



REPUBLIC OF THE PHILIPPINES
PROVINCE OF ORIENTAL MINDORO
MUNICIPALITY OF PINAMALAYAN
OFFICE OF THE SANGGUNIANG BAYAN

Telephone No: (043) 284-3147 Email Address: vicemayorsoffice@pinamalayan.gov.ph
Office of Vice Mayor/Sangguniang Bayan 2nd Floor Municipal Building, Madrid Blvd., Pinamalayan, Oriental Mindoro

MUNICIPAL ORDINANCE NO. 01-2021

Sponsored by:

- Hon. Rio S. Mercene
- Hon. Arnoldo M. Madrid

AN ORDINANCE PROHIBITING ALL SORTS OF OBSTRUCTION/S IN STREETS, SIDEWALKS, SETBACKS, AVENUES, ALLEYS, BRIDGES, PARKS AND OTHER SIMILAR PUBLIC PLACES IN THE MUNICIPALITY OF PINAMALAYAN, ORIENTAL MINDORO AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, It is a declared policy of the State to safeguard life, health, property and public welfare, consistent with the principles of environment management and control; and to this end, make it purpose of this Ordinance to regulate the use and maintenance of sidewalks and setbacks and to clear the same of illegal commercial and private structures, in order to facilitate the safe and convenient use thereof, pursuant to Book I, Chapter 2, Section 16 and Chapter 3, Article I, Section 455, paragraphs (b) (3) (VI) of the Local Government Code;

WHEREAS, the Department of the Interior and Local Government (DILG) issued Memorandum Circular Nos. 2019-121 dated 29 July 2019 and 2019-167 dated 04 October 2019, 2020-027 dated 07 February 2020 and 2020-145, on the Presidential directive during the 4th State of the Nation Address of the President to clear roads from illegal structures and obstructions;

WHEREAS, there are obstructions along the public roads in the Municipality of Pinamalayan including those illegal vendors and placing of signages along easement in front of business establishment that is considered as part of public roads and which are blocking the pathways for pedestrians and affecting the flow of traffic;

WHEREAS, to solve the pressing problem of improper use of streets, sidewalks, setbacks, alleys, and bridges, an Ordinance is deemed necessary for the safety and convenience of the public and development of the municipality;

NOW THEREFORE, be it enacted by the Sangguniang Bayan of Pinamalayan in Session assembled that;

SECTION 1. SHORT TITLE – This Ordinance shall be known as the “**Anti-Obstructions Ordinance of Pinamalayan**”.

SECTION 2. PURPOSES – This Ordinance has the following purposes:

1. To make all public roads and sidewalks safe and convenient for the use of pedestrians;
2. To improve the flow of traffic;
3. To maintain roads within the territorial jurisdiction as a basic service and facility, pursuant to Section 17(b) of RA 7160 or the Local Government Code of 1991.
4. To ensure that the roads remain safe, accessible, and free from illegal and potentially hazardous encroachments.
5. To reclaim public roads that are being used for private ends pursuant to Memorandum Circular No. 2019-121, and all other related issuances on Presidential Directives during 4th State of the Nation Address of the President to clear roads from illegal structures and obstructions.

SECTION 3. DEFINITION OF TERMS – For purposes of the Ordinance, the following terms shall have the corresponding meaning:

1. Public Roads - means all streets, roads, bridges, highways and other thoroughfares constructed and maintained by the national government or by any local government unit:



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provided, that any road or sidewalks not falling under this definition but which upon determination of the Municipal Government is deemed vital to pedestrian access or safety, shall be deemed a public road sidewalk for the purposes of this Ordinance.

