



Republic of the Philippines  
**SANGGUNIANG BAYAN**  
Taytay, Rizal

DO No. 2303-008

**ORDINANCE NO. 774 series of 2023**

**AN ORDINANCE IMPLEMENTING THE ROAD CLEARING IN THE NEW  
NORMAL IN THE MUNICIPALITY OF TAYTAY, RIZAL**

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WHEREAS, Section 17(a) of the Local Government Code of 1991 states that: *"the Local Government Units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them"*;

WHEREAS, Section 447 of the Local Government Code of the Philippines states that: *"the Sangguniang Bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under section 22 of this Code"*;

WHEREAS, Article 2 Section 5 of the 1987 Constitution states that: *"The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy"*;

WHEREAS, the Department of Interior and Local Government (DILG) issued the Memorandum Circular No. 2022-085 dated June 20, 2022, directing all LGUs on the continued implementation directives from Memorandum Circular No. 2019-121 whereby all city and municipal governments, through the Sangguniang Panlungsod and Sangguniang Bayan, are directed to enact a road clearing ordinance with specified required provisions for inclusion;

NOW THEREFORE, BE IT ENACTED by the Sangguniang Bayan of Taytay, Rizal, in session duly assembled, that:

**Section 1. Title** - This Ordinance shall otherwise be known as the **"Implementation of Road Clearing in the New Normal in the Municipality of Taytay, Rizal"**.

**Section 2. Scope** - The provisions of this Ordinance shall cover the clearing of all public roads, including streets, bridges, pedestrian lanes, highways, roadsides, street sides, and

other public passageways within the territorial jurisdiction of the Municipality of Taytay, Province of Rizal.

**Section 3. Purpose** - The purpose of this Ordinance is to regulate the use and maintenance of roads, sidewalks, streets, and setbacks in order to reclaim public roads and rid them of illegal and/or private obstructions or encroachments, and to facilitate the safe and convenient use thereof.

**Section 4. Definition of Terms** - As used in this ordinance, the terms:

- 4.1. Public Roads - refers to all streets, roads, bridges, highways, and other thoroughfares constructed and maintained by the national government or by the local government unit, *Provided*, that any road or sidewalk not falling under this definition but which upon the determination by the Municipality of Taytay, Rizal is deemed vital to pedestrian safety and access, shall be deemed a public road for the purposes of this Ordinance.
  - 4.1.1. National Roads - refers to roads that directly connect provinces, major cities, and metropolitan areas, and which fall under the management of national government agencies.
  - 4.1.2. Municipal or Local Roads - refers to roads that provide inter-barangay connections to major municipal and city infrastructures and those which connect barangay roads to provincial or national roads.
  - 4.1.3. Barangay Roads - refers to minor or tertiary roads, streets, and alleys under the management of the barangay, and other roads officially turned over to the barangay.
- 4.2. Road Clearing - means the removal of illegal or unauthorized road obstructions along the road right-of-way, which encompass the entire width of the road carriageway, including the travel way for motor vehicles and road shoulders, and sidewalks. Widening of the existing road right-of-way and activities for such purposes are beyond the scope of this ordinance.
- 4.3. Road Obstructions - refer to structures, materials, or activities within the road right-of-way that impede the free and clear passage of motor vehicles or pedestrians, and which pose or cause danger or injury upon motorists, pedestrians, and occupants of such nearby structures. These include but are not limited to the following:
  - 4.3.1. Vehicles parked in prohibited areas, as specified in Section 46 of the Republic Act 4136 or the Land Transportation and Traffic Code, or in sidewalks, paths, and alleys not intended for vehicular parking pursuant to Section 52 of the same Republic Act;
  - 4.3.2. Vehicular terminals in areas not designated by the Local Executive;
  - 4.3.3. Vending sites for any kind of item;
  - 4.3.4. House encroachments that obstruct the road right-of-way, protruding gates, conduct of household activities, and tents, except those temporarily used for funerals and other such activities;
  - 4.3.5. Store encroachments or indiscriminate signage and advertisements;
  - 4.3.6. Obstructing barangay outposts, halls, markers, and directories;
  - 4.3.7. Conduct of sports, sports facilities, and related activities;



