

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 6281



Introduced by **Pangasinan Fifth District Representative**
HON. RAMON V. GUICO III

EXPLANATORY NOTE

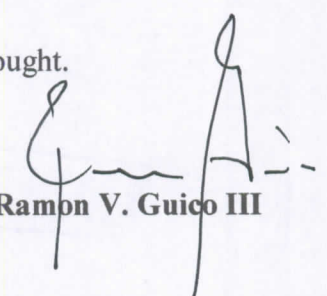
The Civil Code of the Philippines provides in part, that *“anything which obstructs or interferes with the free passage of any public highway or street is a nuisance, and is subject to abatement, without judicial proceedings.”* It further states that *“any person who obstructs or interferes with the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

Recently, in the Department of Interior and Local Government’s (DILG) Memorandum Circular No. 2019-121, the DILG has acted on President Duterte’s directive during his 4th State of the Nation Address to clear public roads, alleys, and other thoroughfares of illegal structures and constructions. It was intended to return roads, including sidewalks to the benefit of the public, which use has long been limited because of personal intents and purposes. Citing a Supreme Court ruling, *the occupation and use of private individuals of sidewalks and other public spaces devoted for public use constitute both public and private nuisances and nuisance per se.*

Public places then, such as sidewalks are not to be used for personal purposes. The country’s sidewalks, as has been evidence with our everyday experience of it, has become so crowded with stores and stalls either selling food or rendering various kinds of services. Furthermore, a number of people continue to use it for expanding their homes, homes for their pets, or storage for various materials, among other selfish reasons. Consequently, 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 heightened risks of what could have been avoidable road accidents.

As such, this bill aims to penalize the use of public sidewalks for commercial and personal purposes. Moreover, to prevent the further issuance of ultimately unlawful permits on the utilization of these public spaces, the bill also provides for the only temporarily permissible use of such spaces. Finally, LGU officials who fail to implement this act will be held administratively liable and shall be compelled 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. Ramon V. Guico III

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1 AN ACT
2 PENALIZING THE USE OF SIDEWALKS FOR COMMERCIAL AND/OR PERSONAL
3 PURPOSES
4

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

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

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

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

16 **Sidewalks** means paved paths for pedestrians alongside streets.

17 **Illegal structures/obstructions** means structures which are erected on sidewalks
18 without necessary permit

19 **Sidewalk vendor** means any person or individual who sells or vends any agricultural
20 products, cooked foods and/or dry goods, items or articles, including any person who
21 attends to such products which are intended to be sold, at any temporary location,
22 sidewalk, alley, vacant space or portion thereof.

23 **Community-wide special occasions** means community-sponsored special occasions
24 which shall include, but not limited to, fiestas, gatherings, etc.

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

- a) Vending or selling food, magazines, newspapers, cigarettes, brooms, watches or jewelries, shoes and other footwear, and/or any other items;
- b) Conduct of shoe-shine occupation;
- c) Doing house chores such as washing clothes, hanging clothes, and bathing;
- d) Vehicle parking or repair;
- e) Riding motorcycles, bicycles, and any other kind of vehicle;
- f) Dumping garbage;
- g) Setting up a basketball court or playing basketball;
- h) Use of sidewalk to install animal pens or for keeping animals in chains;
- i) Storing softdrinks or wine or liquor bottles and cases; drinking liquor and beverages and holding picnics or gatherings;
- j) Storing of household appliances, furnitures, junk and recyclable;
- k) Use of sidewalk for storage of construction materials for sale
- l) House extension or stall/store extension including installation of roofs or awnings;
- m) Installation of permanent or picket fence;
- n) Use of sidewalks for unauthorized plants, trees, and plant boxes;
- o) Putting up signs or signboards on or above sidewalks and detached from the business establishment;
- p) Conducting religious activities like preaching and soliciting donations;
- q) Holding a funeral and gambling during such; and
- r) Other such activities that obstruct the free passage of people on sidewalks, unless otherwise authorized by law.

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

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

SEC. 8. *Organized Vending Program.*—All local government units, in consultation with all appropriate agencies and authorities, shall, immediately upon the approval of this Act, design development plans and allocate resources to implement an organized vending program for all displaced sidewalk vendors.

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

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

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

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

Approved,