

Republic of the Philippines  
Province of Misamis Occidental  
MUNICIPALITY OF CALAMBA  
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALAMBA, MISAMIS OCCIDENTAL HELD AT THE SB SESSION HALL ON MARCH 9, 2020.

**PRESENT:**

Hon. ANTONIO N. LAWAS, SR.	Municipal Vice Mayor/Presiding
Hon. JESUS C. ENERIO	Sangguniang Bayan Member
Hon. EMMANUEL M. CALE, M.D.	Sangguniang Bayan Member
Hon. REZIE C. LEONARDO	Sangguniang Bayan Member
Hon. RODRIGO T. GARCIA	Sangguniang Bayan Member
Hon. DENNIS M. BUNAO	Sangguniang Bayan Member
Hon. CARIDAD C. LANSANG	Sangguniang Bayan Member
Hon. JOSEPH C. MALAYAO	Sangguniang Bayan Member
Hon. CHERRY F. MAGSAYO	Sangguniang Bayan Member
Hon. KEN ALLEN B. LAWAS	FABC Pres./Ex-Officio Member
Hon. MA. ANGEL PRINCESS C. CANDA	FSK Pres./Ex-Officio Member
Hon. LUCIANO O. DUMANHOG	IP's Rep./Ex-Officio Member

**ORDINANCE NO. 08-s.2020**

**Authored by : Hon. Rodrigo T. Garcia**

**AN ORDINANCE CLEARING THE SIDEWALKS, STREETS, ALLEYS, PEDESTRIAN, PARKS, AND OTHER PUBLIC PLACES OF ALL ILLEGAL STRUCTURES AND OBSTRUCTION AND THE USE AND DISPLAY OF BUSINESS SIGNAGES ALONG THE STREETS IN THE MUNICIPALITY OF CALAMBA, MISAMIS OCCIDENTAL.**

**WHEREAS**, IN LINE WITH MEMORANDUM CIRCULAR 2019-121, OF THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT, DIRECTING ALL LOCAL GOVERNMENT UNITS TO CLEAR ALL ROADS OF ILLEGAL OBSTRUCTION WITHIN THE AREA OF RESPONSIBILITIES;

**WHEREAS**, MEMORANDUM CIRCULAR # 2019-167, DATED OCTOBER 4, 2019, SUPPLEMENTAL ISSUANCE TO DILG MC # 2019-121 RE: PRESIDENTIAL DIRECTIVE DURING THE 4<sup>TH</sup> STATE OF THE NATION ADDRESS OF THE PRESIDENT TO CLEAR ROADS FROM ILLEGAL STRUCTURES AND OBSTRUCTIONS;

**WHEREAS**, IT IS A DECLARED POLICY OF THE STATE TO SAFEGUARD LIFE, HEALTH, PROPERTY AND PUBLIC WELFARE, CONSISTENT WITH THE PRINCIPLES OF ENVIRONMENT MANAGEMENT AND CONTROL; AND TO THIS END, MAKE IT 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 CHAPTER 2, SECTION 16 AND CHAPTER 3, ARTICLE I, SECTION 455, PARAGRAPHS (b) (3) (VI) OF THE LOCAL GOVERNMENT CODE.

**WHEREAS**, TO SOLVE THE PRESSING PROBLEM OF IMPROPER USE OF STREETS, SIDEWALKS, AND ALLEYS, FORMULATION OF AN ORDINANCE IS NECESSARY FOR THE SAKE OF THE PEOPLE OF THE MUNICIPALITY OF CALAMBA, MISAMIS OCCIDENTAL;

**NOW THEREFORE**, Be it ORDAINED as it is hereby ORDAINED by the Sangguniang Bayan of Calamba, Misamis Occidental in its Regular Session assembled that:

HON. JESUS C. ENERIO

HON. EMMANUEL M. CALE, M.D.