2. Sidewalk – means that portion of a roadway assigned for the use by pedestrians, which must be free from all forms of physical obstructions for anything found on it, whether of value or not.
3. Sidewalk Obstruction - means any structure, whether permanent or temporary, immovable or movable, erected along, standing on, adjoining, or in any manner impeding safe and convenient passage through any public road or sidewalk; the conduct of business by sidewalk vendors; and any belonging or thing found therein, which shall all be deemed nuisance per se and treated as trash, subject to summary abatement and/or disposal, as provided for under this Ordinance. Provided, that the property of the government, including official road signs and structures erected and installed, for the purpose of regulating the flow of traffic, shall not be considered as such.
4. Sidewalk vendor - means any person who sells or offers for sale any consumer products, whether agricultural or manufactured, cooked foods and/ or dry goods, items or articles, including any person who attends to these products intended to be sold at any temporary location, sidewalks, alley vacant space or portion thereof.
5. Setback - is the horizontal distance, measured from the outmost face of the building/structure to the property lines that must be absolutely free of all forms of physical obstructions, that can negatively affect natural light and ventilation, or that can impede access to the sides and near area.

SECTION 4. PROHIBITION – It is prohibited and considered unlawful for any person or group of persons, entity or company to obstruct the free flow of people, goods and vehicles through the Municipality's road network by using, utilizing or otherwise approaching any street, sidewalk or pedestrian walkway, setback, avenue, alley, bridge, park and other public places or portion thereof for commercial or personal purposes. The prohibition includes all kinds of obstructions and is not limited to the following:

- a. Selling of goods by sidewalk vendors or offering for sale of foods, beverages, magazines, newspaper, cigarettes, jewelry, shoes and other footwear and/or any other items;
- b. Utilize as shop, working area, warehouse, office, or as extension in the conduct of any business undertaking;
- c. Use for storage of construction materials for sale, equipment, sand and gravels, stuck pile and others.
- d. Installation of sign or signboards on or above Sidewalks and detached from the business establishment;
- e. Putting of tarpaulin, posters and business signage's on trees along the streets;
- f. Storing of household appliances and furniture, as well as junks and recyclable materials along sidewalks;
- g. Use for parking of vehicles or vehicles garage or for the conduct of vehicle repair/ cleaning business;
- h. Installation of permanent fence or gate along sidewalks;
- i. Use of sidewalk in constructing pens or cages of animals or animals on leash;
- j. Dumping garbage and litter along sidewalks and portion of streets;
- k. Utilize for the conduct of activities related to transport, i.e. barkers/call boys inviting passengers to board for-hire vehicles, queue of passengers waiting to board and as terminal of for-hire-vehicles;
- l. House extension or stall/store extension, including installation of roofs and canopies, awnings and the like and installation of permanent or picket fence along sidewalks;



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- m. Doing household chores such as washing clothes, hanging clothes and/or bathing;
- n. Conduct of family gatherings/celebration, picnics, parties and merry-making activities;
- o. Seeking of alms or solicitation of funds for whatever activity;
- p. Setting up of basketball court/goal, playing basketball or scheduling a seasonal competition;
- q. Use to strap/hitch animals, fowls and the like, with or without cage/pen;
- r. Establishment of Barangay structure/outpost along sidewalks;
- s. Utilize as rice grain drying station; and
- t. Place or install of ramps/humps on the street.

SECTION 5. EXEMPTIONS – The following specific activities and duration shall be exempted from removal or apprehension as provided in Municipal Ordinance No. 05-2017 and 01-2018, the Temporary Closure of Roads and as with this Ordinance:

- a. Baraklan during Town Fiesta Celebration;
- b. Annual Trade Fair;
- c. Tiangge and Bazaar during Christmas Season
- d. Conduct of religious activities, such as preaching, processions or holding of a wake or other community affairs like fiestas, games/amusements activities, athletic meet, parade, and other gatherings for civic or charitable purposes shall also be exempted provided that there is proper coordination with the Barangay Council concerned and the Pinamalayan Traffic Management Division, and the necessary permit has been obtained and according to the rules and regulations that shall hereinafter, be promulgated.

SECTION 6. RESPONSIBILITIES OF THE VIOLATOR – The violator either the owner or lessee or occupant of both residential and commercial establishments are mandated to clean and clear from obstruction and sidewalks, passageways and setbacks, fronting their establishments.

It shall be the responsibility of the above-cited persons to place their garbage and litter in sanitary garbage, placed inside their yards and/or building and bring the same out only when the garbage collector passes by. Failure to do so shall make the violator liable under this Ordinance.

