



**Republic of the Philippines
City of Bago
Office of the Sangguniang Panlungsod**

ORDINANCE NO. 21-06

AN ORDINANCE CLEARING PUBLIC ROADS, PARKS AND OTHER PUBLIC PLACES IN BAGO CITY OF ALL ILLEGAL STRUCTURES AND OBSTRUCTIONS.

Explanatory Note:

WHEREAS, SECTION 16 of Republic Act 7160 otherwise known as the Local Government Code 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 jurisdiction and that local government units shall ensure and support, among other things ... xxx xxx promote health and safety, ... xxx xxx maintain peace and order, and preserve the comfort and convenience of their inhabitants;

WHEREAS, DILG Memorandum Circular No. 2019-121 was issued by the Department of the Interior and Local Government (DILG) directing all Provincial Governors, City and Municipal Mayors, Punong Barangays, Heads of Local Sanggunian, DILG Regional Directors, BARMM Regional Governor and all other concerned to clear roads of illegal structures and construction in their respective localities;

WHEREAS, DILG Memorandum Circular 2020-027 directs all LGUs to continue the implementation of the road-clearing directive and to ensure that their efforts to maintain cleared roads are sustained;

NOW, THEREFORE, on motion of SP Member Jorge Agustin A. Araneta, unanimously seconded by SP Members present, BE IT ORDAINED by the Sangguniang Panlungsod of Bago City, in session duly assembled that :

SECTION 1. TITLE. This Ordinance shall be known and cited as the Bago City Road and Public Places Obstruction Clearing Ordinance.

SECTION 2. OBJECTIVES AND PURPOSE. This Ordinance seeks to achieve the following:

- a. To ensure the safe and convenient use by the public of all public roads, parks and other places in Bago City;
- b. To reduce illegal vending on streets; and
- c. To improve the flow of traffic.

SECTION 3. DEFINITION OF TERMS. As used in this Ordinance, the following shall mean:

- a. **Public Roads** – all streets, roads, bridges, highways, sidewalks, streets, avenues, alleys, pedestrian, and other thoroughfares constructed and maintained by the national government or by any local government unit, provided that any road or sidewalk not falling under this definition but which upon determination of the City, is deemed vital to pedestrian and commuter access or safety, shall be deemed a public road for all legal intents and purposes.
- b. **Road Clearing** – set of rules and interventions being implemented and advocated by the national government and which is being adopted by local government units. It is intended to remove of roads, sidewalks, parks and other public places of obstructions out of public necessity which includes the enactment of necessary ordinances, the conduct of obstruction inventories, the physical removal of obstructions without, however, infringing on private property rights, the crafting and implementation of displacement plans, the rehabilitation and maintenance of cleared roads and the creation of a grievance mechanism (as defined and provided for in Memorandum Circular 2020-027).

- c. **Obstruction** - are structures, materials, or activities within the road right-of-way, parks, bridges and other public places that impede the free and clear passage of motor vehicles or pedestrians and/or pose danger or cause injury to motorists, pedestrians, or occupants of nearby structure or which deprives the public of its enjoyment or use. However, properties of the government, including official road signs and structures installed for the purpose of facilitating the free and smooth flow of traffic shall not be considered as obstruction.
- d. **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 or those that can adversely affect the natural light and ventilation, or that can impede access to the sides and nearby areas.
- e. **Illegally Parked Motor Vehicles** - are those vehicles which are parked attended or unattended, in areas, roads or streets where parking is prohibited.
- f. **Parked** - a vehicle is said to be parked if it is stationary for a more than five (5) minutes during which it is neither picking up or setting down persons or goods.
- g. **Parking area** - means a portion of the thoroughfare where parking is permitted as indicated by appropriate notices or parking signs.

