



Republic of the Philippines
Province of Laguna
MUNICIPALITY OF LOS BAÑOS
Special Science and Nature City
OFFICE OF THE SANGGUNIANG BAYAN
Municipal Hall, National Highway, Brgy. Timugan,
Los Baños, Laguna 4030 Philippines
Email: losbaños@laguna.net

EXCERPTS FROM THE MINUTES OF THE THIRTY-FIFTH (35TH) REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD ON DECEMBER 7, 2020, AT THE SANGGUNIANG BAYAN SESSION HALL, NATIONAL HIGHWAY, BRGY. TIMUGAN, LOS BAÑOS, LAGUNA.

Present :	Vice Mayor Josephine Sumangil - Evangelista, Presiding Officer S.B. Member Miko C. Pelegrina S.B. Member Janos S. Lapiz S.B. Member Geronimo A. Ciceron S.B. Member Marlo PJ A. Alipon S.B. Member Mike Dexter A. Concio S.B. Member Mark Lester B. Dizon S.B. Member Cris Dayril B. Bagnes S.B. Member Arlene P. delos Santos, Liga President Secretary Dona T. Alborida Ms. Felomina I. Lincallo, LLSO I
Absent :	S.B. Member Jozlyn N. Manansala, SK Fed. President, (On-Leave)
Visitors :	Mr. Jun Montemayor, President of Federation of Senior Citizens Mr. Antonio Likwong, Pres., of Baybayin Senior Citizens Assoc. Mr. Virgilio Tandang, President of Bayog Senior Citizens Assoc., Mr. Jeomy Chee, Pres., Anos Senior Citizens Assoc., Ms. Beatriz M. Cruz, Pres., Timugan Senior Citizens Assoc., Ms. Norberta Delos Reyes, Pres., Mayondon Senior Citizens Assoc., Ms Yollie B. Exconde, Pres., San Antonio Senior Citizens Assoc., Ms. Amelina Cadapan, Pres., Bagong Silang Senior Citizens Assoc., Ms. Norma D. Dimaano, Pres., Lalakay Senior Citizens Assoc., Mr. Andres D. Alfonso, Pres., Malinta Senior Citizens Assoc., Ms. Noemi D. Francisco, Bureau of Fire Protection Jefferson J. Samson, Bureau of Fire Protection

ORDINANCE NO. 2020-2087

ORDINANCE ON THE PROHIBITION AND ABATEMENT OF ILLEGAL STRUCTURES, CONSTRUCTIONS, AND ALL KINDS OF OBSTRUCTIONS ON PUBLIC SIDEWALKS, DRAINAGE SYSTEMS AND ALL PUBLIC ROADS, IN THE MUNICIPALITY OF LOS BAÑOS, AND PROVIDING PENALTIES FOR VIOLATION THEREFOR, AND FOR OTHER PURPOSES

Arlene delos Santos
Author : Councilwoman Arlene P. delos Santos, Liga President

WHEREAS, the Local Government Code of 1991 (Republic Act No. 7160) accords every local government unit power and authority to promote the general welfare within its territorial jurisdiction, including the promotion of health and safety of its constituents;

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KAPASIVAHAN BL. 198, S. 2021
PETSA February 6, 2021

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WHEREAS, Presidential Decree No. 17 or the Revised Philippine Highway Act provides that it shall be unlawful for any person to usurp any portion of a right-of-way, to convert any part of any public highway, bridge, wharf or trail to his own private use or to obstruct the same in any manner, or to use any highway beach for irrigation or other private purposes;

WHEREAS, President Rodrigo Roa Duterte, in his 4th State of the Nation Address, directed all Mayors to "reclaim all public roads that are being used for private ends.";

WHEREAS, in Memorandum Circular 2019-121, the DILG directed all governors, mayors, and barangays 'to exercise their powers essential to reclaim public roads, rid them of illegal structures and constructions, rehabilitate them by placing street names and street lights, and carry out strategies to address possible displacement issues.';

WHEREAS, road clearing operations were suspended in March, at the onset of the COVID-19 outbreak in the country, to allow LGUs to focus on efforts to address the health crisis;

