

Republika ng Pilipinas
LALAWIGAN NG SURIGAO DEL SUR
TANDAG CITY

Tanggapan ng Sangguniang Panlalawigan
(Office of the Provincial Council)

EXCERPT FROM THE MINUTES OF THE 103RD REGULAR SESSION OF THE 20TH SANGGUNIANG PANLALAWIGAN OF SURIGAO DEL SUR HELD AT THE SANGGUNIANG PANLALAWIGAN SESSION HALL, LEGISLATIVE BUILDING, CAPITOL HILLS, TELAJE, TANDAG CITY, PROVINCE OF SURIGAO DEL SUR ON AUGUST 6, 2024

PRESENT:

Hon. Manuel O. Alameda, Sr.	- Vice Governor (Presiding Officer)
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Regular Sangguniang Panlalawigan Members:

District I

Hon. Ruel D. Momo
Hon. Amado M. Layno, Jr.
Hon. Antonio C. Azarcon
Hon. Valerio T. Montesclaros, Jr.
Hon. Jose Dumagan Jr.

District II

Hon. Margarita G. Garay
Hon. Gines Ricky J. Sayawan, Sr.
Hon. Anthony Joseph P. Cañedo
Hon. Raul K. Salazar

Ex – Officio Members:

Hon. Jimmy I. Guinsod	- Indigenous Peoples Mandatory Representative, Surigao del Sur
Hon. Melanie Joy M. Guno	- President, Provincial Chapter of the Liga ng mga Barangay sa Pilipinas

ABSENT:

On Sick Leave:

Hon. Conrad C. Cejoco	- Member, Sangguniang Panlalawigan
Hon. Yuri Art Eufy R. Sanchez	- President, Panlalawigang Pederasyon ng mga Sangguniang Kabataan

On Paternity Leave:

Hon. John Paul C. Pimentel	- President, Philippine Councilors' League, Surigao del Sur Chapter
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ORDINANCE NO. 113-24
(dated August 6, 2024)

**ESTABLISHING THE POLICY ON THE TEMPORARY ROAD CLOSURE AND
ERECTION OF BARRIERS IN THE PROVINCE OF SURIGAO DEL SUR BY NOT
INCLUDING THE NATIONAL HIGHWAYS**

AUTHOR:

HON. CONRAD C. CEJOCO



SPONSORS:

HON. MARGARITA G. GARAY, HON. RUEL D. MOMO, HON. JOSE DUMAGAN, JR., HON. ANTHONY JOSEPH P. CAÑEDO, HON. AMADO M. LAYNO, JR., HON. GINES RICKY J. SAYAWAN, SR., HON. RAUL K. SALAZAR, HON. VALERIO T. MONTESCLAROS, JR., HON. JIMMY I. GUINSOD AND HON. MELANIE JOY M. GUNO

SECONDEES:

HON. ANTONIO C. CAZARCON AND HON. VALERIO T. MONTESCLAROS, JR.

WHEREAS, it has been observed that national highways in the Province of Surigao del Sur are being blocked not only for a few hours for certain events like fiestas but sometimes even for extended number of days. This was evident during the recent Fiesta Celebration of the Municipality of Tagbina wherein one side of the island was converted into a 2-way lane highway to accommodate the ukay-ukay vendors and it went on for a several days without providing an alternative route;

WHEREAS, Section 21 of the Local Government Code provides "A local government unit may, pursuant to an ordinance, permanently or temporarily close or open any local road, alley, park, or square falling within its jurisdiction: Provided, however, That in case of permanent closure, such ordinance must be approved by at least two-thirds (2/3) of all the members of the sanggunian, and when necessary, an adequate substitute for the public facility that is subject to closure is provided. No such way or place or any part thereof shall be permanently closed without making provisions for the maintenance of public safety therein.xxx Any national or local road, alley, park, or square may be temporarily closed during an actual emergency, or fiesta celebrations, public rallies, agricultural or industrial fairs, or an undertaking of public works and highways, telecommunications, and waterworks projects, the duration of which shall be specified by the local chief executive concerned in a written order: Provided, however, That no national or local road, alley, park, or square shall be temporarily closed for athletic, cultural, or civic activities not officially sponsored, recognized, or approved by the local government unit concerned.";