- 4.3.8. Drying of rice or other crops;
- 4.3.9. Construction materials such as sand, gravel, cement, steel bars, and logs;
- 4.3.10. Debris, waste materials, and other junked items;
- 4.3.11. Private businesses or repair shops of all kinds such as but not limited to repairing of vehicles, appliances, office equipment, furniture and fixtures, etc. that make repair work on street shoulders, sidewalks, and roads;
- 4.3.12. Unattended / unmanned checkpoints or road blocks illegally erected on public roads;
- 4.3.13. Any abandoned vehicle, implement, device, and/or contrivances causing obstruction in streets and public places, and obstructing approaches to police, fire alarm apparatus, and fire hydrants;
- 4.3.14. Unauthorized excavations of any manner or part of a public place, road, street or alley;
- 4.3.15. Converting parts of public roads to own private use that in any way causes obstruction or damage to any bridge, drainage, ditch, and other appurtenances;
- 4.3.16. Depositing dirt, garbage, or rubbish and other offensive materials in any public place, street, alley, drainage, or gutter;
- 4.3.17. For vendors, stands, posts, or other obstructions in whole or in part on any highway, sidewalk, plaza, park and/or public place;
- 4.3.18. Piling up of construction materials, such as: gravel, sands, cements, steels and the like on roadsides and street sides without moving them away for a period of five (5) working days;
- 4.3.19. Stocking of wares such as auto parts, engines, etc. at the roadsides or street sides abutting their establishment as to impede use of such sidewalks by pedestrians; and
- 4.3.20. Other structures, materials, or activities identified and deemed by the Local Executive as obstructions.

**Section 5. Solidary Liability of Building / Structure Owners and Occupants** - In the event that the owner of the building / structure is different from the occupant, the liability for violations of the provisions of this ordinance shall attach to both of them in solidum, unless by proof it is established that the violation is attributable to only one of them.

**Section 6. Prohibited Acts and Practices** - The following are hereby strictly prohibited:

- 6.1. Any act that results in any road obstruction as defined under Section 4 of this Ordinance; and
- 6.2. Willingly or wittingly refusing to abate or remove existing road obstructions as defined under Section 4 of this Ordinance.

**Section 7. Exemptions** - The Local Chief Executive may, upon application, grant special permit for temporary and limited use of municipal roads, streets, and sidewalks for definite period of time during any of the following:

- 7.1. Fiestas, public rallies, significant government activities, wakes, and other social gatherings within the locality.
- 7.2. Activities for civic and/or charitable causes.
- 7.3. Flea markets or tiangge, provided, that special permits have been obtained and recognized by the Local Chief Executive, and provided further, that the occupied space does not impede the flow of traffic.
- 7.4. Penalties shall not apply during times of emergency such as urban fires, man-made disasters, and natural calamities.