WHEREAS, after more than seven months of suspension, the Department of the Interior and Local Government (DILG) has announced the resumption of the Road-Clearing Operation 2.0 (RCO 2.0) depending on the quarantine classification of the local government units (LGUs);

WHEREAS, DILG issued Memorandum Order 2020-027 directing LGUs to rid the streets of any obstruction and enact ordinances in relation to the road-clearing operation;

NOW THEREFORE, on motion of Councilwoman Arlene P. delos Santos duly seconded by Councilor Marlo PJ A. Alipon and approved by the councilors present;

BE IT ORDAINED, AS IT IS HEREBY ORDAINED BY THE SANGGUNIANG BAYAN OF LOS BAÑOS, LAGUNA IN SESSION ASSEMBLED, THAT:

SECTION 1. **TITLE.** This Ordinance is entitled Ordinance on the prohibition and abatement of illegal structures, constructions, and all kinds of obstructions on public sidewalks, drainage systems and all public roads, in the Municipality of Los Baños, and providing penalties for violation therefor, and for other purposes;

SECTION 2. **SHORT TITLE.** This Act may be cited as the "**LOS BAÑOS ROAD CLEARING ORDINANCE**";

SECTION 3. **DEFINITION OF TERMS.** For purposes of this ordinance, the term:

- a. **PUBLIC ROADS** refer to all streets, roads, bridges, highways and other thoroughfares constructed and maintained by the national government or the local government unit of Los Baños. For purposes of this ordinance, may include any road declared by the LGU to be essential to pedestrian access or safety;

- b. **HIGHWAY** as defined under PD No. 17 or the Revised Philippine Highway Act includes pavements, shoulders, embankments, rights-of-way, bridges, ferries, drainage structures, signs, guard rails, and related protective structures;
- c. **PUBLIC SIDEWALK** refers to all specific areas running parallel to both sides of a public road;
- d. **RIGHT-OF-WAY (ROW)** means the land secured and reserved to the public for highway purposes;
- e. **ROAD CLEARING** shall refer to the removal of illegal or unauthorized road obstructions along the ROW, which encompasses the entire width of the road carriageway (including travelway for motor vehicles and road shoulders) and sidewalk. The widening of the scope of the existing ROW and activities undertaken for such purpose are beyond the scope of this ordinance;
- f. **OBSTRUCTION** refers to any structure, permanent or otherwise, movable or immovable, erected along, standing on, abutting or in any manner impeding free, clear, safe and convenient passage of motor vehicles or pedestrians and/or pose danger or cause injury to motorists, pedestrians, or occupants of nearby structures;
- g. **NUISANCE PER SE** for purposes of this ordinance shall refer to anything that obstructs or interferes with the free passage of any public road or sidewalk that affect the immediate safety of persons and property, and may be summarily abated under the undefined law of necessity;
- h. **SUMMARY ABATEMENT** refers to the immediate removal, clearing, demolition, or reduction of a nuisance per se without judicial proceeding.

SECTION 4. **GENERAL PROHIBITION.** It shall be unlawful for any person to usurp any portion of a right-of-way, use any part of any public road, public highway, public sidewalks, bridge, trail, or drainage system to his own private use or to obstruct the same in any manner, or to use for other private purposes:

SECTION 5. **ROAD CLEARING.** LGUs may coordinate with the Department of Public Works and Highways (DPWH) in conducting road clearing operations in national roads or any other roads under the direct management and maintenance of DPWH. Likewise, LGUs may coordinate with and request assistance from the Philippine National

Police (PNP) and the Bureau of Fire Protection (BFP) in ensuring security and order during the conduct of road clearing operations.

a. ROLE OF THE MUNICIPAL GOVERNMENT.

