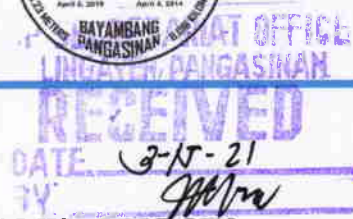




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**MUNICIPAL ORDINANCE NO. 04**  
**Series of 2021**

**“AN ORDINANCE REGULATING THE USE OF ROADS, SIDEWALKS, BRIDGES, PARKS AND OTHER PUBLIC PLACES, IN THE MUNICIPALITY OF BAYAMBANG, PANGASINAN, PROVIDING PENALTIES THEREOF, AND FOR SUCH OTHER PURPOSES”**

**EXPLANATORY NOTE:**

**WHEREAS**, Section 16 of the Republic Act No. 7160. Otherwise known as the Local Government Code of 1991, provides that *“Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, XXX, promote health and safety, XXX, maintain peace and order, and preserve the comfort and convenience of their inhabitants”*

**WHEREAS**, Article 694 (4) in relation to Article 699 (3) of the New Civil Code of the Philippines provides in part, that *“anything which obstructs or interferes with the free passage of any public highway or street is a nuisance, and is subject to abatement, without judicial proceedings.”* It also states that *“any person who obstructs or interferes with the free passage of any public street is liable for damages in addition to having such obstruction summarily abated.”*

**WHEREAS**, pursuant to the provisions of Section 23 of Presidential Decree (PD) No. 17, also known as the Revised Philippine Highway Act, as amended, declaring as unlawful for any person to usurp any portion of a right-of-way, to convert any part of any public highway, bridge, wharf or trail to his own private use or to obstruct the same in any manner;

**WHEREAS**, in 2010, the United Nations General Assembly proclaimed 2011 to 2020 as the Decade of Action for Road Safety. The goal is to stabilize and reduce the road traffic fatalities around the world;

**WHEREAS**, DPWH, under Department Order No. 73, listed the following as obstructions and therefore prohibited as to its presence and occurrence within the right-of-way (ROW) of all national roads:

- a) All kinds of temporary and permanent structures, such as buildings, houses, shanties, stores, shops, stalls, sheds, canopies, billboards, signages, advertisements, fences, walls, railings, basketball courts, barangay halls, garbage receptacles, and the like;
- b) Posts and towers of Electric Cooperative and Major Electric Power Distributors; distribution lines; posts for cables of phones and mobile service providers;
- c) Driveways and ramps occupying or protruding to the sidewalk;
- d) Trees, shrubs, and plant boxes;
- e) Humps, whether permanent or temporary;
- f) Dumping and storage of construction materials, such as sand, gravel, cement, lumber and steel bars, earth spoils, waste materials, debris, embankment, heaps, and the like;
- g) Vehicles and equipment, including junked items that are parked, occupying or protruding to the sidewalk or shoulder;
- h) Stalls utilized for vending, repair of vehicles, and other businesses within the sidewalk and other parts of the ROW;

**WHEREAS**, on July 19, 2019, the Department of the Interior and Local Government (DILG) issued Memorandum Circular 2019-121, addressed to All Provincial Governor, City and Municipal Mayors, Punong Barangays, Heads of Local Sanggunians, DILG Regional Directors, BARMM Regional Governor and all other concerned, which enjoined all local officials to exercise their powers to reclaim public roads which are being used for private ends and in the process, rid them of illegal structures and constructions;



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**WHEREAS**, it is likewise provided in the said Memorandum Circular for LGUs to revisit ordinance and similar legislative measures to ensure responsiveness to the presidential directive to clear roads of illegal structures and constructions and consistency with related laws and policies;

**WHEREAS**, on February 7, 2020, DILG issued Memorandum Circular 2020-027 wherein the subject is the continued implementation of the presidential directive to clear roads of illegal obstructions (Road Clearing 2.0), which provides, among others, the enactment or review of existing ordinance/s that provide for the conduct of road clearing operations and the prohibition of road obstructing structures and constructions;

**WHEREAS**, Section 17 (b) of the Local Government Code of 1991 mandates all provincial, city, municipal and barangay governments to manage and maintain roads within their jurisdiction as a basic and service facility;