HON. REZIE C. LEONARDO

HON. RODRIGO T. GARCIA

HON. DENNIS M. BUNAO

HON. CARIDAD C. LANSANG

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HON. CHERRY F. MAGSAYO

HON. KEN ALLEN B. LAWAS

HON. MA. ANGEL PRINCESS CANDA

HON. LUCIANO O. DUMANHOG



**SECTION 1. SHORT TITLE-** THIS ORDINANCE SHALL BE KNOWN AS THE SIDEWALK ORDINANCE OF MUNICIPALITY OF CALAMBA.

**SECTION 2. PURPOSES-** THIS ORDINANCE HAS THE FOLLOWING PURPOSES:

- a.) To make all public roads and sidewalks safe and convenient for the use of pedestrian;
- b.) To improve the flow of traffic; and
- c.) To minimize illegal vendors on streets.

**SECTION 3. DEFINITION OF TERMS-** FOR PURPOSES OF THIS ORDINANCE, THE FOLLOWING TERMS SHALL HAVE THE CORRESPONDING MEANING:

- a.) Public Roads means all streets, roads, 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 Municipality of Calamba local government unit, is deemed vital to pedestrian access or safety, shall be deemed a public road sidewalk for the purposes of this Ordinance.
- 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, which shall all be deemed nuisance per se and treated as trash, subject to summary abatement and / or disposal, as provided for under this ordinance. Provided, that the property of the government, including official road signs and structures erected and installed, for the purpose of regulating the flow of traffic, shall not be considered as such.
- c.) 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.
- d.) Setback is the horizontal distance, measured from the utmost faces of the building/structure to the property lines 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. RULES AND REGULATIONS-** The use of streets, sidewalks, alleys, parks and other public places in the municipality of Calamba for commercial and personal purposes shall be prohibited except "tiangge" during fiesta. Such prohibited acts include but not limited to the following:

- a.) Selling of goods by sidewalk vendors or offering for sale of goods, beverages, magazines, newspaper, cigarettes, jewelry, shoes and other footwear and other analogous items;
- b.) Use of sidewalks, portion of streets, setbacks for storage of construction materials for sale, equipment, sand and gravels and others. Must be cleared within 24hrs upon delivery;
- c.) Installation of sign or signboards on or above sidewalks and detached from the business establishment;
- d.) Putting of tarpaulin, poster and business signage on trees along streets;
- e.) Storing of household appliances and furniture, as well as junks and recyclable materials along sidewalks;
- f.) Use of sidewalks and portions of streets for vehicle garage or for the conduct of vehicle repair/cleaning business;
- g.) House extension or store extension, including installation of roofs and canopies, awnings and the like along sidewalks;
- h.) Installation of permanent fence or gate along sidewalks;

  
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- i.) Use of sidewalks in constructing pens or cages of animal or animals on leash;
- j.) Dumping garbage and litter along sidewalks and portion of streets; and
- k.) Parking of Vehicles on sidewalks.

**SECTION 5. EXISTING PERMANENT ROOFS ON SIDEWALKS** – Any permanent roofs or coverings either detached by the violator from buildings existing on any public roads 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 specifications set forth in the Implementing Rules & Regulations (IRR) of this Ordinance.

**SECTION 6. OBSTRUCTION AS NUISANCE PER SE-** All obstructions along public roads and sidewalks are hereby presumed or declared nuisance per se and, as such are subject to summary abatement without need of judicial proceedings.

**SECTION 7. SUMMARY ABATEMENT-** the Municipal Mayor is hereby authorized to donate the confiscated items to the Municipal Social Welfare and Development Office. Also the barangays are hereby authorized to summarily abate, forfeit and dispose any obstruction, found within their respective territorial jurisdiction.

**PROVIDED,** that, enforcers of the local government unit and barangay tanods shall be free from any liability, arising from the lawful forfeiture and disposal of sidewalk and setback obstructions and prescribed herein.

