



Republic of the Philippines  
 Province of Tarlac  
 MUNICIPALITY OF PURA  
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**OFFICE OF THE SANGGUNIANG BAYAN**

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF PURA, TARLAC HELD AT THE SB SESSION HALL ON TUESDAY, FEBRUARY 23, 2021**

PRESENT:

Hon. CONCEPCION A. ZARATE -----	Municipal Vice Mayor & Presiding Officer
Hon. MANUEL N. MADDELA JR. -----	Municipal Councilor
Hon. FERDINAND C. VALDEZ -----	Municipal Councilor
Hon. BERNABE P. IDMILAO -----	Municipal Councilor
Hon. TEODORA D. ROBINO -----	Municipal Councilor
Hon. REBHENJER J. CARATIQUIT -----	Municipal Councilor
Hon. ALAIN CARLO F. SAWIT -----	Municipal Councilor
Hon. LEO PAULO A. PASCUA -----	Municipal Councilor
Hon. JOHN PAUL M. BALMORES -----	Municipal Councilor
Hon. EDILBERTO D. TABAQUIN JR.-----	Ex-Officio Councilor ( <i>Liga</i> )
Hon. JEAN ANTHONY M. CAPINPIN-----	Ex-Officio Councilor ( <i>SK</i> )

ABSENT:

NONE

**MUNICIPAL ORDINANCE NO. 002**

Series of 2021

**AN ORDINANCE REGULATING THE USE OF PUBLIC ROADS, STREETS, SIDEWALKS AND ALLEYS; PROHIBITING ESTABLISHMENT AND CONSTRUCTION OF STRUCTURE THAT OBSTRUCTS THE FLOW OF TRAFFIC IN THE MUNICIPALITY OF PURA AND IMPOSING FINES AND PENALTIES THEREFOR**

*Be it ordained by the Sangguniang Bayan of Tarlac in a session duly assembled that:*

**SECTION 1. TITLE.** This ordinance shall be known as the Anti-Road Obstruction Code of the Municipality of Pura, Tarlac.

**SECTION 2. DECLARATION OF POLICY.** It is a declared policy of the State to safeguard life, health, property and public welfare, consistent with the principles of environmental management and control; and to this end, make it the purpose of this Ordinance to regulate the use and maintenance of sidewalks and setbacks and to clear the same of illegal commercial and private structures, in order to facilitate the safe and convenient use thereof, pursuant to Book I, Chapter 2, Section 16 and Chapter 3, Article I, Section 455, paragraphs (b) (3) (V1) of the Local Government Code.

**SECTION 3. DEFINITION OF TERMS.** For purposes of this Ordinance, the following terms shall have the corresponding meaning:

- a. Sidewalk means that portion of a roadway assigned for the use by pedestrians, which must be free from all forms of physical obstructions for anything found on it, whether of value or not.
- b. Sidewalk Obstruction means any structure, whether permanent or temporary, immovable or movable, erected along, standing on, adjoining, or in any manner impeding safe and

convenient passage through any public road or sidewalk; the conduct of business by sidewalk vendors; and any belonging or thing found therein. Provided, that property of government for regulating the flow of traffic shall not be considered as such.

- c. Street means any open space for the continuous flow of pedestrian and vehicular traffic, including the air space above.
- d. Sidewalk vendor means any person who sells or offers for sale any consumer products, whether agricultural or manufactured, cooked foods and/or dry goods, items or articles, including any person who attends to these products intended to be sold at any temporary location, sidewalk, alley vacant space or portion thereof.
- e. Setback is the horizontal distance of two (2) meters, separating the road and the structures along measured from the outmost edge of a public road that must be absolutely free of all forms of physical obstructions, that can negatively affect natural light and ventilation, or that can impede access to the sides and near area.

**SECTION 4. REGULATION OF SIDEWALKS, SETBACKS AND OTHER PUBLIC SPACE.** The use of sidewalks, setbacks, streets, avenues, alleys, bridges, park, public places and similar places for commercial and personal purposes shall be prohibited, including but not limited, to the following activities along sidewalks and streets:

- a. Selling of goods by sidewalk vendors, or offering for sale of foods, beverages, magazines, newspapers, cigarettes, jewelry, shoes and other footwear and other analogous items.
- b. Conduct of any kind of job or occupation;
- c. Bathing, washing of clothes and hanging of clothes;
- d. Vehicle garage or conduct of vehicle repair/cleaning business;
- e. Dumping of garbage and litter;
- f. Setting up of basketball court, goal or any other facility for sports or recreation;
- g. Use of sidewalk in constructing pens or cages of animals or animals on leash;
- h. Storing soft drinks or bottled drinks and cases;
- i. Storing of household appliances and furniture, as well as, junks and recyclable materials;
- j. Use of sidewalks, portion of streets, setbacks for storage of construction materials, equipment, sand and gravel and others;
- k. House extension or store extension, including installation of roofs and canopies, awnings and the like;
- l. Installation of permanent fence or gate;
- m. Use of sidewalks for plants, trees and plant boxes;
- n. Installation of signs or signboards, on or above sidewalks and detached from the business establishment;
- o. Parking of vehicles or portion of the vehicle thereon;
- p. Holding parties, recreation and any other kind of event or festivity.

