

HOUSE OF REPRESENTATIVES

House Bill No. 356

Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

The proper and responsible use of public space is an essential element for development. Such entails the assurance of safety and convenience of pedestrians and road users. At present, we are faced with a problem of inappropriate and obstructive use of our streets, sidewalks, avenues, alleys, bridges, parks and other public places. Clearly, such places have been venues for trade which impedes movement and for chaotic advertising which, at times, presents hazards to the well-being of Filipinos.

In *Padilla, Civil Code Annotated, Vol. II, p. 59, 6th Ed., citing Umali vs. Aquino, IC. A. Rep. 339*, it is stated that "the occupation and use of private individuals of sidewalks and other public places devoted for public use constitute both public and private nuisances and nuisance *per se*, and this applies to even case involving the use or lease of public places under permits and licenses issued by competent authority, upon the theory that such holders could not take advantage of their unlawful permits and license 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."

Public space is, first and foremost, public. It is the responsibility of the State to ensure this. This bill seeks to take away all sorts of structures that are considered illegal and obstructive in order to guarantee the safety and convenience of the people.

In view of the foregoing, immediate passage of this bill is earnestly sought.


SUSAN A. YAP

Representative, Second District of Tarlac

6 HOUSE OF REPRESENTATIVES

7 House Bill No. 356
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11 Introduced by Representative Susan A. Yap
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13 AN ACT

14 REGULATING THE USE OF SIDEWALKS FOR COMMERCIAL AND OTHER
15 PURPOSES
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17 *Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*
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20 SECTION 1. *Short Title.* - This Act shall be known as the "Clear Sidewalks Act of
21 2010".
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23 SEC. 2. *Declaration of Policy.* - It is the policy of the State to promote the general welfare of
24 the people. Pursuant to this policy, this Act seeks to clear sidewalks from unauthorized
25 commercial or personal use in order to facilitate the smooth passage of persons as well as to
26 clear all obstructions to traffic and vehicular flow. Adequate sidewalk areas must also be
27 maintained to allow safe pedestrian passage and for the safe and convenient use of
28 wheelchairs, strollers, and similar instruments.
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30 SEC. 3. *Definition of Terms.* - As used in this Act, the term:
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- 32 (a) "Sidewalks" mean paved paths for pedestrians alongside streets.
33 (b) "Illegal structures/obstructions" mean structures which are erected on sidewalks
34 without the necessary permit.
35 (c) "Sidewalk vendor" means any person or individual who sells or vends any
36 agricultural products, cooked foods and/or dry goods, items or articles, including any
37 person who attends to these above-cited products which are intended to be sold, at
38 any temporary location, sidewalk, alley, vacant space or portion thereof.
39 (d) "Community-wide special occasions" mean community-sponsored special occasions
40 which shall include, but not limited to fiestas, gatherings, etc.
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42 SEC. 4. *Prohibited Acts.* - The use of streets, sidewalks, avenues, alleys, bridges, parks and
43 other public places for commercial and personal purposes shall be prohibited. Such
44 prohibited acts include but not limited to the following:
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- 46 (a) Vending or selling of foods, magazines, newspapers, cigarettes, brooms, watches or
47 jewelries, shoes and other footwear, and/or any other items;
48 (b) Conduct of shoe-shine occupation;
49 (c) Doing house chores such as washing clothes, hanging clothes, and bathing;
50 (d) Vehicle garage or vehicle repair;
51 (e) Dumping garbage;
52 (f) Setting up of basketball court or goal;
53 (g) Use of sidewalk to install pens of animals or keep animals in chains;
54 (h) Storing softdrinks or wine or liquor bottles and cases; drinking liquor and beverages
55 and holding picnics or gatherings;
56 (i) Storing of junk and recyclable materials;
57 (j) Use of sidewalk for storage of construction materials for sale (pipes, tubing, lumber,
58 cement, and the like);
59 (k) House extension or stall/store extension including installation of roofs or awnings;
60 (l) Installation of permanent or picket fence;

- (k) House extension or stall/store extension including installation of roofs or awnings;
- (l) Installation of permanent or picket fence;
- (m) Use of sidewalks for plants, trees and plant boxes; and
- (n) Signs or signboards on or above sidewalks and detached from the business establishment.

SEC. 5. *Grant of Permits for Temporary Use of Sidewalk.* - The authorities shall have the power to grant permits to applicants for the temporary use of sidewalks under the following occasions:

- (a) Community-wide special occasions or sales promotion days. The licensing authority may establish rules and regulations governing displays and sales of merchandise during community-wide special occasions or sales promotion days. For these purposes, the licensing authority shall clearly designate the portions of the sidewalks on which merchandise may be displayed as well as the duration of such use.
- (b) Civic or charitable purposes. All sales for civic or charitable purposes shall be held in clearly designated portions of the sidewalks on which merchandise may be displayed and for a specific duration.

The use of sidewalks and the displays or sale of merchandise under this section must be of a nonpermanent nature and must be neat and orderly.

A representative of the licensing authority shall be present to oversee such authorized temporary use of sidewalks.

SEC. 6. *Content of Applications for Temporary Use of Sidewalks.* - The application for the grant of permits for the temporary use of sidewalks during the above occasions shall contain the following information:

- (a) Full name and complete address of applicant/s;
- (b) The place where he or she is allowed to use and the duration of such use;
- (c) The purpose of such use; and
- (d) If purpose of use is for the selling of goods, the products he or she is authorized to sell.

SEC. 7. *Implementing Agency.* - The municipal or city government shall be responsible for the implementation of the provisions of this Act. Within thirty (30) days from the approval of this Act, the municipal or city governments shall formulate implementing rules and regulations for the effective implementation of this Act.

SEC. 8. *Penalties.* - Any person who violates any of the provisions of this Act shall be punished by a fine of One Thousand Pesos (P1,000.00) which shall accrue to the Municipal or City Treasury, or imprisonment of not more than thirty (30) days, or both.

Any permit issued shall be revoked upon violation of the requirements under this Act. Such revocation shall prohibit the grant of a new permit for twelve (12) months from the date of conviction.

SEC. 9. *Separability Clause.* - If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 10. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 11. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

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3 Approved,