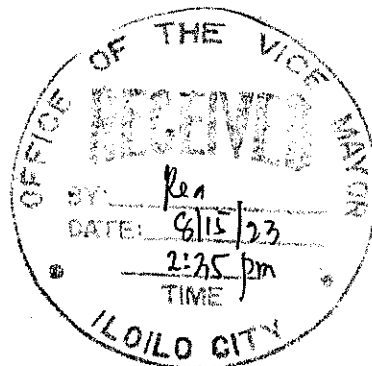
The Supreme Court is filled with cases which recite these fundamental principles in law and evidence. To enact this ordinance will go contrary to these principles which in turn, would go against jurisprudential laws.

Based on the foregoing grounds and justifications, the undersigned as the local chief executive of Iloilo City hereby **resolves to veto the Regulation Ordinance No. 2023-175.**

Very truly yours,

HON. JERRY P. TREÑAS  
City Mayor

REPUBLIC OF THE PHILIPPINES	
CITY OF ILOILO	
OFFICE OF THE CITY VICE MAYOR	
HON. JERRY P. TREÑAS	
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Republic of the Philippines  
City of Iloilo  
**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

EXCERPT FROM THE MINUTES OF THE 32<sup>nd</sup> REGULAR SESSION OF THE 11<sup>TH</sup> SANGGUNIANG PANLUNGSOD OF THE CITY OF ILOILO, PHILIPPINES, HELD AT THE SESSION HALL, 6<sup>TH</sup> FLOOR CITY HALL BUILDING, PLAZA LIBERTAD, ILOILO CITY, ON WEDNESDAY, AUGUST 9, 2023.

PRESENT

**HON. SEDFREY L. CABALUNA**  
OIC-City Vice Mayor

**HON. JOSE MARIA MIGUEL S. TREÑAS**  
Temporary Presiding Officer

Hon. Urminico M. Baronda, Jr.	Member
Hon. Romel D. Duron	Member
Hon. Ely A. Estante, Jr.	Member
Hon. Rudolph Jeffrey O. Ganzon	Member
Hon. Leila G. Luntao, SK Federation President Ex Officio	Member
Hon. Maria Irene D. Ong, Liga ng mga Barangay President Ex Officio	Member
Hon. Rex Marcus B. Sarabia, Asst. Floor Leader	Member
Hon. Frances Grace V. Parcon-Torres, Floor Leader	Member
Hon. Candice Magdalane A. Tupas	Member
Hon. Johnny Y. Young	Member
Hon. Alan A. Zaldivar	Member

ABSENT:

Hon. Jeffrey P. Ganzon	City Vice Mayor and Presiding Officer
Hon. Plaridel C. Nava II	Member

**REGULATION ORDINANCE NO. 2023-175**  
**AN ORDINANCE FOR THE CREATION OF THE TRAFFIC ADJUDICATION BOARD (TAB) PROVIDING FOR ITS FUNCTIONS, DUTIES AND RESPONSIBILITIES THEREOF AND FOR OTHER PURPOSES**

*Sponsored by Hon. Romel D. Duron, seconded by Hon. Rex Marcus B. Sarabia;*

**WHEREAS**, it is the policy of the government to maintain peace and order, promote discipline on the roads, and improve the traffic management system through efficient and fair implementation of traffic laws, rules and regulation;

**WHEREAS**, due to the increasing disputes in traffic apprehensions resulting to disagreement between enforcer and the driver, there is a need to create a Traffic Adjudication Board to settle differences arising from such traffic disputes;

**WHEREAS**, there is likewise a need to impose administrative sanctions against erring traffic enforcement personnel in order to exercise proper apprehension;

**WHEREAS**, there is a need to upgrade the law enforcement functions of the Public Safety and Transportation Management Office (PSTMO) to make more effective the enforcement of traffic laws, rules and regulations;

**WHEREAS**, for a meaningful law enforcement, it is imperative to create within the office of the City Mayor, a Board that shall oversee and settle contested apprehensions, insofar as violations of traffic laws, rules and regulations are concerned;

**WHEREAS**, Section 1 of Regulation Ordinance No. 338, Series of 1992 as amended by Regulation Ordinance Number 2008-225 empowers policemen and traffic aides to issue traffic citations to violators of City traffic ordinances, such traffic citations to be in such standardized forms as prepared by the City Legal Office. Upon issuance of such traffic citation, the policeman or traffic aide concerned shall confiscate the driver's license, if the violator is a driver;

**WHEREAS**, Section 458 (5) (v) (vi) of R. A. 7160 otherwise known as the Local Government Code of 1991 authorizes the Sangguniang Panlungsod, as the legislative body of this city, to enact ordinances, resolutions and appropriate funds for the general welfare of the City and its inhabitants, among others the use of streets, bridges, avenues, alleys and the like relative thereto, the regulation of traffic pursuant to the use of such structures;

**NOW, THEREFORE**, be it ordained, as it is hereby ordained, by the Sangguniang Panlungsod of Iloilo City, in session assembled that:

**SECTION 1. COMPOSITION.** There is hereby created in the City of Iloilo, a regulatory body called Traffic Adjudication Board (TAB) with duties and functions as provided herein, to be presided by a Chairman, Vice Chairman and consisting of four (4) Members, the composition of which shall be as follows:

- A. Chairman- Chief, City Legal Office or his duly authorize representative
- B. Vice Chairman, Chairman, Committee on Transportation, S.P.
- C. Members :
  - C1. Chairman, Committee on Public Safety or Chairman, Committee on Rules, S.P.
  - C2. Chief, Traffic Division, Philippine National Police
  - C3. Department Head, Public Safety and Transportation Management Office
  - C4. Executive Assistant for Social Welfare from the City Mayor's Office

In the event that the Chairman of the Committee on Transportation and the Chairman on Public Safety are one and the same persons, the Chairman, Committee on Rules shall act as member of the board.

