



Republic of the Philippines  
Province of Oriental Mindoro  
**MUNICIPALITY OF PINAMALAYAN**

**Office of the Sangguniang Bayan**

**RESOLUTION NO. 089-2009**

RESOLUTION ENACTING AN ORDINANCE PROTECTING SIDEWALKS AND EASEMENTS FROM ALL SORTS OF OBSTRUCTION IN THE MUNICIPALITY OF PINAMALAYAN.

WHEREAS, this ordinance is meant to ensure and preserve the safety, comfort and convenience of pedestrians as provided in Republic Act 7160, Section 16 General Welfare;

WHEREAS, obstruction in sidewalks and easements are alarming and very prominent in the locality;

WHEREAS, the clearing of sidewalks and easements from all illegal structures and occupants will improve visibility and accessibility of road connections, enhance the mobility of disabled persons and likewise will make waterways maintenance and flood control operations manageable;

WHEREAS, PINAMALAYAN is now moving towards into a "City" in the Southern part of Oriental Mindoro and needs to have this ordinance to protect the interest of its constituents particularly the pedestrians;

NOW THEREFORE:

On joint motion of Honorable SB Members Arnel G. Abrenica and Susan F. Cobrado and seconded by all Sanggunian Bayan present.

RESOLVED as it is HEREBY RESOLVED to enact an ordinance protecting all sidewalks and easements from all sorts of obstruction in the Municipality of Pinamalayan.

**ORDINANCE NO. 09-2009**

Be it ordained by the Sangguniang Bayan of Pinamalayan, Oriental Mindoro.

**SECTION I. TITLE** - This shall be known as an ordinance protecting sidewalks and easement from all sorts of obstructions in the Municipality of Pinamalayan.

**SECTION II. DEFINITION OF TERMS**

**SIDEWALK** - a paved footwalk at the side of a street or roadway.

**EASEMENT** - a kind of public open space that must be absolutely free of all forms physical obstruction that can negatively affect natural light and ventilation with such space or that can impede access to or the full recreational use of such space by the general public. It is the area that lies between the legally usable portions of a public or private property and natural or man-built bodies of water such as seas, rivers, lakes, esteros, canals, waterways, floodways, spillways and the likes.

**STRUCTURE** - that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**DISABLED PERSON** - those suffering from restriction or lack of ability to perform an activity in the manner or within the range considered normal for a human being as a result of mental, physical or sensory impairment.

**OBSTRUCTION** - an act obstructing that makes to the state of being clogged, blocked, hinders from passage and cut-off from sight.

*Arnel G. Abrenica*  
*Susan F. Cobrado*  
*Arnel G. Abrenica*  
*Susan F. Cobrado*  
*Arnel G. Abrenica*  
*Susan F. Cobrado*

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cont'n of Resolution No. 089-2009/Ordinance No. 09-2009:

**WATERWAYS** – a way or channel for bodies of water such as seas, rivers, lakes, esteros, canals and the likes.

**PEDESTRIAN** – a person going/travelling on foot.

**OCCUPANT** – a person occupying a particular place.

**CONSTITUENT** – one or more person or group of person that patronizes and supports or offer to be represented.

**SECTION III. GUIDELINES IN PROTECTING SIDEWALKS/EASEMENTS FROM ALL SORT OF OBSTRUCTION**

**A. BUILDING OWNERS/BUSINESS OPERATORS RESPONSIBILITY.**

1. Owners/Operators shall see to it that sidewalks and easements fronting their building and business are free from any sort of obstructions (e.g. illegal structures, sidewalk used as display area, work area, showcase area, parking area, for stock files and the like).
2. Owners/operators are required to provide separate walkway ramps with railings for differently-abled persons and senior citizens.

**B. DUTIES AND RESPONSIBILITIES OF LGU.**

1. The Municipal Licensing officer, Municipal Health Officer, Municipal Engineer, BFP Personnel and all the Members of the Committees concerned of the Sangguniang Bayan will work as a Composite Team to inspect sidewalks/easements with in the municipality of Pinamalayan.
2. The Composite Team shall see to it that the easements are free from all sorts of obstructions.
3. The Team shall regularly check the said easements and sidewalks to see the compliance with the rules and provision stipulated in the National Building Code.
4. The Team may recommend for cancellation of Business Permit to the LCE if the owners/operators violates with the provision of this ordinance.

**SECTION IV. GUIDELINES GOVERNING EASEMENT AND SIDEWALKS PURSUANT TO PD 1096 REVISED AND UPDATED IRR OF THE NATIONAL BUILDING CODE**

**A. ALLOWED STRUCTURES OR DEVELOPMENTS.**

1. Residential building/structures along provincial road are required to comply with the minimum ( 2 ) two meters setback/easement.
2. Mixed-Use Building/Structure shall be considered a commercial use if 55% of the total floor are of the building is used for commercial purpose and are required to comply with three (3) meters setback/easement.
3. Commercial Building/Structure along the national road are required to comply with the minimum five (5) meters setback/easement.
4. All buildings/structure in urban areas are required to comply with the three (3) meters easement per side of waterway.
5. All Buildings/Structures in agricultural areas are required to comply with the twenty (20) meters easement per side of waterway.
6. All buildings/Structures in forest areas are required to comply with forty (40) meters easement per side of waterway.

