

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8017



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

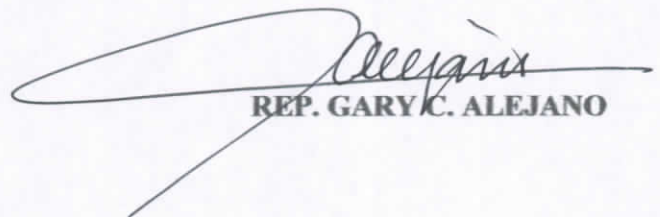
The Civil Code of the Philippines provides in part, that *“anything which obstructs or interferes with the free passage of any public highway or street is a nuisance, and is subject to abatement, without judicial proceedings.”* It further states that *“any person who obstructs or interferes with the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

In *Umali vs. Aquino* (1992,) the Supreme Court opined 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 spaces 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 part of a public street or a public place devoted to public use, hence, beyond the commerce of man.”*

Indeed, as it has been clearly stated, public places such as sidewalks is not to be used for ultimately, private purposes. The country’s sidewalks, as has been evidence with our everyday experience of it, has become so crowded with stores and stalls selling food or rendering various kinds of services, so much that pedestrians have no choice but to walk roadside, exposed to all kinds of road hazards. The end result is the exacerbation of the already dismal traffic situation and the overcrowding of roads.

As such, this bill aims to penalize the use of public roads and sidewalks for commercial and personal purposes. LGU officials who fail to implement this act will be held administratively liable. It shall also compel LGUs to formulate a development plan that will make possible an organized vending program for all sidewalk vendors to be affected by the provisions of this Act.

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


REP. GARY C. ALEJANO

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AN ACT
PENALIZING THE USE OF SIDEWALKS FOR COMMERCIAL AND/OR PERSONAL
PURPOSES

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

1 **SECTION 1. Short Title.**—This Act shall be known as the “Unobstructed Sidewalks Act.”

2 **SEC. 2. Declaration of Policy.**—It is the policy of the State to promote the general welfare
3 of the people. Pursuant to this policy, this Act seeks to clear sidewalks from unauthorized
4 commercial or personal use in order to facilitate the smooth passage of persons as well as to clear
5 all obstructions to traffic and vehicular flow. Adequate sidewalk areas must also be maintained to
6 allow safe pedestrian passage and for the safety and convenience of wheelchairs, strollers, and
7 similar instruments.

8 **SEC. 3. Definition of Terms.**—For the purposes of this Act:

- 9 a) **Sidewalks** means paved paths for pedestrians alongside streets.
- 10 b) **Illegal structures/obstructions** means structures which are erected on sidewalks
11 without necessary permit
- 12 c) **Sidewalk vendor** means any person or individual who sells or vends any agricultural
13 products, cooked foods and/or dry goods, items or articles, including any person who
14 attends to such products which are intended to be sold, at any temporary location, sidewalk,
15 alley, vacant space or portion thereof.
- 16 d) **Community-wide special occasions** means community-sponsored special occasions
17 which shall include, but not limited to, fiestas, gatherings, etc.

1 **SEC. 4. *Prohibited Acts.***—The use of streets, sidewalks, avenues, alleys, bridges, parks, and
2 other public spaces for commercial and personal purposes shall hereby be prohibited. Such
3 prohibited acts include, but not limited to, the following:

4 a) Vending or selling food, magazines, newspapers, cigarettes, brooms, watches or
5 jewelries, shoes and other footwear, and/or any other items;

6 b) Conduct of shoe-shine occupation;

7 c) Doing house chores such as washing clothes, hanging clothes, and bathing;

8 d) Vehicle parking or repair;

9 e) Dumping garbage;

10 f) Setting up a basketball court;

11 g) Use of sidewalk to install animal pens or for keeping animals in chains;

12 h) Storing softdrinks or wine or liquor bottles and cases; drinking liquor and beverages and
13 holding picnics or gatherings;

14 i) Storing of junk and recyclable materials;

15 j) Use of sidewalk for storage of construction materials for sale

16 k) House extension or stall/store extension including installation of roofs or awnings;

17 l) Installation of permanent or picket fence;

18 m) Use of sidewalks for unauthorized plants, trees, and plant boxes; and

19 n) Signs or signboards on or above sidewalks and detached from the business
20 establishment

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

1 a) Community-wide special occasions or sales promotion days. The licensing authority may
2 establish rules and regulations governing displays and sales of merchandise during community-
3 wide special occasions or sales promotion days. For these purposes, the licensing authority shall
4 clearly designate the portions of the sidewalks on which merchandise may be displayed as well as
5 the duration of such use;

6 b) Civic or charitable purposes. All sales for civic or charitable purposes shall be held in
7 clearly designated portions of the sidewalks on which merchandise may be displayed and for a
8 specific duration.

9 The use of sidewalks and the displays or sale of merchandise under this section must be of a
10 non-permanent nature and must be neat and orderly.

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

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

16 a) Full name and complete address of applicant/s;

17 b) The place where he or she is allowed to use and the duration of such use;

18 c) The purpose of such use; and

19 d) If purpose of use is for the selling of goods, the products he or she is authorized to sell.

20 **SEC. 7. *Penalties.***—In addition to having the obstruction abated summarily and being liable
21 for damages as provided under the Civil Code of the Philippines, any person who violates Section 4
22 of this Act shall be penalized by a fine of not less than Ten Thousand Pesos (P10,000.00) but not
23 more than Thirty Thousand Pesos (P30,000) or by imprisonment of not less than six (6) months, but
24 not more than one (1) year.

25 The mayor, barangay chairperson or any designated local officer who neglects or fails to
26 enforce the provisions of this Act shall be administratively liable under the Local Government
27 Code, and shall be penalized by a fine of not less than One Hundred Thousand Pesos (P100,000.00)
28 but not more than Five Hundred Thousand Pesos (P500,000.00).

1 **SEC. 8. *Organized Vending Program.***—All local government units, in consultation with all
2 appropriate agencies and authorities, shall design development plans and allocate resources to
3 implement an organized vending program for all displaced sidewalk vendors.

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

7 **SEC. 10. *Repealing Clause.***—All laws, decrees, executive orders or parts thereof
8 inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

9 **SEC. 11. *Separability Clause.***—If any part or provision of this Act is declared invalid or
10 unconstitutional, the other parts not otherwise affected shall remain in full effect and force.

11 **SEC. 12. *Effectivity.***—This Act shall take effect fifteen (15) days after its publication in the
12 Official Gazette or in at least two newspapers of general circulation.

Approved,