**WHEREAS**, anent thereto, the municipality of Bayambang recognizes the greater need for policy action to maintain ease of traffic as well as safety and security of motorists along the national, provincial, municipal and barangay roads and bridges within the territorial jurisdiction of the municipality of Bayambang;

**NOW THEREFORE**, on motion of **SB Member Gerardo DC. Flores**, duly seconded;

**BE IT ENACTED**, by the Sangguniang Bayan of Bayambang in session assembled that:

**SECTION 1. SHORT TITLE:** This Ordinance shall be known as the “**ANTI-ROAD OBSTRUCTIONS ORDINANCE OF THE MUNICIPALITY OF BAYAMBANG**”.

**SECTION 2. DECLARATION OF POLICY.** It is hereby declared the policy of the municipality to maintain ease of traffic, safety and security of motorists, their passengers, commuting public including pedestrians as well as to ensure tourists, both local and foreign, to reach their tourist destination in Bayambang faster and safer through the mandatory enforcement of this policy.

**SECTION 3. SCOPE OF APPLICATION.** This ordinance covers all kinds of obstructions along the national, provincial, municipal and barangay roads and bridges within the jurisdiction of the municipality of Bayambang, obstructions constructed/placed by individuals, contractors, entities, business establishments and companies.

**SECTION 4. PURPOSES.** This ordinance shall have the following purposes:

- a) To make all public roads, sidewalks, bridges, parks and other public places free from obstructions;
- b) To be safe and convenient for use by residents, pedestrians, and/or motorists;
- c) To improve the flow of traffic and maintain order on roads;
- d) To minimize illegal vendors on streets;
- e) To minimize vandalism, littering and damage to public properties

**SECTION 5. DEFINITION OF TERMS.** As used in this ordinance, the following terms shall mean:

- a) Abate – lessen, reduce, or remove persons or things, especially a nuisance;
- b) Bridge – a structure carrying a road, path or railroad across a river, ravine or other obstacle;
- c) Driveways – refer to a short private road that leads from a public road or portion thereof to a house or garage;
- d) Enclosure – refers to an area that is enclosed by a movable fence, barricade or makeshift wall;
- e) Foot path – refers to the sides of the bridge for people to walk along;
- f) Makeshift – refers to temporary substitute, sufficient for the time-being;
- g) Nuisance – a person, thing or circumstance causing inconvenience or annoyance;



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- h) Posts – refer to long sturdy piece of timber or metals set upright in the ground and used to support something or as a marker;
- i) Road/s – refers to the passageway intended principally for vehicles for the movement, circulation or transportation of people and goods. May also be referred to as street, highway or thoroughfare. Could be paved with concrete, asphalt, finger corrals, soil, sand, gravel or any similar material;
- j) National Highway – all roads maintained by the National Government with road right of way width of 20 meters;
- k) Provincial Highway – all roads maintained by the Provincial Government with road right of way width of 10 meters;
- l) Park – a large public area in the town, used for recreation, also known as plaza;
- m) Public Roads – all streets, roads, bridges, highways and other thoroughfares constructed and maintained by the national government or by any Local Government of Bayambang;
- n) Municipal Roads – all roads maintained by the Municipal Government with road right of way width of 5 to 6 meters;
- o) Barangay Roads (Local Roads) – other public roads (officially turned over) within the Barangay and not covered in the above definitions;
- p) Expressways/Highways – with limited access, normally with interchanges; may include facilities for levying tolls for passage in an open or closed system;
- q) Bypasses are roads or highways that avoid a built-up area, town proper to let through traffic flow without interference from local traffic; reduce congestion and improve road safety where a toll for passage is levied in an open or closed system;
- r) Road obstructions or Obstructions as used in this ordinance – are structures, materials or activities within the road-right-of-way that impede the free and clear passage of motor vehicles or pedestrians and/or pose danger or cause injury to motorist, pedestrians or occupants or nearby structures;
- s) Other Activities on Public Roads – refers to fiesta celebration, sports activities, parade, agricultural or trade fairs, and other activities not considered as civil works;
- t) Obstruction – any structure, permanent or otherwise, movable or immovable, erected along, standing on, abutting or in any manner impeding safe and convenient passage through any public road or sidewalk;
- u) Other Public Places – a public place is an area that is generally open and accessible to people
- v) Road Right-of-Way (RROW) – or national “Road-Right-of-Way” or “Street” means a public open space for the continuous flow of pedestrian and vehicular traffic, including the air space above such RROW that must be free of all form of prohibited physical obstructions;
- w) Road clearing – shall mean the removal of illegal or unauthorized road obstruction along the right-of-way which encompasses the entire width of the road carriageway and sidewalk;
- x) Stalls – refer to stand, booth or compartment for the sale of goods or products;
- y) Structures – could either be permanent or temporary, refer to buildings, houses, shanties, stores, shops, stalls, sheds, canopies, signages, advertisements, fences, walls, railings, basketball courts, barangay halls, garbage receptacles, and the likes;
- z) Sidewalk – refers to a paved path for pedestrians at the side of a public road.