**SECTION 2. DEFINITION OF TERMS:** As used in this Ordinance, the following words and phrases shall have the meanings ascribed to them in this Section:

- A. *Contested Case* - is a case wherein the apprehended operator/driver fails to pay his traffic violations within forty eight (48) hours from apprehension, and signifies his intension to oppose/contest the violations indicated in the Citation Ticket/Temporary Operators Permit.

- B. *Driver's License*- is a legal authorization, or the official document confirming such an authorization, for a specific individual to operate one or more types of motorized vehicles such as motorcycles, tricycles, cars, trucks, or buses on a public road;
- C. *Impounding Receipt of Motor Vehicle (IRMV)*- it is issued if the motor vehicle was impounded. IRMV is accomplished by the apprehending officer and validated by the Motor Vehicle Custodian assigned at the impounding area.
- D. *Technical Impounding*- is the confiscation of both the driver's license and the two (2) motor vehicle license plates at the time of apprehension instead of impounding the motor vehicle.
- E. *Temporary Operator's Permit (TOP)* - Pursuant to Memorandum Circular no. 515-2004 of the Department of Transportation dated May 25, 2004, TOP shall be used in apprehension of all violations and it is strictly required to be issued to the apprehended driver/operator at the site and time of apprehension.
- F. *Traffic Adjudication Board* - is a body composed of Chairman, Vice Chairman and Four (4) Members who shall settle disputes concerning apprehensions insofar as violations of traffic laws, rules and regulations are concerned including administrative complaint against traffic enforcer.
- G. *Traffic Citation Ticket* - is commonly known as a traffic ticket. The citation is a piece of paper that describes one or more violations that the persons have committed violating any local ordinance.
- H. *Traffic Enforcement Personnel*- refers to traffic enforcers of Iloilo City Government, including deputized personnel and other enforcers of different law enforcement agencies.

**SECTION 3. BURDEN OF PROOF.** - Any driver of motor vehicle apprehended by any traffic enforcement personnel of the Iloilo City Government or its deputized agents may contest the traffic apprehension before the Traffic Adjudication Board of the City of Iloilo.

The apprehending traffic enforcement personnel has the burden of proof and shall prove before the Traffic Adjudication Board that the driver was properly apprehended.

**SECTION 4. POWERS AND FUNCTIONS** The Traffic Adjudication Board shall have the following powers and functions:

- A. The Traffic Adjudication Board shall have administrative jurisdiction to hear complaints in relation to violations on traffic rules and regulations and administrative complaint against traffic personnel, conduct investigations, and render its findings or decisions insofar as violations of existing traffic laws, rules and regulations are concerned;
- B. To hear and decide dispute involving violations of laws, rules and regulations governing Iloilo City ordinance and to impose fines and/or penalties therefor;

- C. To promulgate rules and regulations governing the proceedings before it;
- D. To settle contested apprehension;
- E. To initiate motu proprio proceedings against erring traffic enforcement personnel; and
- F. To perform such other functions and duties as may be provided by law or an ordinance, or as may be necessary, or proper or incidental to its powers and functions.

**SECTION 5. MEETINGS, QUORUM AND DECISION MAKING.** upon receipt of the written complaint or complaint form, the TAB shall meet every Friday, or at any day and time within a week physically or virtually when the Chairman believes it to be urgent and necessary to meet the important matters.

In all meetings of the TAB, a simple majority of all its members in order to transact any business shall constitute a quorum. A decision become valid and enforceable and confirmed by majority of all members present.

**SECTION 6.** Failure to pay after forty eight (48) hours is considered contested case, but the complaint in writing must be made before the Traffic Adjudication Board within fifteen (15) days from the date of apprehension.

**SECTION 7. FORMULATION OF IMPLEMENTING RULES AND REGULATIONS.** Within Sixty (60) days from the date of its approval of this ordinance, the Traffic Adjudication Board shall formulate the Implementing Rules and Regulations (IRR) and shall be submitted for adoption to the Sangguniang Panlungsod of Iloilo City.

**SECTION 8. REPEALING CLAUSE-** All ordinances contrary to or inconsistent with this Ordinance are hereby repealed or modified accordingly.


**SECTION 9. 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 10. EFFECTIVITY CLAUSE.** —This Ordinance shall take effect upon approval.

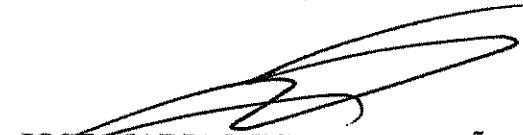
**ENACTED,** August 9, 2023.




I hereby certify to the correctness of the above-quoted ordinance.

  
**RUTH H. ARROYO**  
Secretary to the Sanggunian *ms/11/23*

ATTESTED AND CERTIFIED  
TO BE DULY ENACTED:

  
**JOSE MARIA MIGUEL S. TREÑAS**  
Temporary Presiding Officer

APPROVED:

  
**JERRY P. TREÑAS**  
City Mayor

/rpb