



Republic of the Philippines
Province of Marinduque
Municipality of Santa Cruz
BARANGAY MASALUKOT



OFFICE OF THE SANGGUNIAN BARANGAY

**EXCEPT FROM THE MINUTES OF THE MEETING OF THE SANGGUNIAN BARANGAY
REGULAR SESSION OF MASALUKOT, SANTA CRUZ, MARINDUQUE HELD ON JUNE 03,
2024 AT BARANGAY HALL, MASALUKOT, SANTA CRUZ, MARINDUQUE.**

Present:

Hon. Teodoro R. Ramos
Hon. Sergio R. Pondevida
Hon. Imelda M. Linga
Hon. Amalia P. Ricahuerta
Hon. Flordeliza P. Ricohermoso
Hon. Ryan R. Reginio
Hon. Editha M. Revilloza
Hon. Boyet P. Ravanera
Hon. Reynold R. Imperial

Punong Barangay/ Tagapangulo
Sangguniang Barangay Member
Sangguniang Barangay Member
Sangguniang Barangay Member
Sangguniang Barangay Member
Sangguniang Barangay Member
Sangguniang Barangay Member
Sangguniang Kabataan Chairman

RESOLUTION NO. 30 ***Series 2024***

**“A RESOLUTION ENACTING AN ORDINANCE ON THE CONDUCT OF BARANGAY ROAD
CLEARING OPERATIONS AND PROHIBITING ANY OBSTRUCTION ON BARANGAY
ROADS AND OTHER ROADS OFFICIALLY TURNED OVER TO THE BARANGAY WITHIN
THE TERRITORIAL JURISDICTION OF BARANGAY MASALUKOT OF THE
MUNICIPALITY OF SANTA CRUZ, MARINDUQUE”**

Proponent: Hon. Sangguniang Barangay Member FLORDELIZA P. RICOHERMOSO

WHEREAS, consistent with the declared policy of the State to safeguard life, health, property and public welfare, **Republic Act No. 7160** otherwise known as the *Local Government Code of 1991*, **Section 17** thereof empowers all local government units to exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provision of the basic services and facilities such as... Maintenance of barangay roads and bridges and water supply systems;

WHEREAS, pursuant to the **Department of the Interior and Local Government (DILG) Memorandum Circular No. 2019-121**, the re-claiming of public streets from public or private obstructions shall be enforced by the Local Government Units;

WHEREAS, in a subsequent supplemental **DILG Memorandum Circular No. 2019-167**, the Department hereby orders the continuity of the re-claiming of public streets by institutionalizing sustainable mechanisms for the maintenance of road clearing operations and the promulgation of necessary policies and issuances to address all traffic and sidewalk concerns;

WHEREAS, on February 07, 2020, the Department of the Interior and Local Government reiterated anew in **DILG Memorandum Circular No. 2020-027** otherwise known as *Continued Implementation of the Presidential Directive to Clear Roads of Illegal Obstructions (Road Clearing 2.0)* providing for: (1) *Additional Roles of Local Chief Executives*; (2) *Guidelines for Road Clearing Operations*; and (3) *Monitoring, Assessment and Validation of Road Clearing and Re-claiming Policy of the government*;

WHEREAS, the DILG reiterated the conduct of road clearing operations under DILG MC 2022-085 titled “Implementation of Road Clearing Under the New Normal”;

WHEREAS, in furtherance of the program, the DILG issued DILG MC 2024-053 on the Nationwide Implementation of the Barangay Road Clearing Operations, Assessment, Validation, and Recognition under the Bagong Pilipinas Program launched by President Ferdinand Marcos, Jr;

WHEREAS, in order to solve the pressing problem on improper and unauthorized use of streets, sidewalk, alleys, bridges and other public places within the barangay, a corresponding legislation is necessary in the barangay level to achieve the objectives of both local and national government in re-claiming public streets from any obstruction;

NOW THEREFORE, upon motion of Hon. Sangguniang Barangay Member Amalia P. Ricahuerta, duly seconded by all other Sangguniang Barangay members present, it was:

RESOLVED, to pass *“A Resolution Enacting an Ordinance on the Conduct of Barangay Road Clearing Operations and Prohibiting Any Obstruction on Barangay Roads and Other Roads Officially Turned Over to the Barangay Within the Territorial Jurisdiction of Barangay Masalukot of the Municipality of Santa Cruz, Marinduque”*.

BE IT ORDAINED by the Sangguniang Barangay of Masalukot in session duly assembled for the purpose:

BARANGAY ORDINANCE NO. 05

“AN ORDINANCE ON THE CONDUCT OF BARANGAY ROAD CLEARING OPERATIONS AND PROHIBITING ANY OBSTRUCTION ON BARANGAY ROADS AND OTHER ROADS OFFICIALLY TURNED OVER TO THE BARANGAY WITHIN THE TERRITORIAL JURISDICTION OF BARANGAY MASALUKOT OF THE MUNICIPALITY OF SANTA CRUZ, MARINDUQUE”

Section 1. Title – This ordinance shall be known and cited as the *“Anti-obstruction Ordinance of Barangay Masalukot”*.

