



Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF BULALACAO

Fale

OFFICE OF THE SANGGUNIANG BAYAN

Municipal Building, Poblacion, Bulalacao, 5214, Oriental Mindoro

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE 10TH SANGGUNIANG BAYAN OF BULALACAO, ORIENTAL MINDORO HELD ON JUNE 8, 2020 AT THE SANGGUNIANG BAYAN SESSION HALL

PRESENT:

Hon. Ramon G. Magbanua	Municipal Vice Mayor/Presiding Officer
Hon. Dexter R. Gonzales	Sangguniang Bayan Member
Hon. Edezer F. Aceron	Sangguniang Bayan Member
Hon. German S. Acosta	Sangguniang Bayan Member
Hon. Kieven E. Cantos	Sangguniang Bayan Member
Hon. Jess V. Sapungan	Sangguniang Bayan Member
Hon. Elpidio N. Contreras, Jr	Sangguniang Bayan Member
Hon. Edwin C. Aceron	Sangguniang Bayan Member
Hon. Enrico C. Villas	Pangulo, Liga ng mga Barangay
Hon. Kim Jonh Elco E. Cantos	SK Federation President
Hon. Tulay M. Caring	IPM Representative

ABSENT:

Hon. Dennes M. Faner	Sangguniang Bayan Member-Leave
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MUNICIPAL ORDINANCE NO. 20-06-267

ORDINANCE REGULATING THE USE OF ROADS, STREETS, AVENUES, ALLEYS, BRIDGES, SIDEWALKS, AND OTHER PUBLIC PLACES IN BULALACAO, ORIENTAL MINDORO

Sponsor and Author:

Sangguniang Bayan Member DEXTER R. GONZALES

Sponsors:

Sangguniang Bayan Member EDEZER F. ACERON
Sangguniang Bayan Member ELPIDIO N. CONTRERAS JR

Co-sponsor:

Sangguniang Bayan Member EDWIN C. ACERON

WHEREAS, the 1987 Constitution provides that the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy;

WHEREAS, Republic Act No. 7160 or the Local Government Code of 1991 mandates that "Every local government unit shall have 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." The same law provides that local government units shall ensure and promote health and safety, maintain peace and order, and preserve the comfort and convenience of their inhabitants within their respective territorial jurisdictions;

HON. JESS V. SAPUNGAN
HON. KIEVEN E. CANTOS
HON. TULAY M. CARING
HON. PEALITA V. PAZ
HON. KIM JONH ELCO E. CANTOS
HON. GERMAN S. ACOSTA
HON. ENRICO C. VILLAS
HON. EDWIN C. ACERON
HON. EDEZER F. ACERON
HON. EDWIN C. ACERON
HON. ELPIDIO N. CONTRERAS, JR.
HON. RAMON G. MAGBANUA
HON. ERNIELO C. VILLAS

WHEREAS, Section 447 of the Local Government Code of 1991 clearly states that among the powers, duties, and functions of the Sangguniang Bayan is to regulate the use of streets, avenues, alleys, sidewalks, bridges, parks, and other public places and to approve the construction, improvement, repair and maintenance of the same; to establish bus and vehicle stops and terminals or to regulate the use of the same by privately-owned vehicles which serve the public; to regulate garages and the operation of conveyances for hire; to designate stands to be occupied by public vehicles when not in use; to regulate the putting up of signs, signposts, awnings, and awning posts on the streets; and to provide for the lighting, cleaning and sprinkling of streets and public places;

HON. JESS V. SAPUNO
HON. TULAY M. CARING
PATRICIA J. PAZ

WHEREAS, the same Section of the said Code further states that the Sangguniang Bayan shall regulate traffic on all streets and bridges, prohibit the putting up of encroachments or obstacles thereon, and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places;

HON. KIEVENE CANTOS
HON. ANIM JOYNTENICO E. CANTOS

WHEREAS, in adherence to the directive of President Rodrigo Roa Duterte, the Department of Interior and Local Government issued Memorandum Circular No. 2019-121 dated 29 July 2019 and DILG M.C. No. 2019-167 dated 4 October 2019 which mandate all Provincial Governors, City and Municipal Mayors, Punong Barangays including Local Engineering Department Heads to clear roads of illegal structures/obstructions and to reclaim all public roads that are being used for private ends;

HON. GERMAN S. ACOSTA
HON. ENRICO C. VILLAS

WHEREAS, the presence of illegal infrastructures, obstructions, and signages, and of illegal vendors along the sides of public roads blocking the pathways for pedestrians and affecting the flow of traffic has been of great concern in relation to ensuring public order and safety;

WHEREAS, there is a need to enact an ordinance that shall prevent improper use of roads, streets, avenues, alleys, bridges, sidewalks, and parks;

HON. EDGER F. ACERON
HON. EDWIN C. ACERON

NOW THEREFORE, be it ordained by the Sangguniang Bayan of Bulalacao, Oriental Mindoro, that:

Section 1. Short Title. This Ordinance shall be also known as the "No Road Obstruction Ordinance of Bulalacao".