SECTION 4. RULES AND REGULATIONS. The use of streets, roads, bridges, highways, sidewalks, streets, avenues, alleys, pedestrian, parks, thoroughfares and other public places in the City for commercial and personal purposes shall be prohibited.

a. In particular, the prohibition which warrants summary removal or abatement may include, but not limited to:

1. 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 said law;
2. Vehicular Terminals except when authorized and designated by the City;
3. Vending sites for any kind of goods or merchandize;
4. House encroachments that obstruct the road right-of-way, protruding gates, conduct of household activities, and tents, except those being temporarily used for funerals and other similar activities for a limited period, house extension or store extension including installations of roof and canopies, awnings and the like along the sidewalks;
5. Store encroachments and indiscriminate signage and advertisements to include using of sidewalk as storage of goods, items or merchandise for sale;
6. Obstructing barangay outposts, halls, markers and directories;
7. Conduct of sports, sports facilities, and other related activities;
8. Drying of rice or other crops;
9. Construction materials including sand, gravel, cement, steel bars, logs, and the like;
10. Debris, waste materials and other junked items;
11. Installation of sign or signboards on or above sidewalks and detached from the business establishments;
12. Putting of tarpaulin, posters and business signage on posts and trees along the streets;

13. Conduct of vehicle repair/car wash/cleaning business;
14. Use of sidewalks in constructing pens or cages of animals or animals on leash;
15. Use of sidewalks for plants, trees and plant boxes;
16. Other structures, materials or activities identified by the LGU as obstruction through their road inventory.

b. Obstructing and/or hazardous trees may be pruned or removed by the local government units in accordance with local laws or ordinances and the pertinent rules and issuances of the Department of Environment and Natural Resources.

c. In cases wherein structures or facilities owned by utility service providers, such as posts, meters, instrumentation boxes, and the like that are identified as obstruction, coordination shall be made between the concerned utility company and the local government unit for their removal or relocation taking into consideration the non-disruption of the services the of utility and the resulting inconvenience to the public.

d. In cases where materials, equipment and structures temporarily obstruct the road right-of-way due to a project of national or local government, the Road Clearing Operations Taskforce shall coordinate with the concerned agency implementing the project for their relocation or agree on the timetable of their removal.

SECTION 5. OBSTRUCTION AS NUISANCE PER SE. All obstructions along public roads, sidewalks and other public places which pose imminent danger to persons or properties are hereby presumed or declared nuisances per se and, as such, are subject to summary abatement without need of judicial proceedings.

SECTION 6. CITY ROAD CLEARING OPERATIONS TASK FORCE. In compliance with the law and to ensure the immediate and effective implementation of all clearing operations, the City Road Clearing Operations Task Force is hereby created which shall have the following composition:

Chairman: City Legal Officer
 Co-Chairman: City Engineer's Office

Members:

1. Chief of Police
2. Representative from the Bago City Housing Authority
3. Representative from the Business Permits and Licensing Office
4. Representative from the City Health Office
5. Representative from the CDRRM
6. Representative from the Bureau of Fire Protection
7. Representative from the General Services Office
8. Representative from the City Environment Management Office
9. Representative from the Traffic Management Division
10. SP Committee Chairman on Peace and Order and Public Safety
11. SP Committee Chairman on Urban Development, Housing and Resettlement
12. Eight (8) Police Officer and four (4) SWAT Members who will be designated by the City Chief of Police in consultation with the City Legal Office

The Local Chief Executive may supplement the composition of the Task Force at any time.

SECTION 7. FUNCTIONS OF CRCOTF. The City Road Clearing Operations Task Force (CRCOTF) shall have the following functions:

1. Ensure immediate and effective implementation of road and public places clearing operations by the barangays;
2. Prepare an inventory of all roads and public areas within the jurisdiction of the city;
3. Coordinate with the City Engineer's Office for the rehabilitation of all recovered public roads by placing street names and street lights, among others;

4. Develop and implement strategies that will address the displacement issues as a consequence of the implementation of all clearing operations;
5. Create Clearing and Demolition Team/s that will assist the CRCOTF in the actual clearing and/or demolition activities of all kinds of obstruction and nuisance in public roads and other public places;
6. Assist the Sanggunian Panlungsod in the review of ordinances and similar legislative measures to ensure their responsiveness and consistency to the existing laws, policies and directives;
7. Work in close coordination with all barangays to ensure success and sustainability of clearing operations;
8. Submit regularly the required reports to the Local Chief Executive and the DILG City Local Government Operations Officer (CLGOO); and
9. Perform such other tasks as may be required by the Local Chief Executive.