Section 2. Scope – This ordinance covers all kinds of obstructions on barangay roads and other roads officially turned over to the barangay within the territorial jurisdiction of Barangay Masalukot of the Municipality of **Santa Cruz, Marinduque** committed by individuals, entities and companies other than those obstructions committed by persons while driving or operating motor vehicles and all other forms of conveyances.

Section 3. Definition of Terms – as a general rule, words and phrases embodied in this ordinance not herein specifically defined shall have the same meaning as found in legal dictionaries as well as in existing laws. Provided that, the following terms as used in this ordinance, shall be construed to mean:

- A. **Barangay Roads** – refer to minor or tertiary roads, streets, and alleys under the management of the barangay and other roads officially turned over to the barangay (Section 3.1 of DILG MC No. 2022-085 dated June 20, 2022);
- B. **Road Clearing Operations** – refer to the act of removing or causing to remove illegal or unauthorized road obstructions or encroachments along the road right of way, which encompasses the entire width of the road carriageway (including travel way for motor vehicles and road shoulders) and sidewalk. The widening of the scope of existing road right-of-way and activities undertaken for such purpose are beyond the scope of this policy;
- C. **Road Obstructions** – are illegal/unauthorized structures, materials, or activities within the road right-of-way that impede the free and clear passage of motor vehicles, bicycles, or pedestrians and/or pose danger or cause injury to motorists, bicycle users, pedestrians, or occupants of nearby structures, e.g. barangay halls, PNP/police station/sub-station, plant boxes, illegal terminals, ambulant vendors, awning, tent, basketball court, and other obstructions and illegal constructions;
- D. **Road Right-of-way** – shall mean the legal access established by usage with precedence over others in a particular situation or place;

- E. **Sidewalk** – means that portion of roadway assigned for the use by pedestrians, which must be free from all forms of physical obstructions or anything found on it, whether of value or not;
- F. **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, sidewalk, alley vacant space or portion thereof; and

Section 4. Prohibition – It shall be 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 barangay road network within the territorial jurisdiction of Barangay Masalukot by using, utilizing or otherwise appropriating any road, street, sidewalk, or pedestrian walkway, avenue, alley, bridge, park and other public place or portion thereof, for commercial or personal purposes. The prohibition includes all kinds of obstructions such as but not limited to:

- A. Illegally-parked vehicle, e-bike, e-trike;
- B. Vehicular terminals except in areas designated by concerned LGU;
- C. Vending sites for any kind of item;
- D. 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;
- E. Store encroachments and indiscriminate signage and advertisement;
- F. Obstructing barangay outposts, halls, markers, and directories;
- G. Conduct of sports, sports facilities, and other related activities;
- H. Drying of rice or other crops;
- I. Construction materials including sand, gravel, cement, steel bars, logs, and the like; debris, waste materials, and other junked items;
- J. Steel plates, makeshift shelters, barriers that obstruct the safe movement of vehicles and pedestrians; and,
- K. Other structures, materials, or activities identified by the barangay as obstructions through the barangay road inventory.

Section 5. Barangay Road Clearing Operations (BaRCO)–

5.1 Barangay Masalukot shall conduct regular barangay road clearing operations in all barangay roads, and implement policies for the efficient use of the same, such as the enforcement of no-parking, one-side parking, or other similar strategies, in accordance with the ordinance duly enacted by the Sangguniang Bayan and/or DILG Memorandum Circulars on the conduct of barangay road clearing operations.

5.2 The barangay shall also maintain municipal roads cleared and turned over by the municipal government to the barangay.

5.3 Road clearing operations shall be conducted on the existing road right-of-way, which shall include the sidewalk, road shoulders, and the travel way. This shall not be construed as an authority to conduct road widening projects.

5.4 Continuously conduct road clearing operations and mobilize all Sangguniang Barangay Members (SBMs), elected Sangguniang Kabataan Officials (SKOs), and Barangay Tanods, during the conduct of the barangay road clearing operations in all barangay roads, minor/ tertiary roads, streets, alleys, and other roads officially turned over to the barangay.

5.5 Seek assistance from the Municipal Government/ local PNP and BFP during BaRCO.

5.6 Submit BaRCO accomplishment reports to the concerned DILG office along with the documentary requirements and means of verification for reporting, assessment, and validation purposes by the DILG Field Office concerned.

5.7 Immediately report any violation related to road clearing operations outside the coverage/management of the barangay, to the proper authorities for their immediate and appropriate action.

Section 6. The Barangay Masalukot Road Clearing Task Force – within fifteen (15) days upon the approval of this ordinance, there shall be created through an executive order, a special task for which shall be named as the Barangay Masalukot Road Clearing Task Force with the following composition:

- A. The Punong Barangay as its chairperson;
- B. The Chairperson on Public Order and Safety as its Vice-chairperson;
- C. All Sangguniang Barangay members, SK Officials, and members of the Barangay Brigade/Tanod as members;

Section 7. Functions of the Barangay Masalukot Road Clearing Task Force – the Barangay Masalukot Road Clearing Task Force shall have the following duties and functions:

- A. Determine in accordance with the provision of this ordinance the obstructions in the barangay;
- B. Formulate a Plan of Action for the execution and implementation of this ordinance;
- C. Execute and implement the provisions of this ordinance on identified obstructions;
- D. Notify the owners who caused such obstructions the abatement to be made in accordance with the provisions of this ordinance; and
- E. Coordinate with the office of the Municipal Mayor or any appropriate governmental agency those obstructions that cannot be removed by the barangay.