The Municipal Mayor shall:

1. Effect the clearing of all public roads, public highways, public sidewalks, bridge, trail, or drainage system of illegal structures, constructions and any obstructions in the Municipality of Los Baños;
2. Develop and implement displacement strategies if necessary;
3. Reclaim all public roads and public sidewalks that are being used for private ends;
4. Cause the rehabilitation of recovered public roads by causing its repair, placing street names and street lights and the like;
5. Revisit approved municipal ordinances and make them consistent with this ordinance and related laws and policies pertaining to road clearing operations;

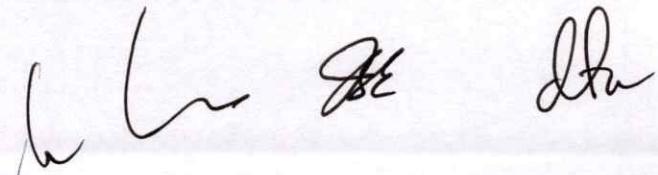
b. ROLE OF THE BARANGAY.

The Sangguniang Barangay shall:

1. Prepare an inventory of roads within their jurisdiction and report to the mayor all illegal structures, constructions and obstructions on all public roads and sidewalks; and shall continue the maintenance of cleared roads in their territorial jurisdiction;
2. Continue the maintenance of cleared roads in their territorial jurisdiction;
3. Revisit approved barangay ordinances and make them consistent with this ordinance and related laws and policies pertaining to road clearing operations;
4. Collaborate with the Municipal Mayor for harmonization of efforts in the clearing of roads of illegal structures and obstructions;
5. Mobilize the Barangay Officials and personnel to conduct monitoring operations to ensure that public roads are rid of illegal structures and constructions;
6. Inform/report to the Mayor of any violation, complaint or information in relation to the enforcement of this ordinance;
7. Adopt measures to prevent and control the proliferation of squatters and mendicants in the barangay (Section 391a(18) Republic Act No. 7160, Local Government Code of 1991).

SECTION 6. RECLAMATION OF ALL PUBLIC ROADS. The Mayor, with the assistance of the concerned Sangguniang Barangay, shall effect the reclamation of all public roads, public highways, public sidewalks, bridge, trail, or drainage system that are being used for private purposes

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SANGGUNIANG PANLALAWIGAN
KAPASIVAHAN BL. 198 S. 2021
PETSA February 8, 2021



in the Municipality of Los Baños; and cause the rehabilitation of recovered public roads by causing its repair, placing street names and street lights and the like;

SECTION 7. **OBSTRUCTIONS AS NUISANCE PER SE.** All obstructions along public roads and sidewalks that pose danger or cause injury to motorists, pedestrians, or occupants of nearby structures are hereby presumed or declared nuisances per se and, as such, are subject to summary abatement without need of judicial proceedings.

SECTION 8. **SUMMARY ABATEMENT.** The Municipal Mayor is hereby authorized to summarily abate, remove or demolish any obstruction considered nuisance per se found on any portion of all right-of-way, public road, public highway, public sidewalks, bridge, trail, or drainage system, without need of judicial proceedings.

SECTION 9. **PROHIBITED ACTS.** The following are prohibited on any portion of all right-of-way, public road, public highway, public sidewalks, bridge, trail, or drainage system and shall be penalized under this ordinance:

- a. Use for private purposes;
- b. Obstruct in any manner;
- c. Build any edifice, kiosks, stall and other similar structures;
- d. Dump garbage or any junk material;
- e. Use for ambulant vending;
- f. Use for parking;
- g. Use as terminals for public utility vehicles, except in areas designated by the LGU;
- h. Use for displaying products or performing/providing services;
- i. Use for advertisements, including but not limited to erecting billboards and signage; and
- j. Those enumerated under Section 10 of this Ordinance, without the necessary permits and clearances or official coordination with the proper authorities.

SECTION 10. **EXCEPTIONS.** The temporary usage of public roads or sidewalk may be allowed, subject to the necessary permits and clearances from the municipal government unit, under the following circumstances:

- a. By public utilities and service companies for the construction, installation, repair and maintenance of public utility structures, components and equipment, such as but not limited to those related to electricity, telecommunications and water;
- b. By the LGU and other government agencies for traffic enforcement, setting up of outposts, information tents, or checkpoints;

- c. By the Municipal and Barangay LGUs for the conduct of official activities, events, fairs, festivals, barangay fiesta-related activities and similar activities;
- d. By private organizations for conduct of programs or activities.

