



Republic of the Philippines
MUNICIPALITY OF PANIQUI
Province of Tarlac

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF PANIQUI, TARLAC FOR THE TERM YEAR 2019-2022 HELD ON FEBRUARY 16, 2021 AT THE SB SESSION HALL.

PRESENT: Hon. Aida D. Roxas II-*Vice Mayor-Presiding Officer*
Hon. Felomina F. Bravo, *member-Majority Floor Leader*
Hon. Christian Alfred F. Cuchapin-*member*
Hon. Javerne C. Santillan, *member*
Hon. Charo G. Oca, *member-Minority Floor Leader*
Hon. Nestor B. Castro, *member*
Hon. Rachilda Myra O. Garcia, *member*
Hon. Robert J. Torio, *member*
Hon. Mary Anne B. Fernandez, *member*
Hon. Linda B. Manuel (ABC Pres.), *Ex-Officio member*
Hon. Karl Bernard M. Obcena (SK Pres), *Ex-Officio member*

ABSENT: None

MUNICIPAL ORDINANCE NO. 002
Series of 2021

Author: Coun. Mary Anne B. Fernandez

AN ORDINANCE CLEARING THE NATIONAL HIGHWAY, PROVINCIAL ROADS, SECONDARY ROADS, SIDEWALKS, ALLEYS, BRIDGES, PARKS AND OTHER PUBLIC PLACES IN THE MUNICIPALITY OF PANIQUI OF ALL ILLEGAL STRUCTURES, OBSTRUCTIONS AND ILLEGALLY PARKED VEHICLES AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Department of the Interior and Local Government (DILG) issued Memorandum circular No. 2019-121 directing all LGUs to implement road clearing operations in support and compliance to the directives of President Rodrigo R. Duterte during his 4th State of the nation Address;

WHEREAS, in consonance with the aforementioned memorandum, the Sangguniang Bayan of Paniqui, Tarlac deems it necessary and urgent to clear all illegal structures/obstructions on or along the aforesaid places in order to ensure a smooth flow of traffic and provide a safe and convenient movement of goods and persons in the Municipality;

WHEREAS, it has been held by the supreme Court that the use of sidewalk “applies even to cases involving the use of lease of public places under permits or licenses issued by competent authority upon the theory that such holders could not take advantage of their unlawful permits and licenses and claim that the land in question is a part of a public street or a public place devoted to public use hence beyond the commerce of man”;

WHEREAS, the National Highway (McArthur Highway) and some of the secondary roads, alleys, sidewalks, bridges, parks and other public places in the municipality are not properly utilized by the public due to individuals who wantonly utilize these areas for illegal parking, improper loading and unloading of goods, displaying and vending their goods, erecting some structures including ad signages for commercial purposes;

WHEREAS, said illegal structures erected, illegally parked vehicles no longer guaranty a safe and convenient public access to sidewalks especially the disabled and the absence of adequate relief for pedestrians who suffer as a result of hazard from passage along our roads and sidewalks.

NOW, THEREFORE, on motion by Councilor Mary Anne Fernandez, unanimously seconded

BE IT ENACTED by the Sangguniang Bayan of Paniqui, Tarlac in session assembled, that:

SECTION 1. TITLE - This Ordinance shall be known as the "**SAFE ROADS ORDINANCE OF PANIQUI 2021.**"

SECTION 2 DEFINITION OF TERMS - as used in this Ordinance, the following terms shall mean:

- a. Roads - refer to the National Highway, Provincial Highway, Municipal Road.
- b. National Highway - all roads maintained by the National Government with road right of way width of 20 meters.
- c. Provincial Highway all roads maintained by the Provincial Government with road right of way width of 10 meters.
- d. Municipal Roads - all roads maintained by the municipal government with road right of way width of 5 to 6 meters.
- e. Obstructions – 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.
- f. Illegal structures - refer to electric and cable poles found inside the 20-meter right of way width of the national highway, 10-meter right of way width of a provincial road and 6-meter right of way width of a municipal road. Also, permanent or makeshift stands encroaching into the same right of way width of the roads.
- g. Sidewalks – specific areas running parallel to both sides of a public road with a width and elevation as maybe deemed appropriate for safe and convenient pedestrian passage.

SECTION 3. STATUTORY PROVISIONS

- a. Electric, telecommunication and cable poles within the right-of-way boundaries of roads which may pose imminent danger to life and property of road users are deemed illegal upon approval of this Ordinance and shall be subject to demolition or removal and subject to a fine by authorized personnel given 3 formal warnings from the Municipal Engineers Office.
- b. Illegally parked vehicles shall be towed off to an impounding area and owners fined accordingly for the violation.
- c. Owners of stands or stalls used for economic purposes encroaching into the right-of-way width of the roads shall be immediately be given a notice to vacate and clean the area upon approval of this Ordinance otherwise LGU authorized personnel shall take necessary action if clearing notice is ignored.
- d. Signage set up along the roads within the right-of-way width are obstructions and shall be taken away by LGU authorized personnel.