Section 8. Procedure for clearing of any obstruction under this Ordinance – the following procedures shall be observed in abating any obstruction:

- A. Any obstruction may be summarily removed if the owner of such structure has agreed upon any verbal request made by the barangay, otherwise a written notice shall be given to the owner to effect within fifteen (15) days the removal of such obstruction;
- B. Where after the lapse of fifteen (15) days, the obstruction is still existing, the barangay shall notify the office of the Municipal Mayor informing him of the fact that such obstruction was not removed by the barangay despite the latter's request for its removal;
- C. In cases where the obstruction involves permanent structure, the barangay may directly notify the Municipal Mayor of such fact;
- D. In cases wherein structures or facilities are owned by utility service providers, the barangay shall coordinate with the concerned utility company for the removal or relocation of such obstruction; and
- E. In cases of obstructing and/or hazardous trees, coordination with the Department of Environment and Natural Resources shall be made by the barangay prior to its removal.

Section 9. Exceptions – For purposes of exempting an activity as an obstruction from the coverage of this ordinance, the following criteria shall be observed:

- A. That it has proper coordination and duly approved by the barangay in which the duration of the activity is properly determined such as religious/community activities (preaching, processions or holding of a wake or other affairs of the community like fiesta celebration, games and amusement);
- B. In cases of construction and repairs along public roads, equipment and materials used in such undertaking shall not be considered as obstructions under this ordinance, provided, that such undertaking has proper coordination with the appropriate government office and duly approved by the latter;
- C. In cases where such obstructions are necessary incidents dictated by reasons of emergency to protect and save lives or properties from any calamity or public danger whether natural or man-made; and

D. Other cases when expressly permitted or allowed by law or an ordinance promulgated to meet a momentary necessity of order and public safety.

Section 10. Appropriation/ Funding- To effectively implement the provisions of this Ordinance, the amount of ₱10,000.00 will be allotted thereby.

Section 11. Repealing Clause – All ordinances and resolutions, or parts thereof, the provisions of which are in conflict with or contrary to the provisions of this ordinance are hereby repealed, amended and modified accordingly.

Section 12. Separability Clause – If for any reason or reasons, any provision of this ordinance be declared invalid, the other provisions not affected thereby shall remain in full force and effect.

Section 13. Effectivity Clause – This ordinance shall take effect immediately upon compliance of the posting requirement following its approval.

SO ORDAINED.

RESOLVED FINALLY, that a copy of this ordinance be transmitted to the Sangguniang Bayan of Santa Cruz for review and appropriate action and be furnished the office of the Honorable Marisa Red Martinez, Municipal Mayor for information.

UNANIMOUSLY APPROVED, by the Sangguniang Barangay of Barangay Masalukot, Santa Cruz, Marinduque on its Regular Session held on June 03, 2024

Certified True and Correct:

ANACEL R. DE LUNA
Barangay Secretary

Attested:

Hon. TEODORO R. RAMOS
Punong Barangay

Confirmed:

Hon. SERGIO R. PONDEVIDA
Sang. Brgy. Member

Hon. IMELDA M. LINGA
Sang. Brgy. Member

Hon. AMALIA P. RICAHUETA
Sang. Brgy. Member

Hon.FLORDELIZA P. RICOHERMOSO
Sang. Brgy. Member

Hon. RYAN R. REGINIO
Sang. Brgy. Member

Hon. EDITHA M. REVILLOZA
Sang. Brgy. Member

Hon. BOYET R. RAVANERA
Sang. Brgy. Member

Hon. REYNOLD R. IMPERIAL
SK Chairperson



Republic of the Philippines
Province of Marinduque
Municipality of Santa Cruz
BARANGAY MASALUKOT



June 13, 2024

THE PRESIDING OFFICER AND THE HONORABLE MEMBERS
SANGGUNIANG BAYAN
This Municipality

THRU HON. MEDWIN R. MANUEL
Vice Mayor/ Presiding Officer

Attn. ROSARIO DG. RECALDE
Secretary of Sangguniang Bayan

Ladies and Gentlemen:

Greetings!

Kindly acknowledge receipt of final copy of Barangay Ordinance number 05-2024 "An ordinance on the conduct of Barangay Road Clearing Operations and Prohibiting any Obstruction on Barangay Roads and other Roads Officially turned over to the Barangay within the Territorial Jurisdiction of Barangay Masalukot of the Municipality of Santa Cruz, Marinduque"

For you review and appropriate action. Thank you.

Respectfully yours,

ANACEL R. DE LUNA
Barangay Secretary