Section 2. Declaration of Policy. It is the policy of the Local Government Unit of Bulalacao (LGU of Bulalacao) to maintain safe, clear, and orderly roads, parks, and sidewalks free from any vendor, obstruction, or nuisance, and to implement regulations and policies aimed at improved traffic condition for the convenience and benefit of the public.

HON. DEXTER B. GONZALES
HON. EDUARDO L. CONTRERAS, JR.

Section 3. Definition of Terms. As used in this ordinance and in relevant issuances, the following terms shall mean:

- a. **Nuisance** shall refer to a person, thing, or circumstance causing inconvenience or annoyance;
- b. **Nuisance per se** shall refer to any occupation or act, erection, or use of property that is unlawful or unauthorized by a competent authority;
- c. **Public roads** shall refer to all highways, roads, streets, avenues, alleys, walkways, bridges, and other thoroughfares constructed and maintained by the national government or by any local government unit;

HON. RAMON E. MAGBANUA
HON. ERNILLO C. VILLAS

d. **Obstruction** shall refer to any structure, whether permanent or temporary, immovable or movable, erected along or standing on any public road, that impedes safe and convenient use of sidewalks or public roads by pedestrians; or the presence of sidewalk vendors, loiterers, beggars, idle persons, products, materials, goods, or any person, thing, or circumstance that blocks the actual use of sidewalks and public roads subject to summary abatement and/or disposal, as provided for under this Ordinance or in other ordinances and issuances; provided, that the properties of the government, including official road signs and structures erected and installed for the purpose of regulating the flow of traffic and promotion of public welfare, safety and orderliness shall not be considered as such;

e. **Setback** shall refer to the allowed space between the front, side, or back part of a house, building or establishment and the public road parallel to such part of a house, building or establishment that must be absolutely free from obstructions and nuisances.

f. **Summary abatement** shall refer to the removal of a nuisance without any judicial proceeding, notice, or hearing.

Section 4. Rules and Regulations. The use of public roads, parks, sidewalks, and setbacks for personal, commercial, agricultural, and other purposes different or not connected with the original purpose or intention shall be prohibited except during tianggi, fiesta, or festival, provided such exception is allowed by an ordinance, or except when permit has been secured from the Office of the Municipal Mayor or other appropriate government agencies, or except during force majeure. Such prohibited acts shall include, but not limited, to the following:

- a. vending and selling of food, beverages, magazines, newspapers, cigarettes, jewelries, footwears, and other goods, items, or articles;
- b. storage, stockpiling, safekeeping of construction materials such as, but not limited to, hollow blocks, sand, and gravel more than twenty four (24) hours after delivery;
- c. installation of a signage or signboard on sidewalks or setbacks detached from any establishment;
- d. putting up of tarpaulins, posters, and signages on trees along sidewalks, public roads, sidewalks, or setbacks;
- e. storing household appliances and furniture, as well as junks and recyclable materials;
- f. dumping garbages; carcasses; and cut tree trunk, branches, or foliage;
- g. conduct of vehicle cleaning or repairing activity or business;
- h. using any public road, park, sidewalk, and setback as a vehicle garage;
- i. house extension or establishment extension, including installation of roofs and canopies, awnings and the like;
- j. installation of permanent fence or gate along sidewalks;
- k. putting up animal pens or cages or animal leashing or chaining;

HON. JESSICA SAPIANGAN
HON. TULAY M. CARING
PERFIDA VAZ

HON. KIEVE E. CANTOS
HON. NIM JOHN ELCO E. CANTOS
HON. RIM JOHN ELCO E. CANTOS

HON. GERMAN S. ACOSTA
HON. ENRICO C. VILLAS

HON. EDEZER F. ACERON
HON. EDWIN C. ACERON

HON. DEXTER B. GONZALES
HON. ELPIDIO N. CONTRERAS, JR.

HON. JAMON C. MAGBANUA
HON. ERNILDO C. VILLAS

- l. parking vehicles and equipment on sidewalks and in other public roads not allowed for parking;
- m. planting trees and ornamental plants and putting plant boxes and garbage receptacles along sidewalks and setbacks;
- n. storing cases of softdrinks, wine, liquor, and other drinks or beverages;
- o. setting up basketball courts and other sport facilities;
- p. conduct of religious activities like preaching and solicitation of alms;
- q. conduct of shoe-shine, watch and appliance repair, pedicure and manicure, and other similar activities;
- r. begging, sleeping, gambling, idling, drinking, washing and hanging clothes, bathing, and storing water, food, and other items; and
- s. all other activities considered as obstructions to traffic and pedestrians and nuisances to general public.