SECTION 7. PENALTIES – Any violation of the provisions of this, or its implementing rules, shall be dismantling, forfeiture and disposal of the subject sidewalks and/or setback obstructions.

In addition, any person, corporation, trust, firm, partnership, association or entity, found violating this Ordinance, or the rules and regulations promulgated thereunder, shall be imposed a fine, which shall accrue to the Local Treasury, as follows:

FIRST OFFENSE	Written warning
SECOND OFFENSE	Confiscation of Items
THIRD OFFENSE	Php 1,000.00 and Suspension of business permit, if the violator is a business operator.

The Municipal Mayor is hereby authorized to donate the confiscated items to other government agencies on proper procedure with documentary requirements. Also, the Municipality and its component barangays are hereby authorized to forfeit and dispose any obstruction, found within their respective territorial jurisdiction.

SECTION 8. AWARENESS RAISING MECHANISM - The Municipal Mayor shall organize a team in the Municipal and Barangay level to cause the dissemination of this ordinance such as but not limited to the following awareness efforts:

- 1. Conduct of regular orientation to the barangay level;
- 2. Awareness campaign through social media, including the official web sites of the LGU;



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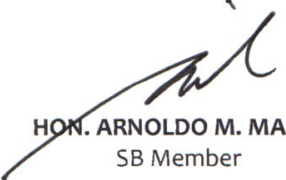
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3. Regular announcement through official radio program or street broadcast;
4. Distribution of flyers and posters

SECTION 9. SEPARABILITY/REPEALING CLAUSE – If any provision of this Ordinance is held invalid or unconstitutional, other provision not affected shall continue to be in full force and effect, or inconsistent with national law, rules and regulations, the same shall prevail and all previous ordinances, rules, regulations, executive order or memoranda are hereby superseded and modified.

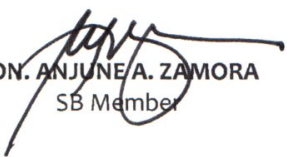
SECTION 10. EFFECTIVITY – This Ordinance shall take upon approval and compliance with the mandatory posting in at least three (3) conspicuous places in Pinamalayan, Oriental Mindoro or publication requirement, prescribed under RA 7160, otherwise known as the Local Government Code of 1991.

ENACTED UNANIMOUSLY this 11th day of January 2021 on joint motions of Hon. Rio S. Mercene and Hon. Arnolfo M. Madrid and seconded by all Sangguniang Bayan members present.

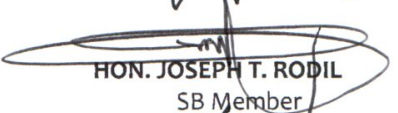

HON. ARNOLDO M. MADRID
SB Member

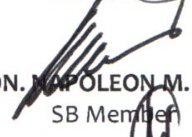

HON. RIO S. MERCENE
SB Member

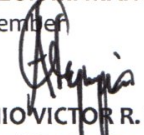

HON. SEVERINO J. NARITO
SB Member


HON. ANJUNE A. ZAMORA
SB Member


HON. DUMHILL MARCELO M. DELMO V
SB Member


HON. JOSEPH T. RODIL
SB Member

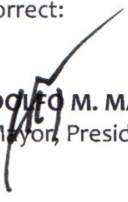

HON. NAPOLEON M. MANGARING
SB Member


HON. ANTONIO VICTOR R. OLYMPIA
ABC President/SB Member

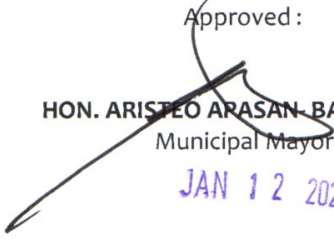

HON. JOVEN S. VELASCO
SKMF President/SB Member

Attested: 
ARNEL G. ABRENICA
Secretary to the Sanggunian

Certified Correct:


HON. RODOLFO M. MAGSINO
Municipal Vice Mayor, Presiding Officer

Approved:


HON. ARISTEO ARASAN BALDOS, JR.
Municipal Mayor

JAN 12 2021