SECTION 8. ENFORCEMENT OF ROAD CLEARING. The City Road Clearing Operations Taskforce shall enforce this ordinance. Barangay Officials specifically Punong Barangays, Sangguniang Barangay Members and Barangay Tanods shall assist in the clearing of public roads, bridges, highways, sidewalks, streets, avenues, alleys, pedestrian, parks, thoroughfares and other public places within their respective territorial jurisdiction.

SECTION 9. CONFISCATION OF THINGS, MATERIALS AND STRUCTURES AND THEIR DISPOSAL. All things, materials and structures which are declared or identified as nuisances or obstruction shall be confiscated after prior notice was made. The City Government and its authorized personnel shall not be held liable for any damage arising from the removal, confiscation or disposal of the said items. The disposal of confiscated items shall be governed by applicable laws, rules and procedures.

SECTION 10. RESPONSIBILITIES. The owner or lessee or occupant of residential or commercial establishments has the responsibility to clean and clear from obstructions the sidewalks, passageway, setbacks, and storm drain canal fronting their residence and establishments.

SECTION 11. STRATEGIES. The City shall prepare a displacement plan, program, or strategy for those affected by the road clearing operations to include but not limited to relocation, offering of alternative livelihood, dialogue, implementation of parking schemes, and issuance of notices of violation.

SECTION 12. REHABILITATION AND SUSTAINABILITY. The City and Barangay shall ensure that all roads and public places recovered from private possession shall be rehabilitated and restored for public use and enjoyment by constructing the needed infrastructure for their restoration such as streetlights, signages and markings. Long term rehabilitation and sustainability measures like regular cleaning and flushing and issuance of certificate of turn over to barangays shall also be put into place.

SECTION 13. AWARENESS RAISING MECHANISM. The City Government, in coordination with the barangays, shall conduct information and education campaigns to raise the awareness and compliance of the public to this ordinance. Thus, in the conduct of orientations prior to the issuance of clearances, permits and licenses, the barangays and the concerned offices of the City shall include their topics the imports of this ordinance. Also, concerned offices of the City and the barangays shall cause the posting of this ordinance and other related policies in their official social media platforms.

SECTION 14. GRIEVANCE MACHINERY. – There shall be created a grievance machinery whereby citizens can report unabated obstructions, provide suggestions, and air out their concerns. The Public Assistance and Complaints Desk (PACD) in every barangay and at the City Hall shall accept concerns submitted in person, while the city’s official website www.bagocity.gov.ph and the Citybridge facebook fanpage shall serve as a venue to receive reports submitted through the internet and social media platforms.

SECTION 15. PENALTIES – All obstructions as defined herein shall be summarily abated, dismantled, forfeited and disposed. Any person, corporation, trust, firm, partnerships, association or entity, violating this Ordinance shall be fined under the City Ordinance No. 17-04 otherwise known as the Bago City Road Safety Ordinance as amended whenever applicable. Otherwise, the following penalties shall apply:

First Offense:	500.00 pesos
Second Offense:	1,000.00 pesos

Third and succeeding Offenses: 3,000.00 pesos

SECTION 16 . SEPARABILITY CLAUSE. Should any portion of this Ordinance be declared unconstitutional or illegal, the unaffected remaining portions shall remain in force and effect.

SECTION 17. REPEALING CLAUSE. All ordinances, issuances and resolutions which are inconsistent with the provisions of this Ordinance are hereby repealed and/or modified accordingly.

SECTION 18. EFFECTIVITY. This Ordinance shall take effect immediately after its approval and publication.

Enacted February 17, 2021.

I hereby certify to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Panlungsod during its Regular Session held on February 17, 2021.

(SGD.) VICENTE D. MESIAS

City Environment and Natural Resources Officer II
Secretary to the Sangguniang Panlungsod-Designate

ATTESTED:

(SGD.) RAMON D. TORRES

City Vice Mayor-Presiding Officer

Approved this 22nd day of February 2021.

(SGD.) NICHOLAS M. YULO

City Mayor