**SECTION 6. PROHIBITION.** No person, firm or corporation shall obstruct/impede the free flow of traffic along the national, provincial, municipal and barangay roads and bridges within the jurisdiction of the municipality of Bayambang for commercial or personal purposes. The prohibition includes all kinds of obstructions and is not limited to the following:

- a) All kinds of temporary and permanent structures, such as buildings, houses, shanties, stores, shops, stalls, sheds, canopies, billboards, signages, advertisements, fences, walls, railings, basketball courts, barangay halls, garbage receptacles, arcs and the like;
- b) Posts and towers of Electric Cooperatives and Major Electric Power Distributors; distribution lines; posts for cables of phones and mobile service providers;
- c) Driveways and ramps occupying or protruding to the sidewalk or to the road itself;



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- d) House encroachments that obstruct the road right-of way, protruding gates, conduct of households activities and tents except those being temporarily used for funerals and other similar activities;
- e) Shop, working area, warehouse, office or for any other purpose related to the conduct of his/her business;
- f) Stall utilized as extension in the conduct of any business undertaking;
- g) Stalls used for vending of foods (kakanin, taho, junk foods, mineral water, peanuts, candies, hard boiled eggs, fruits), magazines, newspapers, cigarettes, flowers, brooms, watches or jewellerys, shoes and other footwear and/or any other items;
- h) Makeshift/stall for the conduct of shoe shine operation;
- i) Space for seeking of alms or solicitation of funds for whatever activity;
- j) Stations of persons with disabilities (PWDs), e.g. blind with guitar, cripple with crutch, mother with a baby and the like to beg/ask for charity;
- k) Enclosures for the conduct of family gatherings/celebration, picnics or parties and merry-making activities; except wake (lamay) for those families with no enough space (but they should not be used for gambling and drinking intoxicating beverages) with prior permission from concerned LGU's Barangay;
- l) Enclosures to do household chores such as washing clothes, hanging clothes and/or bathing;
- m) Use of sidewalks and portions of streets for the principal purpose for vehicle garage or washing, greasing, painting, repainting or introducing any car accessories and repairing such vehicle except repairs necessitated by an emergency;
- n) To utilize for the conduct of other activities related to transport, i.e. barkers/call boys inviting passengers to board for-hire vehicles and as terminal or for-hire vehicles other than the authorized loading and unloading areas;
- o) Garbage dumping site;
- p) Setting up of basketball court/goal; playing basketball or scheduling a seasonal competition;
- q) Use of emergency road or widened portion of the national or the provincial road ROW to strap/hitch animals, fowls and the like with or without cage/pen;
- r) Space for storing soft drinks or wine/liquor bottles and cases (empty or not);
- s) Space for storing of junks, motor vehicles and/or parts and other recyclable materials;
- t) Emergency road or widened portion of the national or the provincial road ROW or the walkway for temporary storage of construction materials (pipes, tubings, lumber, cement, aggregates and the like) for sale and/or for use for road and/or road-related constructions;
- u) House extension or stall/store extension, including installation of roofs or awnings;
- v) Installed permanent or picket fence;
- w) Emergency road or widened portion of the national or the provincial road ROW or the walkway use for plants, trees and plant boxes;
- x) Dump/storage of stones, rocks, cement slabs, hollow blocks and/or car tires;
- y) Installed wood or iron structure, especially those mark with "no parking", and,
- z) Signs or signboards of a business establishment placed on or above the emergency road or widened portion of the national or the provincial road ROW or the walkway and detached from the establishment; Slow down/Zigzag signages/barricades along schools, quarantine checkpoints and police outpost;
- aa) Space for drying of palay, corn, and other farm produce;
- bb) Vehicles parked in prohibited places as specified in Section 46 of Republic Act 4136 or the Land Transportation and Traffic Code, or in sidewalks, paths or alleys not intended for vehicular parking pursuant to Section 52 of the same Republic Act;
- cc) Obstructing barangay outposts, halls, markers and directories;
- dd) Other structures, materials or activities identified by the component of LGUs Barangay of the Municipality of Bayambang as obstructions in their respective road inventory.