SECTION 11. PEDESTRIAN SAFETY. Any person, natural or juridical, authorized or given permission for the temporary usage of all public roads and sidewalks, under Section 10 of this ordinance, shall provide and ensure safe and convenient pedestrian travel and access, whether by foot, wheelchair, walker, stroller or any other means, such as but not limited to:

- a. Posting a clearly marked and visible sign indicating on-going construction or repair work along a public road or sidewalk;
- b. Obtaining the permits from the appropriate local government agencies required in undertaking repair or construction work or in conducting any other activity requiring the use of a public road or sidewalk;
- c. Covering of any hole, ditch or digging along a public road or sidewalk;
- d. Putting up adequate protective roofing above sidewalks or public roads adjacent to any construction or repair site;
- e. Destroying, removing or in any manner tampering with any sign or notice indicating an existing hazard to pedestrian safety or any lamp or lamppost illuminating a public road or sidewalk;

SECTION 12. APPLICATION FOR PERMIT ON TEMPORARY USE OF PUBLIC ROADS AND SIDEWALKS. Applications for permits for temporary usage under Section 11 of this ordinance may be submitted in writing to the local government unit concerned, provided as follows:

- a. For use of any national road or highway, to the Municipal Mayor;
- b. For use of barangay roads and sidewalks:
 - b.1 Less than one (1) day – to the Punong Barangay concerned;
 - b.2 More than one (1) day – to the Municipal Mayor

SECTION 13. PAYMENT OF FEES. Corresponding fees may apply in accordance with the Revenue Code of the Municipality of Los Baños. Collected fees, including fines, may be applied to clearing operations and abatement.

SECTION 14. PENALTIES. Any person found violating this Ordinance shall be penalized accordingly:

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| a. First Offense: | Fine of Php 1,000.00 |
| b. Second Offense | Fine of Php 1,500.00 |

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KAPASIHAN BL. 198 S. 2021
PETS A February 8, 2021



Commercial Establishments:

Fine and Suspension of
Business Permit

c. **Third and Succeeding Offenses**

Fine of Php 2,500.00

Commercial Establishments:

Fine and Revocation of
Business Permit

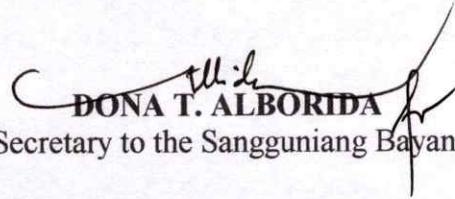
SECTION 15. **REPEALING/AMENDING CLAUSE.** All other ordinances, resolutions, memoranda, orders and other issuances inconsistent with this Ordinance are hereby repealed or amended accordingly;

SECTION 16. **SEPARABILITY CLAUSE.** If for certain reasons some provisions of this Ordinance are found to be invalid or unconstitutional, all other provisions hereof not affected shall remain in full force and effect;

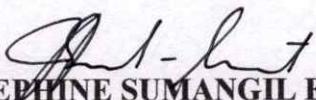
SECTION 17. **EFFECTIVITY.** This Ordinance shall take effect upon approval.

ENACTED : DECEMBER 07, 2020

I HEREBY CERTIFY to the correctness of the above-quoted Ordinance.


DONA T. ALBORIDA
Secretary to the Sangguniang Bayan

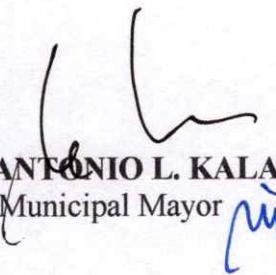
CERTIFIED ENACTED:


HON. JOSEPHINE SUMANGIL EVANGELISTA

Vice Mayor / Presiding Officer

MUNICIPAL
SANGGUNIANG PANLAWIGAN
KAPASITAHAN RE. 198, S. 2021
PETSA February 8, 2021

APPROVED:


HON. ANTONIO L. KALAW
Municipal Mayor