**Section 8. Implementing Strategy and Enforcement**

- 8.1. Road clearing operations shall be regularly conducted day-to-day by the Municipality of Taytay, Rizal led by the MPSO through its Road Clearing Task Group – DILG, PNP, and BFP with the supervision of Barangay Captain to bar illegal constructions and other obstructions which may hinder or affect road networks in all local roads under their jurisdiction.
- 8.2. Road clearing operations in national roads shall be undertaken in coordination with the national government agency concerned with the management of said roads, such as the Department of Public Works and Highways (DPWH) and the Department of Transportation (DOTr).
- 8.3. The Road Clearing Task Group may use, when appropriate, the tools, devices, or equipment to enforce road clearing (e.g., wheel clamping of illegally parked vehicles, towing services, etc.).
- 8.4. The Municipal Engineering Office shall conduct a periodic inspection of all buildings / structures within the territorial jurisdiction of the Municipality of Taytay, Rizal to ascertain compliance with this ordinance and to furnish the Office of the Municipal Mayor, Sangguniang Bayan and the Public Safety Office.
- 8.5. Likewise, the Public Safety Office, the PNP, BFP, and DILG shall also conduct a periodic inspection and report as to their accomplishment of the road clearing operation.
- 8.6. The Taytay, Rizal LGU Road Clearing Task Group shall:
  - 8.6.1. Maintain national roads and highways; and
  - 8.6.2. Supervise component barangays to ensure their compliance with the directives outlined herein.
- 8.7. All Barangays shall:
  - 8.7.1. Conduct regular road clearing operations in all barangay roads, and implement policies for the efficient use of the same, such as the enforcement of non-parking, one-side parking, or other similar strategies, in accordance with this ordinance;
  - 8.7.2. Maintain local roads cleared and turned over by the local government; and

- 8.7.3. Barangay Officials are also enjoined to coordinate with the MPSO, STAG, PNP, DILG, and BFP in the implementation of the road clearing operation in the barangay;
- 8.8. Upon finding any violation of this ordinance, the concerned officials shall send to the building / structure owner / occupant a written order to cause the removal and dismantling, at their expense, any road obstructions as cited by the ordering head.
- 8.9. Failure to comply with the Order issued pursuant to the above-mentioned provision, after a considerable period, the Municipal Engineering Office, MPSO, STAG, PNP, DILG, and BFP shall summarily cause the removal and dismantling of the said road obstruction.
- 8.10. Clear and visible signs indicating ongoing construction or repair on a public road or sidewalk shall be required for the authorized construction or repair activities.
- 8.11. No electric poles shall be removed without due coordination with the operator / owner thereof.
- 8.12. Hazardous or obstructing trees may be removed, provided these are done in accordance with the rules and requirements imposed upon by the Department of the Environment and Natural Resources (DENR) as well as other pertinent laws.
- 8.13. Displacement options shall be provided for those directly affected, including the provision of alternative parking spaces, transfer of vendors to authorized vending sites, and resettlement or referral of homeless occupants of obstructing shanties to appropriate government offices and/or agencies.
- 8.14. Local units of the Philippine National Police (PNP) and the Bureau of Fire Protection (BFP) shall provide the necessary assistance to the LGUs in the implementation of road clearing operations.
- 8.15. BFP shall regularly flush out water to roads, streets, and overpass / bridge for cleanliness and sanitation purposes.
- 8.16. A monthly report shall be submitted by the designated secretariat of the Road Clearing Task Group to the MLGOO in accordance with the guidelines and requirements of DILG which shall be presented during the MPOC Quarterly Meeting.

**Section 9. Implementing Rules and Regulations** - to further carry out effectively the provisions of this ordinance, the Taytay, Rizal Local Government Road Clearing Task Group may, within 60 days from approval, promulgate the implementing rules and regulations which shall conform to this code.

**Section 10. Notice and Grievance Mechanisms**

- 10.1. No encroachment or obstruction, especially those part of any building or permanent structure, may be removed or dismantled without prior notice to its owners thereof.
- 10.2. Violators shall be issued an appropriate Notice of Violation, reprimand, Citation Tickets and other notices that correspond to their number of offenses, such as written warnings, Notice to Vacate, and/or Cease-and-Desist Orders.
- 10.3. Concerned citizens can express their grievances to the Municipal Public Safety Office (MPSO), and to the Committee on Justice, Human Rights, and Grievance which shall be the designated body for receiving and resolving such issues and, if left unresolved, may elevate their concerns to the Office of the Municipal



Administrator before raising their concerns to the Office of the Mayor, should these remain unresolved and unacted upon.