**SECTION 7. OTHER REGULATED AND PROHIBITED ACTS.**

- a) Conduct of religious activities or processions, parades during fiestas, games and other amusement activities that will use a portion of or traverse along the national highway or the provincial roads will have to be coordinated with the Public Order and Safety Office (POSO) for proper issuance of permit;



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- b) Burial processions traversing or passing along the national roads/bridges unless only the outer lanes are utilized;
- c) All items, goods and structures of good condition found on or along the national, provincial, municipal and barangay roads and bridges shall be removed by concerned authorities who will take temporary custody of the same. Violators who fail to claim the same upon payment of corresponding penalties shall forfeited in favor of the municipal government for proper disposition. For disposable or perishable goods found on or along the national, provincial, municipal and barangay roads and bridges, the same shall be treated as common or ordinary garbage and shall be disposed of as such, provided, that food commodities may be given to the Provincial Jail as additional food for Persons Deprived of Liberties (PDLs);
- d) It shall be unlawful for owners of residential and commercial establishments which are located along the national, provincial, municipal and barangay roads to allow sidewalk vendors to use the street frontage of their establishments to sell their goods and other merchandise;

For permanent structures that had been constructed before the enactment of this ordinance but were identified as road obstructions, concerned offices of the DPWH shall issue three notices for demolition and shall report the same to the LGU for information. However, for buildings (considered to be an obstruction) considered as historical and registered as such with the National Historical Commission of the Philippines (NHCP), the concerned LGU and/or the DPWH shall secure the latter's approval before any movement shall be conducted, subject to applicable laws, rules and regulations. In no case shall historical buildings be demolished without the approval of the NHCP or related government agencies and without prior consultation with the constituents where said building is located.

Trees along the RROW that are considered as road obstructions and/or trees or its condition, i.e. damaged by termites or dead trees that are about to fall and may pose danger to motorists and passers-by may be pruned or removed by the LGU in accordance with rules imposed by the Department of Environment and Natural Resources.

**SECTION 8. CREATION AND COMPOSITION.** There shall be created in the Municipality of Bayambang the Municipal Clearing Operations Management Committee and Clearing Operations Task Forces which shall be of the following:

**A. MUNICIPAL CLEARING OPERATIONS MANAGEMENT COMMITTEE**

- CHAIRPERSON** : Municipal Administrator
- VICE-CHAIRPERSON** : Municipal Engineer
- MEMBERS** : Chief, POSO  
 President, Liga ng mga Barangay  
 Municipal Planning and Development Officer  
 Chief, Bayambang Municipal Police Station  
 Municipal Fire Marshal (BFP)  
 Public Information Officer  
 CSO Representative

**B. MUNICIPAL CLEARING OPERATIONS TASK FORCE**

- Leader** : Chief, POSO
- Members** : Representative, Engineering Office  
 MPDC Representative  
 ESWMO Representative  
 PNP Representative  
 BFP Representative  
 DILG Representative  
 CSO Representative



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**C. BARANGAY CLEARING OPERATIONS TASK FORCE**

- Chairperson** : **PUNONG BARANGAYS**  
**Vice Chairperson** : **SANGGUNIANG BARANGAY MEMBER**  
 Committee Chairman on Infrastructure  
  
**Member** : **ALL CVO MEMBERS**

**SECTION 9. DUTIES AND RESPONSIBILITIES.** The Committee and Task Forces shall have the following duties and responsibilities:

**A. MUNICIPAL CLEARING OPERATIONS MANAGEMENT COMMITTEE**

1. Ensure the implementation of this Ordinance;
2. Review the traffic plans of the municipality and establish policy on the proper and safe use of all public roads, sidewalks, bridges, parks and other public places;
3. Determine the possible hazards or obstructions on any public road, sidewalk, bridge, park and other public places;
4. Declare any identified hazard or obstruction as a nuisance;
5. Recommend the removal or abatement of any nuisance on any public road, sidewalk, bridge, park and other public places;
6. Require the Municipal Engineering Office on regular updating of the Inventory of Road networks in the LGU;
7. Develop and implement displacement strategies and rehabilitation plan to help those affected by road clearing operations;
8. Coordinate with the Municipal Planning and Development Coordinating Office to provide base road map of the LGU to ensure effective implementation of road clearing operations;
9. Recommend to the Mayor the revocation of business permits or business establishments with illegal structures/constructions in public roads, after due process of law is satisfied or observed;
10. Mobilize the Municipal and Barangay Clearing Operations Task Force to implement the actual removal or demolition of illegal structures/ constructions after due process;
11. Submit periodic report to mayor and other concerned agencies related road clearing reports.

**B. MUNICIPAL CLEARING OPERATIONS TASK FORCE.**

1. Identify illegal structures and constructions that are occupying public roads.
2. Execute actual road clearing operations and initiate road rehabilitation effort
3. Prepare and maintain documentation of road clearing operations to be submitted to Municipal Clearing Operations Management Committee.

**C. BARANGAY CLEARING OPERATIONS TASK FORCE.**

1. Implement road clearing in their respective areas of responsibilities.
2. Submit to Municipal Clearing Operations Management Committee their respective monthly accomplishment reports and other periodic reports as required by other agencies.

**SECTION 10. ESTABLISHMENT OF ROAD CLEARING OPERATIONS OFFICE AND GRIEVANCE SECTION.** The Municipal Engineering Office is hereby established as the Road Clearing Operations Office including the Grievance Section of the Municipal Clearing Operations Management Committee and Clearing Operations Task Forces. The Municipal Engineer shall assign one of his staff who will from time to time receive all comments, queries and complaints from those affected by road clearing operations and who shall submit the same to the Committee Chairman.



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**SECTION 11. ABATEMENT OF HAZARDS AND OBSTRUCTIONS.** All obstructions along public roads and sidewalks are hereby presumed or declared *nuisances per se* and, as such, are subject to summary abatement without need of judicial proceedings. Any hazard or obstruction on any public road, sidewalk, bridge, park or other public place found by the Committee to be a nuisance to the public, shall be abated in accordance with the following procedures:

- a) A notice shall be sent to the person who is responsible for the hazard or obstruction, informing him of such hazard or obstruction and directing him to remove or fix the same within a period of ten (10) working days from receipt of said notice;
- b) After the lapse of the Notice and no action is done by the person or owner, the Committee shall issue a Notice of Removal to the person who is responsible for the hazard or obstruction, informing him that the municipality will personally undertake the abatement of such hazard or obstruction. The Notice of Removal shall also state the expenses to be incurred and a demand for the reimbursement thereof;
- c) Within a period five (5) working days from receipt of the Notice of Removal, the municipality shall initiate the proper legal or administrative action for the removal or fixing of the obstruction;

**SECTION 12. UTILIZATION OF DESIGNATED MUNICIPAL HOTLINE.**

The Local Government Unit of Bayambang designates #4357 as the Municipal Hotline for citizen's complaint which can be used if there are any complaints regarding the road clearing operations.

**SECTION 13. PENALTIES.** Violators of this Ordinance shall, upon conviction, be penalized as follows:

- 1) **First Offense:** One Thousand Pesos (₱1,000.00);
- 2) **Second Offense:** One Thousand Five Hundred Pesos (₱1,500.00);
- 3) **Third and succeeding offenses:** Two Thousand Five Hundred Pesos (₱2,500.00);

Juridical person – If committed by a juridical person, the President, General Manager, Corporate Secretary or person with related interest in the Corporation or Partnership or Association shall be held liable or penalized accordingly.