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cont'n of Resolution No. 089-2009/Ordinance No. 09-2009:

7. Pedestrian access or ways such as footpaths or covered sidewalks and temporary or movable sheds, fountains and like structures must not encroach on the easement.
8. Other forms of soil stabilization/protection including anti-erosion measures or structures like rip-rapping, embankment protection within the easement are allowed provided that no enclosed or semi-enclosed habitable structure are built on above or below such structures.
9. Permanent Utility/service lines ( power, water telecommunications, gas etc.) are allowed within the easement provided that these are either underground or overhead.

**B. DISALLOWED AND PROHIBITED STRUCTURES/DEVELOPMENTS WITHIN EASEMENTS.**

1. No portion of easement maybe leased or developed by the government or private entities for purposes inconsistent with its intended purpose. Any form of semi-permanent or permanent and enclosed residential, commercial, industrial or government structure at any portion of public easement is prohibited.
2. All semi-enclosed or enclosed, semi-permanent or permanent habitable building projections (particularly arcade structures) or any other building projection or structural element (eaves, roof, cantilevered beams, foundations and the like) located above or below the easement are absolutely prohibited; and
3. All forms of enclosures such as fences, perimeter walls and the like, intended to limit the use of the easement for private enjoyment/benefit or to restrict full access to the public easement are absolutely prohibited unless the same are erected for reason of public safety.

**SECTION V. PENAL CLAUSE**

Any person/business firm who shall violate, refuse or neglect to comply with any of the provision promulgated under this ordinance shall be guilty of misdemeanor and punishable upon conviction by imprisonment for the period of six (6) months or fine of P 2, 500.00 or both depending upon the discretion of the court.

**SECTION VI. TRANSITORY PROVISION**

Within thirty (30) days upon the passage of this ordinance, the Municipal Chief Executive thru the Municipal Engineering Office (MEO) shall inform all offenders (e.g illegal structures, sidewalk used as display area, work area, showcase area, parking area, for stock files and the like) to remove and dismantle all obstructions in all sidewalks and easements within the jurisdiction. Offenders shall given up to three (3) notices of violations and require them to conform to all the provisions promulgated under this ordinance.

**SECTION VII. SEPARABILITY CLAUSE**

Any part or section hereof found to be unconstitutional for any reason, the section not affected by the declaration of invalidity shall remain in force and in effect.

**SECTION VIII. REPEALING CLAUSE**

All municipal laws, letter of implementation and executive orders inconsistent with the provision of this ordinance are hereby repealed and amended accordingly.

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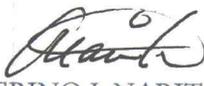
**Office of the Sangguniang Bayan**

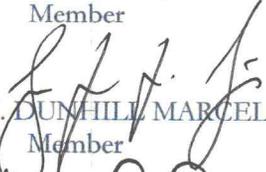
cont'n of Resolution No. 089-2009/Ordinance No. 09-2009:

**SECTION IX. EFFECTIVITY CLAUSE**

This ordinance is hereby made to a law of this municipality and shall take effect upon approval.

**APPROVED** this 19<sup>th</sup> day of June, 2009.

  
HON. SEVERINO J. NARITO  
Member

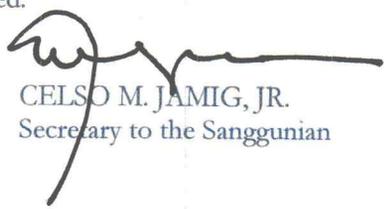
  
HON. DUNHILL MARCELO M. DELMO V  
Member

  
HON. GAVINO G. ERMITA  
Member

  
HON. JOSEPH T. RODIA  
Member

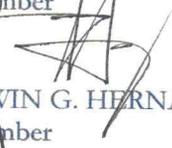
  
HON. EDEN JOY T. TALLON  
SKMF President, Member

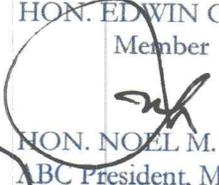
Attested:

  
CELSO M. JAMIG, JR.  
Secretary to the Sanggunian

  
HON. ARNEL G. ABRENICA  
Member

  
HON. SUSAN F. COBRADO  
Member

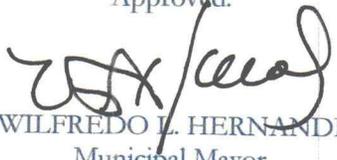
  
HON. EDWIN G. HERNANDEZ  
Member

  
HON. NOEL M. LACDANG  
ABC President, Member

Certified Correct:

  
HON. ROBERTO A. MORENTE  
Vice Mayor, Presiding Officer

Approved:

  
HON. WILFREDO L. HERNANDEZ, SR.  
Municipal Mayor