**SECTION 5. EXISTING STRUCTURES ON PUBLIC ROADS AND SIDEWALKS.** All existing structures on Public Roads and sidewalks that are considered obstructions in this ordinance shall be removed.

**SECTION 6. ROAD AND SIDEWALK OBSTRUCTIONS AS PUBLIC NUISANCE AND ABATEMENT THEREOF.** All structures and acts herein prohibited shall be treated as Public Nuisance and are subject to abatement pursuant to Title VIII of Republic Act No. 386 otherwise known as The New Civil Code of the Philippines.

**SECTION 7. ABATEMENT, CONFISCATION AND DISPOSAL OF OBSTRUCTIONS.**  
(a) Being declared herein as Public Nuisance, obstructions herein identified shall be removed pursuant to the provisions of the Civil Code of the Philippines as stated in the next preceding paragraph.

(b) Provided, that the owner of the structure or the person committing prohibited acts shall first be informed of his or her violation and shall be given ample time to remove all of his or her belongings that are identified as obstruction. Failure on the part of the owner to remove the obstruction within the given period shall be a ground for the Local Government to summarily abate the obstruction without judicial proceeding, and all materials removed thereon shall be forfeited and confiscated by the government.

**SECTION 8. PERMIT FOR TEMPORARY CLOSURE AND/OR USE OF PUBLIC ROADS AND SIDEWALKS.** (a) The Local Government shall have the power to grant or issue Permit for the Temporary Closure of Roads or use of sidewalks during special occasions pursuant to Implementing Rules and Regulations that shall be promulgated by Local Government.

(b) Permanent or Temporary Closure of roads shall be made pursuant to Section 21, Chapter 2 of the Local Government Code of the Philippines.

**SECTION 9. PENALTIES.** Aside from summary abatement of the obstruction, any person, natural or juridical, who shall commit any of the acts herein prohibited, and after the lapse of the period given to remove his or her property, still fails or refuses to remove the same, shall be penalized as follows:

- First offense: Written warning
- Second offense: Fine of P 1,000.00 and/or imprisonment of not more than thirty (30) days.
- Third offense: Fine of P 2,500.00 and/or imprisonment of not more than sixty (60) days and revocation of Business Permit if the violator is a business operator.

**SECTION 10. ADMINISTRATIVE FINES AND COMMUNITY SERVICE.** (a) Notwithstanding the foregoing and in the interest of justice, and to avoid clogging of cases filed in the courts of justice, violation of this ordinance may instead be settled through the payment of administrative fines, as follows:

- First offense: Written warning
- Second offense: Fine of P 1,000.00
- Third and succeeding offense: Fine of P 2,500.00

(b) Community Service - In the event of the offender's incapacity to pay the Administrative fines herein stated, the offender may be subjected to community service in the place where the offense was committed, under such terms as the LGU shall determine, taking into consideration the gravity of the offense and the circumstances of the case, Provided, That the LGU will prepare an order imposing the community service, specifying the number of hours to be rendered and the period within which to complete the service. The order shall be referred to the assigned barangay officer who shall have responsibility over the offender.

Community service shall consist of any actual physical activity which inculcates civic consciousness, and is intended towards the improvement of a public work or promotion of a public service.

If the offender violates the terms of the community service, the LGU shall order his/her re-arrest and the offender shall be given an additional period of time to render community service as may be determined by the LGU. However, if the offender has fully complied with the terms of the community service, the LGU shall order the release of the offender.

**SECTION 11. IMPLEMENTING RULES AND REGULATIONS (IRR).** The Municipal Mayor shall promulgate the Rules and Regulations to carry out the provisions of this ordinance within Sixty (60) days from its effectivity.

**SECTION 12. SEPARABILITY CLAUSE.** If any part of this Ordinance is held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

**SECTION 13. REPEALING CLAUSE.** All ordinances, local issuances, rules and regulations, or parts thereof that are inconsistent and irreconcilable with this ordinance are hereby deemed amended, modified or repealed.

**SECTION 14. EFFECTIVITY CLAUSE.** This ordinance shall take effect upon approval and upon compliance with the mandatory requirements prescribed by the Local Government Code.

**UNANIMOUSLY ADOPTED.**

CERTIFIED CORRECT:

  
**JOVITO P. PUNZALAN**  
SB Secretary

ATTESTED:

  
**Hon. CONCEPCION A. ZARATE**  
Municipal Vice Mayor & Presiding Officer

APPROVED:

  
**Hon. FREDDIE D. DOMINGO**  
Municipal Mayor

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Date