SECTION 4. ADMINISTRATIVE PROVISIONS.

- A. Barangay officials within their respective territorial jurisdiction, jointly assisted by personnel of the Paniqui Police Station, Department of Public Works and Highways, Municipal Engineering Office and MDRRM Office, shall clear the National Highway, Provincial Highways, and Municipal Roads within the Municipality of Paniqui of all illegal structures and obstructions, and shall carry out enforcement and implementation functions.
- B. The Municipal Engineering office in coordination with the PNP and the Liga ng mga Barangays will be the lead agency in formulating a unified comprehensive policies, programs and guidelines for the implementation of the Ordinance.
- C. The PNP and Barangay Officials shall monitor the implementation and enforcement of the ordinance: oversee and enforce strict implementation of all clearing operations. Jointly, said agencies shall coordinate with stakeholders and citizens concerned relative to the information and awareness campaign as well as posting of information materials to all places and areas covered by the ordinance.

SECTION 5. PENALTY PROVISIONS. - Violation of this Ordinance shall merit the following fines and penalties:

- A. For ambulant vendors/illegal structures/businesses:

First Offense:

- i. Fine of **P200.00** for ambulant vendors and Notice to Vacate/Demolish Obstruction;
- ii. Fine of **P500.00** for other business owners and Notice to Vacate/Demolish Obstruction:

Second Offense:

- i. Fine of **P500.00** for ambulant vendors and Notice to Vacate/Demolish Obstruction;
- ii. Fine of **P1,000.00** for other business owners and Notice to Vacate/Demolish Obstruction:

Third and Succeeding Offenses:

- i. Fine of **P1,000.00** for ambulant vendors, Notice to Vacate/Demolish Obstruction, and confiscation of goods;
- ii. Fine of **P2,500.00** for other business owners and Issuance of Cease and Desist Order or Revocation of Business Permit:

- B. For illegally parked vehicles - Drivers or operators of illegally-parked vehicles/equipment shall be issued a Traffic Violation Ticket/Citation Ticket and shall be penalized in accordance with the following fines:

1. **First Offense** - Fine of **P500.00** and removal of vehicle:

2. **Second Offense** - Fine of **P 1,500.00** and removal of vehicle,

3. **Third and Succeeding Offenses** - Fine of **P2,500.00**, impounding of vehicle and confiscation of Driver's License by duly deputized authorities.

- C. Towing fees amounting to **P 1,500.00** shall be imposed on drivers or operators of six-wheeled vehicles and below and **P 2,500.00** for drivers or operators of vehicles with more than six (6) wheels.
- D. Failure to post a clearly marked and visible sign indicating on-going construction or repair work along a public road or sidewalk will be fined **P2,500.00**.
- E. Failure to cover or provide adequate cover on any hole, ditch or excavation and diggings along a public road or sidewalk will be fined **P2,500.00**.
- F. Failure to obtain the necessary permits from the appropriate agency required in undertaking repairs, construction works or in conducting any activity requiring the use of public road or sidewalk will be fined **P 2,500.00**.
- G. Failure to put up or use of adequate protective roofing above sidewalks or public roads adjacent to any construction or repair shop will be fined **P2,500.00**
- H. Destroying, removing, or in any manner tampering with any sign or notice indicating an existing hazard to pedestrian safety will be fined **P2,500.00**
- I. Building or in any manner placing a connecting pipe or portion thereof on an elevated concrete or other material across or along a sidewalk will be subjected to demolition and a fine of **P2,500.00**.

SECTION 6. The use of provincial and municipal roads, streets and sidewalks on a temporary basis and for a definite period only shall require a special permit from the Municipal Government of Paniqui through the office of the Administrator.

Provided, further, that the use of bridges and the National Highway on a temporary basis shall be prohibited.

SECTION 7. The Municipal Government of Paniqui reserves the right at its option to dispose all illegal structures, materials and goods that are confiscated at dumpsites or in any manner most convenient and safe.

SECTION 8. If any provision, section, or part of this Ordinance is declared unconstitutional by a court of competent jurisdiction, such judgment shall not affect or impair the remaining provisions, sections, or parts which shall continue to be in full force and effect.

SECTION 9. All Ordinances, Executive Orders and other issuances inconsistent hereto are deemed repealed or modified accordingly:

SECTION 10. This Ordinance shall take effect immediately after its posting in three (3) conspicuous places within the Municipality.

CERTIFIED CORRECT:

(Sgd)RUBY G. FRONDA
Secretary to the Sanggunian

ATTESTED:
(Sgd) HON. AIDA D. ROXAS II
Vice Mayor/Presiding Officer

APPROVED:
(Sgd)HON. LEONARDO M. ROXAS
Municipal Mayor
Date: _____