WHEREAS, furthermore, consistent with the declared policy of the State to safeguard life, health, property and public welfare, Section 17 (b) of the Local Government Code mandates all provincial, city, municipal and barangay governments to manage and maintain roads within their territorial jurisdiction as a basic service facility;

WHEREAS, Department Order No. 73, series of 2014 of the Department of Public Works and Highways (DPWH) on the "Prohibited Uses Within the Right-of-Way of National Roads" forbids occurrence or presence of other structures or facilities and directs immediate removal of all obstructions and prohibited uses/activities thereto;

WHEREAS, consequentially, the Local Government Units of the Province are urged to craft their own policies and measures on the temporary road closure and the putting up of barriers along National Highways in the Province of Surigao del Sur. Temporary road closures and putting up of barriers must be embodied in an Ordinance indicating the date, time and purpose of said closure;

WHEREAS, in view of the foregoing;



NOW THEREFORE

BE IT ORDAINED BY THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF SURIGAO DEL SUR IN A SESSION ASSEMBLED:

SECTION 1. TITLE. There is hereby established the policy on the temporary road closure and erection of barriers in the Province of Surigao del Sur by not including the National Highways.

SECTION 2. SCOPE. The provisions of this Ordinance shall cover all kinds of obstructions and barriers on National Highways within the territorial jurisdiction of the Municipalities/Cities of the Province of Surigao del Sur.

SECTION 3. DECLARATION OF POLICY. All Local Government units including cities in the Province of Surigao del Sur are prohibited to temporarily close National Highways especially during fiesta celebration and must observe Department Order No. 73-2014 of the Department of Public Works and Highways (DPWH) wherein Regional and District Engineering Officers are directed to immediately remove or cause the removal of all obstructions and prohibited uses within the Right-of-Way (ROW) of all national roads within their respective jurisdictions and henceforth prohibit the presence/occurrence of the following structures, objects and such other similar items and activities along national roads as well as strictly disallow the building, erection, construction, planting and fabrication of the same, viz:

1. all kinds of temporary and permanent structures, such as buildings, houses, shanties, stores, shops, stalls, sheds, canopies, billboards, signages, advertisements, fences, walls, railings, basketball courts, barangay halls, garbage receptacles, and the like;
2. posts and towers of Electric Cooperatives and Major Electric Power Distributors; distribution lines; posts for cables of phones and mobile service providers;
3. driveways and ramps occupying or protruding to the sidewalk;
4. trees, shrubs, and plant boxes;
5. humps, whether permanent or temporary;
6. dumping and storage of construction materials, such as sand, gravel, cement, lumber and steel bars, earth spoils, waste materials, debris, embankment, heaps, and the like;
7. vehicles and equipment, including junked items that are parked, occupying or protruding to the sidewalk or shoulder;
8. vending, repair of vehicles, and other businesses within the sidewalk and other parts of ROW;
9. disposal of household/commercial/industrial wastewater and sewage into the sidewalk, curb and gutter, and carriageway;
10. raising of animals or allowing them to roam within the ROW; and
11. washing and drying of clothes, crops, and similar items.



Should clearing operations for road widening; improvement and/or rehabilitation are to be conducted, no compensation shall therefore be paid and allowed on the removal of these obstructions.

SECTION 4. DEFINITION OF TERMS. For purposes of this Ordinance, the following terms shall have the corresponding meaning:

1. **Temporary Road Closure** – means the temporary closing of a road.
2. **Roads** – refers to public roads such as provincial road and municipal roads
3. **Barriers/Obstruction** – any structures, permanent or otherwise movable or immovable erected along, standing on, abutting, any materials such as construction materials and illegally parked vehicles, or any activities within the road Right-of-Way (ROW) 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 structures as specified in Sections 46 and 52 of Republic Act No. 4136 or the Land Transportation and Traffic Code.
4. **Road-Right-of-Way (ROW)** – refers to the whole strip or portion of land which serve as an open way for public passage on foot or with the use of transportation facilities including the areas purportedly for drainage purposes along the sides.
5. **Public Nuisance** – is any act, omission, establishment, business, condition of property, or anything else which injures or endangers the health or safety of others, annoys or offends the senses, shocks, defies or disregards decency or morality, obstructs or interferes with the free passage of any public highway or street, or any body of water or hinders or impairs the use of property. It affects a community or neighborhood or any considerable number of persons, although the extent of the annoyance, danger or damage upon individuals may be unequal.
6. **Road Clearing** – shall mean the removal of illegal or unauthorized road obstruction along the Right-of-Way (ROW) which encompasses the entire width of the road carriageway and sidewalk.
7. **National Road/Highway** – is a road connecting major cities and is owned and maintained by the Department of Public Works and Highways (DPWH). An example of which is the Surigao-Davao Coastal Road (Route 902), Payasan-Los Arcos Road, Lingig-Trento Road (Route 73) and the Barobo-Agusan del Sur Boundary Road (Route 905). National roads shall have a right-of-way of not less than twenty (20) meters, provided that a right-of-way of at least 60 meters shall be reserved for roads constructed through unpatented public land and at least one hundred twenty (120) meters reserved through naturally forested areas of aesthetic or scientific value.

SECTION 4. EXEMPTIONS. Traffic-related signages, barriers or obstructions on National Highways during repair and/or construction of roads, sidewalks, drainages, bridges and/or public utility works or during emergencies are not covered by this Ordinance. Likewise, in cases where obstructions are necessary and incidents dictated by reasons of emergency to protect and save lives or properties from any calamity whether natural or man-made or any public danger and other cases when expressly permitted or allowed by law or an ordinance promulgated to meet a momentary necessity of order and public safety.



SECTION 5. TRAFFIC MANAGEMENT. All necessary measures shall be taken by respective Local Government Units in the Province of Surigao del Sur to minimize disruption to residents and businesses in the affected areas. Pertinent offices shall work closely to implement traffic diversions and provide alternative routes during the closure periods.

SECTION 6. OTHER CONDITIONS ON ROAD CLOSURES. In considering the applications for road closures, or disruption to traffic, the Sangguniang Bayan/Panlungsod shall take into account the benefits arising from the purposes for which traffic is to be disrupted and the costs imposed on affected residents and commercial property occupiers and road users. All the lanes of the National, Provincial and Municipal Roads must not be closed temporarily or permanently but only partially. There must be a provided detour route for such road to be partially/temporarily closed. The local Philippine National Police (PNP) shall place adequate signages near and along the affected areas in order to guide the public accordingly and to ensure proper traffic management on the areas.

SECTION 7. IMPLEMENTING RULES AND REGULATIONS (IRR). To effectively achieve the purposes of this Ordinance, the Local Government Units of the Province of Surigao del Sur shall promulgate the Rules and Regulations on temporary road closure and the erection of barriers/obstructions to carry out their own provisions within 60 days from the effectivity of this Ordinance.

SECTION 8. SEPARABILITY CLAUSE. Should any provision, section, or part of this Ordinance be adjudged or declared illegal or unconstitutional by any Court of competent jurisdiction, such judgment shall not affect or impair the remaining provisions, sections, or part hereof which shall continue to be in full force and effect.

SECTION 9. REPEALING CLAUSE. All Ordinances, Resolutions, Memorandum Orders and other issuances or parts thereof which are inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 10. EFFECTIVITY. This Ordinance shall take effect upon approval and compliance with the mandatory posting and publication requirement prescribed under the Local Government Code.



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(dated August 6, 2024)

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ENACTED this 6th day of August, 2024 at the City of Tandag, Province of Surigao del Sur by unanimous votes of all Sangguniang Panlalawigan Members present.

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I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

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MARITES COMA ARREZA
Acting Secretary to the Sangguniang Panlalawigan

**ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:**

11/15
MANUEL O. ALAMEDA, SR.
Vice Governor
Presiding Officer

APPROVED:

Qm
ALEXANDER T. PIMENTEL
Provincial Governor
SEP 16 2024
Date