Any permanent roof or covering extended toward any public road or sidewalk shall be removed. Retention may be allowed, provided there shall be a permit secured from the Office of the Municipal Mayor in accordance with the specifications set forth by the same office or by the Municipal Engineering Office.

Any temporary use of public roads, sidewalks, parks, and other public places for a definite period shall be subject to special permit or other necessary permits from the Office of the Municipal Mayor or other government agencies in accordance with related provisions in the Revenue Code of this municipality.

The owners, or lessees, or occupants of both residential and commercial establishments shall be mandated to clean and clear sidewalks, walkways, and setbacks at all sides of such establishments. Management and disposal of solid wastes shall conform to the provisions of Municipal Ordinance No. 2016-08-160 entitled "An Ordinance Establishing The Comprehensive Solid Waste Management In The Municipality Of Bulalacao, Oriental Mindoro".

Section 5. Obstruction as Nuisance Per Se. All obstructions along public roads, sidewalks, and other public places, except those which have special permit or necessary permit, are hereby presumed or declared nuisances per se and, as such are subject to summary abatement without need of judicial proceedings.

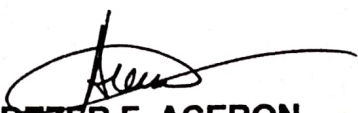
Section 6. Summary Abatement. All items, goods, and structures found on or along public roads, sidewalks, setbacks, parks, and other public places, except those which have special permit or necessary permit, shall be confiscated or dismantled or destroyed by the LGU of Bulalacao thru the assigned office/s or unit/s or the Philippine National Police (PNP), with or without prior notice.

The Mayor is hereby authorized to donate the confiscated goods, items, and structures to the Municipal Social Welfare and Development Office and other offices of the LGU of Bulalacao, PNP, Bureau of Jail Management and Penology, other government agencies, or to any charitable institution or association operating within the municipality. All sangguniang barangays in this municipality are hereby authorized to summarily abate, forfeit, or dispose any obstruction or nuisance found within their respective territorial jurisdiction.


HON. JESSIE S. PUNGAN
 HON. TERRY M. BARRING
 HON. KYLE E. CANTOS
 HON. RICHARD E. CANTOS
 HON. GEBLYN S. ACOSTA
 HON. EDWIN C. ACERON
 HON. EDWIN C. ACERON
 HON. ERIC S. VILLAS
 HON. ERIC S. VILLAS
 HON. ELFIDIAN CONTRERAS, JR.
 HON. ERNIL C. VILLAS


ENACTED this 8th day of June 2020 Bulalacao, Oriental Mindoro.


Hon. DEXTER R. GONZALES
Sangguniang Bayan Member



Hon. EDEZER F. ACERON
Sangguniang Bayan Member

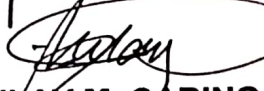

Hon. GERMAN S. ACOSTA
Sangguniang Bayan Member



Hon. KIEVEN E. CANTOS
Sangguniang Bayan Member

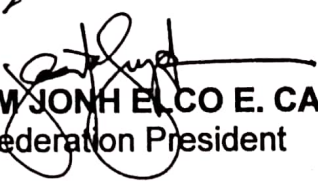

Hon. JESS V. SAPUNGAN
Sangguniang Bayan Member


Hon. ELPIDIO N. CONTRERAS, JR.
Sangguniang Bayan Member


Hon. EDWIN C. ACERON
Sangguniang Bayan Member


Hon. TULAY M. CARING
IPM-Representative

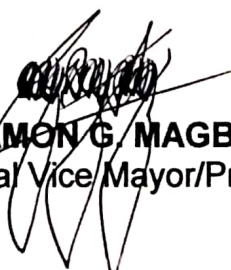

Hon. ENRICO C. VILLAS
Pangulo, Liga ng mga Barangay


Hon. KIM JONH ELCO E. CANTOS
SK Federation President


CERTIFIED TRUE AND CORRECT:


PERLITA L. PAZ
Secretary to the Sangunian

ATTESTED:


Hon. RAMON G. MAGBANUA
Municipal Vice Mayor/Presiding Officer

APPROVED:


Hon. ERNILO C. VILLAS
Municipal Mayor
Date Signed: 07-13-2020