



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
Sixteenth Congress
Second Regular Session



HOUSE BILL NO. **5943**

Introduced by Honorable Evelina G. Escudero

EXPLANATORY NOTE

This bill seeks to penalize the use of public roads and sidewalks for commercial and personal purposes.

In the 1992 case of *Dacanay v. Mayor Asistio, Jr.* (208 SCRA 404), among other cases, the Supreme Court of the Philippines declared that:

"A public street is property for public use hence outside the commerce of man. The right of the public to use the city streets may not be bargained away through contract. The interests of a few should not prevail over the good of the greater number in the community where health, peace, safety, good order and general welfare, the city officials are under legal obligation to protect."

The Civil Code of the Philippines provides in part, that *"anything which obstructs or interferes with the free passage of any public highway or street is a nuisance, and is subject to abatement, without judicial proceedings."* It also states that *"any person who obstructs or interferes with the free passage of any public street is liable for damages in addition to having such obstruction summarily abated."*

It has been observed that in cities, municipalities and barangays, the roads, sidewalks and alleys are still not properly utilized. Sidewalks are occupied by vendors and used as illegal transport terminals while roads and alleys are blocked by illegal structures such as basketball courts or business stalls. Hence, pedestrians are forced to walk on the road which causes traffic congestion. Motorists slow down to avoid accidents.

Under the proposed measure, imprisonment or fines or both are penalties imposed upon any person who obstructs or uses public roads and sidewalks for commercial and personal purposes. Also, barangay chairpersons or mayors who fail or neglect to implement the prohibition against the use of the public roads and sidewalks for commercial and personal purposes, or to remove any obstruction within their territorial jurisdiction, may be administratively charged under the provisions of the Local Government Code. The barangay chairpersons or the mayors may also be made to pay the fine.

Our communities deserve safe, convenient and serviceable public streets. It is therefore necessary to impose penalties for obstructing the public roads and sidewalks to ensure public service to everyone.

In view of the foregoing, approval of this bill is highly recommended.

A handwritten signature in black ink, appearing to read 'Escudero', with a long, sweeping flourish extending to the right.

EVELINA G. ESCUDERO



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1 **AN ACT**
2 **PENALIZING THE USE OF PUBLIC ROADS AND SIDEWALKS FOR**
3 **COMMERCIAL AND PERSONAL PURPOSES**
4

5 *Be it enacted by the Senate and House of Representatives of the Philippines in*
6 *Congress assembled:*
7

8 SECTION 1. *Short Title.* – This Act shall be known as the “*Use of*
9 *Roads and Sidewalks Act.*”

10 SEC. 2. *Prohibited Act.* – The use of public roads and sidewalks for
11 commercial and personal purposes which constitute obstruction shall be
12 penalized.

13 For purposes of this Act, *obstruction* refers to any structure, permanent or
14 otherwise, movable or immovable, erected along, standing on, abutting, or in
15 any manner impeding safe and convenient passage through any public road or
16 sidewalk but does not include structures erected or installed by the government
17 for the purpose of regulating the flow of traffic.

18 A person who sells goods and commodities along public road and
19 sidewalk is also considered an obstruction.

1 SEC. 3. *Exceptions.* – The mayor or the barangay chairperson may grant
2 an applicant permit for the temporary and limited use of roads and sidewalks
3 during any of the following occasions:

4 a) Special occasions in the locality such as fiestas and other similar
5 gatherings; and

6 b) Sale promotion days and activities for civic or charitable purposes.

7 The mayor or the barangay chairperson shall issue an order or
8 memorandum clearly specifying the duration of the use and the portions of the
9 sidewalk or public road that may be utilized or affected by the activity or
10 occasion.

11 The mayor or the barangay chairperson must give a three day advance
12 notice to the public that a particular road or portion of a sidewalk will be closed.
13 A representative of the mayor or the barangay chairperson must be present
14 during the activity to ensure that the activity is conducted in an orderly manner
15 and that cleanliness and proper safety measures are observed.

16 SEC. 4. *Penalties.* – Any person who violates the provisions under
17 Section 2 of this Act shall suffer the penalty of imprisonment of not less than
18 six (6) months but not more than one (1) year or a fine of not less than Fifty
19 thousand pesos (P50,000.00) but not more than One hundred thousand pesos
20 (P100,000.00), or both.

1 The guilty persons shall also be held liable for damages as provided
2 under the Civil Code of the Philippines, and the obstructing structures shall be
3 removed, destroyed or disposed of at the expense of the guilty persons.

4 The mayor, barangay chairperson or any designated local public official
5 who neglects or fails to enforce the provisions of this Act shall be
6 administratively liable under the Local Government Code, and shall suffer the
7 penalty of a fine of not less than Fifty thousand pesos (P50,000.00) but not
8 more than one hundred thousand pesos (P100,000.00).

9 SEC. 5. *Implementing Rules and Regulations.* – Within thirty (30) days
10 from the approval of this Act, the Secretary of the Interior and Local
11 Government shall issue the necessary rules and regulations for the effective
12 implementation of this Act.

13 SEC. 6. *Repealing Clause.* – All laws, decrees, executive orders or parts
14 thereof inconsistent with the provisions of this Act are hereby repealed,
15 amended or modified accordingly.

16 SEC. 7. *Effectivity.* – This Act shall take effect fifteen (15) days after its
17 publication in the *Official Gazette* or in a newspaper of general circulation.

18 Approved,