**Section 11. Penalties** - Violations of this Ordinance shall merit the following fines and penalties:

A. For unauthorized vendors, transient peddlers, and illegal structures of businesses:

1. First Offense - Warning / Reprimand and Notice to Vacate / Demolish / Dismantle obstruction
2. Second Offense - Fine and Notice
  - a. Fine of Php 500.00 for unregistered ambulant vendors outside allowed zones or transient peddlers and Notice to Vacate / Demolish / Dismantle obstruction.
  - b. Fine of Php 1,500.00 for other business owners and Notice to Vacate / Demolish / Dismantle obstruction.
3. Third and Succeeding Offenses - Fine, Notice, and Confiscation of Goods or Revocation of Business
  - a. Fine of Php 1,000.00 for unauthorized vendors outside allowed zones or transient peddlers and Notice to Vacate / Demolish obstruction, and confiscation of goods.
  - b. Fine of Php 2,500.00 for other business owners, Notice to Vacate / Demolish obstruction and Issuance of Cease-and-Desist Order or Revocation of Business Permit.

B. For Illegally Parked Vehicles and Constructions

1. For illegally parked vehicles - Drivers or operators of illegally parked vehicles shall be penalized in accordance with Ordinance No. 8 Series of 2019, "An Ordinance Amending the Section 1 of Ordinance No. 27 Series of 2003 Entitled: 'An Ordinance Amending Ordinance No. 4 Series of 1996' Entitled: 'Traffic Regulation of Taytay, Rizal'".
2. Failure to post a clear and visible sign indicating on-going construction or repair along a public road or sidewalk will be fined with Php 2,500.00.
3. Failure to acquire permits before undertaking excavations of any manner along public roads, streets, or alleys will be referred to existing ordinance appertaining to this matter, with the exception of those covered under the DPWH Department Order No. 26 series of 2011 regarding diggings / excavations on national roads.
4. Failure to provide protective roofing above sidewalks or public roads adjacent to any construction will be fined with Php 2,500.00.
5. Destroying or tampering any sign or notice that indicates hazard to pedestrian safety will be fined with Php 2,500.00.
6. In the event that a violator cannot pay the fine imposed pursuant to this Ordinance's provisions, he shall be made to undergo subsidiary imprisonment or punishments otherwise imposed by the discretion of the court.

C. Punishment for other offenses - Conviction of persons for any violation under this Ordinance shall not bar his prosecution for any other offenses or violations which may have been committed concurrently with the commission of any of the offense for which he was convicted for or series of acts which constituted the offense of violation of which he was convicted.

**Section 12. Information Dissemination** - The Public Information Office (PIO) shall, upon approval of this Ordinance, cause its proper dissemination to the general public.


**Section 13. Separability Clause** - If any provision, section, or part of this Ordinance is found to be unconstitutional by a court of competent jurisdiction, those provisions not affected shall continue to be in full force and effect.

**Section 14. Repealing And Amendatory Clause** - All previous ordinances, rules, and regulations or parts thereof, which are found inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed, modified and/or supplemented accordingly.

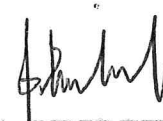
**Section 15. Effectivity** - This Ordinance shall take effect upon its approval and Ten (10) days after posting.

ENACTED, this 8<sup>th</sup> day of March, 2023, 4:12 PM at the Sangguniang Bayan Session Hall, Municipality of Taytay, Province of Rizal.

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I HEREBY CERTIFY, to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Bayan of Taytay on second reading on March 1, 2022 and was passed on third and final reading on March 8, 2023, during the 35<sup>th</sup> Regular Session held on the 8<sup>th</sup> day of March, 2023.

  
ATTY. STANLEE D. CALMA  
Secretary to the Sanggunian

ATTESTED AND CERTIFIED TO BE DULY  
ADOPTED BY HER HONOR

  
HON. SOPHIA PRISCILLA L. CABRAL  
Municipal Vice Mayor / Presiding Officer

APPROVED BY HIS HONOR  
DATE 29 MAR 2023

  
HON. ALLAN MARTINE S. DE LEON  
Municipal Mayor 