

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 1835

INTRODUCED BY HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

It has been an admitted but shameful fact that most of the city and municipal streets, avenues, alleys, sidewalks, bridges, parks and other public places in the country are not being properly utilized due to malpractices of some unscrupulous individuals who wantonly exploit these areas for displaying and vending their goods as well as utilizing the same in erecting some structures for commercial and advertising purposes;

In the case of "Umali vs. Aquino" 1 C. A. Rep 339, the Supreme Court ruled that "the occupation and use by private individuals of sidewalks and other public places devoted to public use constitute both public nuisances and nuisances per se."

Further, the same ruling states that such use of sidewalk "applies even to cases involving the use or lease of public places under permits or licenses issued by competent authority upon the theory that such holders could not take advantage of their unlawful permits and licenses 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."

It is therefore necessary and urgent to regulate the use and maintenance of sidewalks and to clear the same of illegal commercial and private structures in order to ensure a smooth flow of traffic and provide a safe and convenient movement of goods and persons in the country.

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



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AN ACT
REGULATING THE USE AND MAINTENANCE OF SIDEWALKS AND FOR
OTHER PURPOSES.

Be it enacted by the Senate and the House of Representatives in Congress assembled:

SECTION 1. Short Title – This Act shall be known as the **"Sidewalk Discipline Act of 2010."**

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 Act to regulate the use and maintenance of sidewalks, and to clear the same of illegal commercial and private structures in order to facilitate the safe and convenient use thereof.

SECTION 3. Definition of Terms –. For purposes of this Act, the following term shall have the corresponding meaning:

(a) **"Sidewalk"** means that portion of a roadway assigned for use by pedestrians, which must be free from all forms of physical obstructions for anything found on it, whether of value or not, shall be treated as common garbage.

(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 common garbage subject to summary abatement and/or disposal as provided for under this Act. Provided, that 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) **"Street"** means any public open space for the continuous flow of pedestrian and vehicular traffic, including the air space above it.

(d) **"Curb and Gutter"** means any physical structure that segregates the road from the sidewalk and its accompanying structure where water flows toward a canal, and for purposes of this Act shall form part of the term sidewalk.

(e) **"MMDA"** means the Metropolitan Manila Development Authority.

(f) **"Sidewalk vendor"** - any person who sells or offer 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.

SECTION 4. Regulation of Sidewalks and other similar public space.

The use of streets, sidewalks, curbs and gutters, alleys, bridges, public parks and other 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, jewelries, shoes and other footwear, and other analogous items;

(b) Conduct of shoe-shine activity and other similar occupations;

(c) Bathing, washing of clothes, and hanging of clothes;

(d) Vehicle garage or conduct of car repair business;

(e) Dumping of garbage and litter;

(f) Setting up of basketball court or goal;

(g) Use of sidewalk in constructing pens or cages of animals;

(h) Storing soft drinks or bottled drinks and cases;

(i) Drinking liquor and beverages and holding of picnics or parties;

(j) Storing of household appliances and furniture, as well as, junks and recyclable materials;

(k) Use of sidewalk for storage of construction materials;

(l) House extension or store extension including installation of roofs or awnings;

(m) Installation of permanent fence or gate;

(n) Use of sidewalks for plants, trees and plant boxes;

(o) Installation of signs or signboards on or above sidewalks and detached from the business establishment; and

(p)) Use of any portion of the sidewalk or street for religious activities including the giving of sermon and conduct of solicitations.

SECTION 5. Sidewalk obstruction as nuisance per se, and treatment thereof as common garbage. All prohibited activities conducted along public roads and sidewalks are hereby declared nuisance per se and illegal subject to summary abatement.

Likewise, all sidewalk obstructions, including belongings and things found therein, whether of value or not, shall be presumed or treated as common garbage, subject to forfeiture and disposal without need of judicial proceedings.

SECTION 6. Summary abatement, forfeiture and disposal of sidewalk obstructions. All local government units other than barangay, and in Metro Manila with the assistance of the MMDA, are hereby authorized to summarily abate, forfeit and dispose any obstruction found within their respective territorial jurisdiction.

Provided, that concerned local government units and the MMDA shall be free from any liability arising from the lawful forfeiture and disposal of sidewalk obstructions as prescribed herein.

Provided, further, that all the costs related to the abovementioned forfeiture and disposal shall be charged at the expense of the violator of this Act.

SECTION 7. Additional duties of the owner, lessee, and occupants of residential and business establishments. The owner or lessee or occupant of both residential and commercial establishments shall undertake to clean the sidewalk and passage way fronting their establishments.

It shall likewise be the duty of the above cited persons to place their garbage and litter in sanitary garbage placed inside their yards and/or building and bring the same out only when the garbage collector passes by.

SECTION 8. Permit for Temporary Use of Sidewalks and Streets. Local government units shall have the power to grant permit for the temporary use of sidewalks and streets during special local occasions, such as fiesta and other similar gatherings, and for civic or charitable purposes, according to the rules and regulations that shall hereinafter be promulgated.

Provided, that the proper licensing authority shall clearly designate the portions of the sidewalk and/or street which may be utilized, as well as, the specific duration of the use.

SECTION 9. Penalties. The principal penalty for any violation of the provisions of this Act or its implementing rules shall be summary abatement, dismantling, forfeiture and disposal of the subject sidewalk obstruction/s.

In addition, any person, corporation, trust, firm, partnership, association or entity found violating this Act or the rules and regulations promulgated thereunder shall be punished by a fine of Three Thousand pesos (P3, 000. 00) which shall accrue to the Local Treasury or imprisonment of not more than 30 days, or both, at the discretion of the court.

Any officer of the duly designated enforcement agency who neglect or fails to enforce the provisions of this Act shall be administratively liable and in addition, punished by a fine of not less than Twenty Thousand Pesos (P20,000.00), without prejudice to the filing of appropriate administrative charges.

SECTION 10. Implementing Rules and Regulations. Local government units, in coordination with MMDA if applicable, shall promulgate the rules and regulations to carry out the provisions of this Act within sixty (60) days from its effectivity.

SECTION 11. Funding –The amount necessary to carry out the provisions of this Act shall be included in the budget of concerned government agencies in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 12. Repealing Clause – All laws, decrees, executive orders or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 13. Separability Clause – If any provision of this Act is held invalid or unconstitutional, other provisions not affected shall continue to be in full force and effect.

SECTION 14. Effectivity – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,