**PROVIDED,** further, that all the costs, related to the above mentioned forfeiture and disposal, shall be charged at the expense of the violator of this ordinance.

**SECTION 8. ADDITIONAL RESPONSIBILITIES OF THE VIOLATOR** – The violator either the owner or lessee or occupant of both residential and commercial establishments are mandated to clean and clear from obstructions the sidewalks, passageway and setbacks, fronting their establishments.

**SECTION 9. EXEMPTION** – Tiangge shall be exempted provided that, necessary permit has been obtained.

**SECTION 10. PENALTIES-** Any violation of the provisions of this, or its implementing rules, shall be summary abatement, dismantling, forfeiture and disposal of the subject sidewalks and/or setback obstructions.

In addition, 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:

**Sidewalks Vendors:**

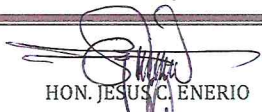
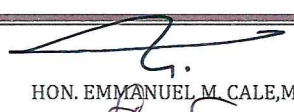



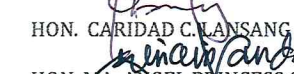
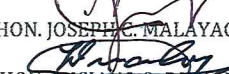



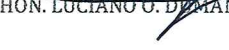
- 1<sup>st</sup> Offense - Written warning;
- 2<sup>nd</sup> Offense - Confiscation of Items (for donation to DSWD or other institutions upon decision of the municipal mayor) and
- 3<sup>rd</sup> Offense - 1,000.00 fine

**Business Signage:**

- 1<sup>st</sup> Offense - Written warning with an order to clear the construction materials within 24 hour receipt of the same;
- 2<sup>nd</sup> Offense - Confiscation; and
- 3<sup>rd</sup> Offense: - 1,000.00 fine and suspension/ non-renewal of business permit if the violator is a business operator

**SECTION 11. IMPLEMENTING RULES AND REGULATIONS** – The Municipal Mayor through the municipal licensing office, municipal police (PNP), Traffic Enforcer, sangguniang barangay and the treasurer's

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office shall promulgate the rules and regulations to carry out the provisions of this ordinance, within sixty (60) days from its effectivity.

**SECTION 12. SEPARABILITY/ REPEALING CLAUSE-** If any provision of this Ordinance is held invalid or unconstitutional, other provision not affected shall continue to be in full force and effect, or inconsistent with national law, rules and regulations, the same shall prevail and all previous ordinance, rules, regulations, executive order or memoranda are hereby superseded and modified.


**SECTION 13. EFFECTIVITY-** This Ordinance shall take effect upon approval and compliance with the mandatory posting and publication requirements, prescribed under R.A. 7160, otherwise known as the Local Government Code of 1991.

**ENACTED:** This 9<sup>th</sup> day of March 2020 at Calamba, Misamis Occidental,

I **HEREBY CERTIFY** to the correctness of the Ordinance No. 08-s.2020 enacted by the 21<sup>st</sup> Sangguniang Bayan of Calamba, Misamis Occidental during its Regular Session on March 9, 2020 at Sangguniang Bayan Session Hall, Calamba, Misamis Occidental.

  
**BEVERLY B. SAMOSA, Ph.D.**  
Secretary to the Sanggunian

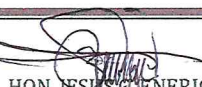
**ATTESTED AND CERTIFIED  
TO BE DULY ADOPTED:**

  
**Hon. ANTONIO N. LAWAS, SR.**  
Municipal Vice Mayor/Presiding

**APPROVED:** Ordinance No. 08-s.2020 on 4/3/2020

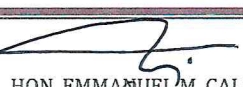
  
**Engr. EZEL T. VILLANUEVA**  
Municipal Mayor

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HON. JESUS C. ENERIO

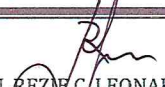
  
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