

BASIC : LETTER DATED SEPTEMBER 08, 2008, FROM MR. CRESCENCIANO M. PITOGO OF LAMAC, CONSOLACION, CEBU

2nd Indorsement
October 20, 2008

Respectfully returned to Mr. Edmundo J. Jamisola, Provincial Director, DILG Cebu Provincial Office, the herein basic communication from Mr. Crescenciano M. Pitogo of Lamac, Consolacion, Cebu raising the legality of the action of Mayor Avelino Gungob, Sr. prohibiting the entry of motorcycles inside the Consolacion Public Market.

Official acts of public officials are accorded with the presumption of regularity and our department is without authority to pass upon their validity. The matter should threshed out in the proper forum such as the court of justice. As regards the operation of “habal-habal”, the same cannot be given authority or franchise by the local government unit. Its operation cannot be legalized since it is not among the modes of transportation mentioned in R.A. 4136 (The Land Transportation and Traffic Code of the Philippines) that may be authorized to carry passengers for hire.

PEDRO A. NOVAL, JR.
Regional Director

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