

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

17<sup>th</sup> Congress  
First Regular Session

**3298**  
HOUSE BILL NO. \_\_\_\_\_

HOUSE OF REPRESENTATIVES	
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Introduced by Honorable Evelina G. Escudero

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**EXPLANATORY NOTE**

This bill seeks to penalize the use of public roads and sidewalks for commercial and personal purposes.

In the 1992 case of *Dacanay v. Mayor Asistio, Jr.* (208 SCRA 404), among other cases, the Supreme Court of the Philippines declared that:

*"A public street is property for public use hence outside the commerce of man. The right of the public to use the city streets may not be bargained away through contract. The interests of a few should not prevail over the good of the greater number in the community where health, peace, safety, good order and general welfare, the city officials are under legal obligation to protect."*

The 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."*

It has been observed that in cities, municipalities and barangays, the roads, sidewalks and alleys are still not properly utilized. Sidewalks are occupied by vendors and used as illegal transport terminals while roads and alleys are blocked by illegal structures such as basketball courts or business stalls. Hence, pedestrians are forced to walk on the road which causes traffic congestion. Motorists slow down to avoid accidents.

Under the proposed measure, a penalty of fine and imprisonment is imposed against any person who obstructs or uses public roads and sidewalks for commercial and personal purposes. Also, the barangay chairperson or mayor who fails or neglects to implement the prohibition against the use of the public roads and sidewalks for commercial and personal purposes, or to abate any obstruction within its territorial jurisdiction, may be administratively charged under the provisions of the Local Government Code. The barangay chairperson or mayor may also be made to pay a fine.

The public deserves a safe, convenient and healthy environment. It is therefore necessary to impose penalties for obstructing public roads and sidewalks to ensure the safety of everyone.

In view of the foregoing, approval of this bill is highly recommended.

A handwritten signature in black ink, appearing to read 'Evelina G. Escudero', written in a cursive style.

**EVELINA G. ESCUDERO**

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**17<sup>th</sup> Congress**  
First Regular Session

**HOUSE BILL NO. 3298**

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**Introduced by Honorable Evelina G. Escudero**

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**AN ACT**  
**PENALIZING THE USE OF PUBLIC ROADS AND SIDEWALKS FOR**  
**COMMERCIAL AND PERSONAL PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

**SECTION 1. *Short Title.*** – This Act shall be known as the “*Use of Roads and Sidewalks Act.*”

**SEC. 2. *Prohibited Acts.*** – The use of public roads and sidewalks for commercial and personal purposes which constitutes obstruction shall be penalized.

For purposes of this Act, *obstruction* refers to 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 but does not include structures erected or installed by the government for the purpose of regulating the flow of traffic.

Obstruction to public roads and sidewalks includes the following:

- a) Selling of food, beverages, magazines, newspapers, cigarettes, jewelries, shoes and other footwear, and other goods;
- b) Conducting a shoe-shine business;
- c) Bathing, washing and hanging of clothes;
- d) Using the sidewalk as garage or for a car repair business;
- e) Dumping of garbage;
- f) Setting up of basketball court or goal and playing of basketball;
- g) Constructing pens or cages of animals;
- h) Storing softdrinks or bottled drinks and cases;
- i) Drinking liquor and alcoholic beverages and holding picnics and parties;
- j) Storing of household appliances, furnitures, junk and construction materials;
- k) Installing of permanent fence or gate;
- l) Putting plants and flower boxes;
- m) Installing signs or signboards on or above sidewalks which are detached from the store or business establishment;
- n) Conducting religious activities like preaching and soliciting of donations;
- o) Holding the wake of dead relatives and gambling during the wake; and
- p) Other similar activities.

SEC. 3. **Exceptions.** – The mayor or the barangay chairperson may grant an applicant permit for the temporary use of roads and sidewalks during any of the following occasions:

- a) Special occasions in the locality such as fiestas and other similar gatherings;  
and
- b) Sale promotion days and activities for civic or charitable purposes.

The mayor or the barangay chairperson shall clearly designate the specific duration of the use and the portions of the sidewalks or public road that may be utilized for the activity or occasion.

A representative of the mayor or the barangay chairperson must be present during the activity to ensure that the activity is conducted in an orderly manner and that cleanliness and proper safety measures are observed.

SEC. 4. **Penalties.** – In addition to having the obstruction abated summarily and being liable for damages as provided under the Civil Code of the Philippines, any person who violates the provisions under Section 2 of this Act shall be penalized by a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00), or by imprisonment of not less than six (6) months but not more than one (1) year, or both.

The mayor, barangay chairperson or any designated local officer who neglects or fails to enforce the provisions of this Act shall be administratively liable under the Local Government Code, and shall be penalized by a fine of not less than Fifty thousand pesos (P50,000.00) but not more than one hundred thousand pesos (P100,000.00).

SEC. 5. **Implementing Rules and Regulations.** – Within thirty (30) days from the approval of this Act, the Secretary of the Interior and Local Government shall issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 6. **Repealing Clause.** – All laws, decrees, executive orders or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 7. **Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,