



Republic of the Philippines
Province of Cagayan
Municipality of Claveria



OFFICE OF THE SANGGUNIANG BAYAN

HON. CELIA T. LAYUS, MD.
Local Chief Executive

Attn: 1. Municipal Engineer

2. OIC Municipal Assessor

SUBJECT: Draft Ordinance No. 001 – 2021, “An Ordinance Prescribing the Guidelines in the Conduct of Road Clearing in the Municipality of Claveria”.

Please be invited to attend the Joint Committee Hearing of the Committee on Ordinances & Legal Matters and Committee on Public Works and Infrastructure on January 25, 2021 @ 10:30 AM at the SB Office to take up, among others, the subject as stated.

Your attendance is highly appreciated.

January 20, 2021.

FOR THE SANGGUNIANG BAYAN.

ENGR. JERRY JEFFERSON P. ONG

Secretary
Sangguniang Bayan

1-21-2021
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OFFICE OF THE SANGGUNIANG BAYAN

DRAFT ORDINANCE NO. 001, S – 2021

AN ORDINANCE PRESCRIBING THE GUIDELINES IN THE CONDUCT OF ROAD CLEARING IN THE MUNICIPALITY OF CLAVERIA

SECTION 1. TITLE – This ordinance shall be known as *“Prescribing the Guidelines in the Conduct of Road Clearing in the Municipality of Claveria.”*

SECTION 2. DEFINITION OF TERMS – For the purpose of this ordinance, the following term shall have the corresponding meaning:

- a. **Public Road** – all streets, roads, bridges highways and other thoroughfares constructed and maintained by the National Government or by any Local Government Unit; provided that any road or sidewalk not falling under this definition but which upon determination by the Local Government Unit, is deemed vital to pedestrian access or safety shall be deemed a public road, or side walk for the purpose of this ordinance.
- b. **Road clearing operation** – the act of removing obstruction within the road right-of-way
- c. **Road of right-of-way** – area of the road which includes travel way, road shoulders and sidewalk up to the limit of adjacent private lots
- d. **Sidewalk** – pave path for pedestrians at the side of the road.
- e. **Road Obstruction** – are structures, materials, or activities within the road right-of-way that impede the free and clear passage of motor vehicles or pedestrians and or pose danger or cause injury to motorist, pedestrians, or occupants of nearby structures.

SECTION 3. AUTHORITY

Pursuant to Book 1, Chapter 2, Section 16 and Chapter 3, Article 1 Section 455, Paragraph (b) (3), of R.A 7160 otherwise as the Local Government Code of 1991, it is declared policy of the State to safeguard life, health, property and public welfare, consistent with the principle of environmental management and control; and to this end, make it purpose of this ordinance to regulate the use and maintenance of public roads, sidewalks, alleys, and setbacks and to clear the same of illegal commercial and private structures in order to facilitate the safe and convenient use thereof.

Department of the Interior and Local Government (DILG) Memorandum, Circular 2020-027 dated February 07, 2020 provides that LGU’s shall enact or review ordinances for the conduct of road clearing operations and the prohibition of road obstructing structures and constructions, which shall provide among others a definition of obstruction and illegal structures, mechanism for raising public awareness on road clearing and a set of clear and reasonable penalties for violators.

SECTION 4. EXISTING PERMANENT ROOF ON PUBLIC ROADS AND SIDEWALK – Any permanent roofs of covering either detached by the violator from buildings existing on any public road or sidewalks shall be

removed, Retention may be allowed, provided that there is a permit secured from the office of the Municipal Mayor in accordance with the specification set forth in the implementing rules and regulation (IRR) of this ordinance.

- SECTION 5.** All obstructing and hazardous trees may be pruned or removed by the LGU in accordance with the rules imposed by the Department of Environment and Natural Resources (DENR)
- SECTION 6.** Any structures or facilities owned by utility service providers such as post, meters, instrumentation boxes, and the like, cause obstruction to the road right-of-way, due coordination shall be made by the concerned utility company and the LGU to remove or relocate the obstructing structure of facility.
- SECTION 7.** LGU may coordinate with the Department of Public Works and Highways (DPWH) in conducting road clearing operation in national roads or in any other roads under the direct management and maintenance of these National Agencies (NGA's). Likewise, LGU's may coordinate with and request assistance from the Philippine National Police (PNP) and the Bureau of Fire Protection (BFP) in ensuring and order during the conduct of road clearing operations.
- SECTION 8.** Removal/demolition of obstructions listed on item d to f above must be done by the owner or entity/ies who had undertaken its erection. In case the owner has no capacity at the moment to affect the demolition order, the LGU will undertake its demolition/removal and all expenses relative thereto shall cause a lien on his property.
- SECTION 9. ROAD CLEARING TEAM COMPOSITION** – The Road Clearing Team shall compose of the following:
- a. LGU – Municipal Engineering personnel's and other Job Orders (Utility and Drivers)
 - b. BLGU – Barangay Council and Tanods; and
 - c. Philippine National Police (PNP) and Bureau of Fire Protection (BFP).
- SECTION 10. RESOLUTION OF CONFLICTS AND OTHER ISSUES** – In case issues relative to the relocation of boundaries between a private property and the road, lot documents like title and technical documents must be presented as basis for determination of its correct location. The services of a Geodetic Engineer may be needed with the concerned individual/lot owner paying for the services.
- SECTION 11. GRIEVANCE COMMITTEE** – A Grievance Committee shall be established composed of personnel from various offices, to resolved complaints in the implementation of road clearing activities, namely;
- a. Office of the Municipal Mayor;
 - b. MLGOO;
 - c. Municipal Assessor's Office;
 - d. Municipal Engineering Office;
 - e. Sangguniang Bayan Office, Chairman – Committee on Infrastructure Chairman; and
 - f. Punong Barangay wherein the complainant resides.

SECTION 12. PENALTIES – Any person, corporation, trust, firm, partnership, association or entity, found violating this Ordinance, or the rules and regulations promulgated thereunder, shall be imposed a fine, which shall accrue to the local treasury, as follows;

1st Offense	–	Written Warning
2nd Offense	–	₱ 1,000.00
3rd Offense	–	₱ 2,500.00

And succeeding offenses

SECTION 13. Tiange during fiestas shall be exempted provided that necessary permits have been obtained from the business Permit and Licensing office duly approved by the Municipal Mayor.

SECTION 14. IMPLEMENTING RULES AND REGULATIONS – The Municipal Mayor through the Claveria PNP, BFP, Treasury Office, BPLO, and all Punong Barangays, shall promulgate the rules and regulations to carry out the provisions of this Ordinance, within sixty (60) days from its effectivity.

SECTION 15. SEPARABILITY CLAUSE – Any provision of this ordinance be declared invalid by a court of competent jurisdiction by the Sangguniang Panlalawigan on review, shall not affect the validity of such part which shall continue to be in full force and effect.

SECTION 16. APPLICABILITY CLAUSE – All other matters relating to the impositions in this ordinance shall be governed by pertinent provisions of existing laws, orders and other ordinances.

SECTION 17. REPEALING CLAUSE – Ordinances, rules and regulations inconsistent herewith are hereby repealed, amended or modified accordingly.

SECTION 18. EFFECTIVITY – This ordinance shall take effect upon approval.

ENACTED this _____ day of January 2021 at Claveria, Cagayan.

CERTIFIED CORRECT:

SB SECRETARY