**SECTION 14. NO CONTEST PROVISION.** Any person apprehended for violation of this Ordinance, who does not wish to contest such violation and is willing to pay voluntarily the fine imposed upon him/her prior to the filing of formal complaint with the Office of the Prosecutor shall be allowed to pay the said fine with the Office of the Municipal Treasurer to avoid being criminally prosecuted.

The violator shall be given five (5) calendar days from issuance of the Citation Ticket within which to pay the fine.



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**SECTION 15. SHARING OF FINES.** Fines paid by violators shall be shared through the following:

- a) Bayambang Municipal Police Station 25%
- b) Barangay where the violation was committed 25%

The remaining percentage (50%) shall be the share of the Municipal Government of Bayambang and shall inure to the General Fund.

The Municipal Treasurer is hereby directed to directly remit to the Bayambang Municipal Police Station, Municipal Treasurer and Barangay Treasurer.

**SECTION 16. ENFORCEMENT.** The Bayambang Municipal Police Station and Public Order and Safety Office deputized personnel are the implementors of this ordinance specifically in the apprehension and issuance of the citation ticket to violators. However, Sangguniang Barangay members or Barangay Tanods and even the public may report violations/violators to concerned authorities.

For constructions of roads and bridges along the national roads, provincial roads and all public roads within the territorial jurisdiction of the Municipality of Bayambang, the Municipal Engineering Office shall be enjoined to monitor and report to the Office of the Municipal Mayor, copy furnished the Sangguniang Bayan, the implementation of this ordinance.

**SECTION 17. PUBLIC INFORMATION CAMPAIGN.** The Public Information Office (PIO), shall disseminate information on the requirements of this Ordinance to the public immediately upon effectivity of this Ordinance.

**SECTION 18. SEPARABILITY CLAUSE.** – If for any reason, any section or provision of this Ordinance is declared unconstitutional, invalid, illegal or unenforceable the other provisions not declared and not affected by such declaration shall remain in full force and effect.

**SECTION 19. REPEALING CLAUSE.** – All ordinances, resolutions, executive orders, circulars, memoranda and other similar issuances inconsistent herewith are hereby repealed or modified accordingly.


**SECTION 20. EFFECTIVITY.** – This Ordinance shall take effect upon approval and compliance with the posting and publication requirements.

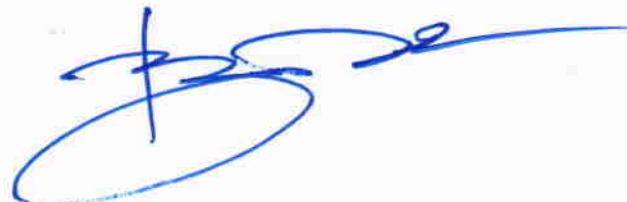
**ENACTED** this 8<sup>th</sup> day of February 2021.

*Certified to be duly adopted and approved:*

**JOEL V. CAMACHO**  
 Secretary to the Sanggunian

**ATTESTED:**

  
**HON. RAUL R. SABANGAN**  
 Municipal Vice-Mayor &  
 Presiding Officer







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"AN ORDINANCE REGULATING THE USE OF ROADS, SIDEWALKS, BRIDGES, PARKS AND OTHER PUBLIC PLACES, IN THE MUNICIPALITY OF BAYAMBANG, PANGASINAN, PROVIDING PENALTIES THEREOF, AND FOR SUCH OTHER PURPOSES"

**WE CONCUR:**  
**SANGGUNIANG BAYAN MEMBERS**

HON. MYLVIN T. JUNIO

HON. PHILIP R. DUMALANTA

HON. JOSEPH VINCENT E. RAMOS

HON. BENJAMIN FRANCISCO S. DE VERA

HON. GERARDO DC. FLORES

HON. MARTIN E. TERRADO II

HON. AMORY M. JUNIO

HON. LEVINSON NESSUS M. UY

HON. RODELITO F. BAUTISTA  
 President, Liga ng mga Barangay  
 (absent-sick leave)

HON. GABRIEL TRISTAN P. FERNANDEZ  
 President, SK Federation

**APPROVED:**

HON. CEZAR T. QUIAMBAO  
 Municipal Mayor

