



Republic of the Philippines
PROVINCE OF PANGASINAN
Lingayen
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the regular session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on March 1, 2021 at Lingayen, Pangasinan, the following provincial ordinance was approved:

Authored by SP Member Nestor D. Reyes and
co-authored by all Members of the Sangguniang Panlalawigan

PROVINCIAL ORDINANCE NO. 260-2021

AN ORDINANCE PROHIBITING ANY OBSTRUCTION ON PUBLIC ROADS AND OTHER SIMILAR PUBLIC PLACES WITHIN THE TERRITORIAL JURISDICTION OF THE PROVINCE OF PANGASINAN AND PROVIDING PENALTIES THEREOF

WHEREAS, DILG Memorandum Circular No. 2019-121, dated July 29, 2019, directed all local government units to clear roads of illegal obstructions, and Section 17 (b) of RA 7160, otherwise known as the Local Government Code of 1991, mandates all provincial, city, municipal and barangay governments to manage and maintain roads within their jurisdiction as a basic service and facility;

WHEREAS, DILG Memorandum Circular No. 2020-027, dated February 7, 2020, directed all local government units to continue the implementation of the presidential directive during the 2019 State of the Nation Address to clear roads of illegal obstructions;

WHEREAS, DILG Memorandum Circular No. 2020-027 provided for the following objectives for the implementation of the program: 1) additional roles of local chief executives, 2) guidelines for road clearing operations, and 3) monitoring, assessment and validation of road clearing and re-claiming policy of the government;

WHEREAS, in order to solve the pressing problem of improper use of streets, sidewalks, alleys and bridges, the enactment of an ordinance is proper for the promotion of the general welfare;

NOW THEREFORE, on motion of SP Member Nestor D. Reyes and co-authored by all Members of the Sangguniang Panlalawigan, duly seconded, it was –

Be it enacted by the Province of Pangasinan in session assembled:

SECTION 1. TITLE. - This Ordinance shall be known as “ROAD CLEARING ORDINANCE OF THE PROVINCE OF PANGASINAN”;



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SECTION 2. SCOPE OF APPLICATION. This Ordinance shall cover all kinds of obstructions on public roads and other public places in the Province of Pangasinan committed by individuals, entities and companies and those obstructions committed by persons while driving or operating motor vehicles and other forms of conveyances.

SECTION 3. PURPOSES.

1. To ensure the protection of road users and pedestrians by prohibiting any illegal use and putting up of structures, objects and other similar items and activities along the thoroughfares of the Province of Pangasinan.
2. To ensure continuous and free traffic flow in the thoroughfares of the province by prohibiting any person, entity and business establishments to install permanent or temporary obstructions on sidewalks, streets, and highways or any portion of the road-right-of way as constituted by existing laws, rules and ordinances.

SECTION 4. DEFINITION OF TERMS. – For purposes of this Ordinance, the following terms shall have the following corresponding meaning:

- a. Road Clearing** – shall mean the removal of illegal or unauthorized road obstructions along the road right-of-way which encompasses the entire width of the road carriageway (including travelway for motor vehicles and road shoulders) and sidewalk.
- b. Public Roads** – means all streets, roads, bridges, highways and other thoroughfares constructed and maintained by the national government or by any local government unit.
- c. Obstructions** – are structures, materials, whether permanent or temporary, movable or immovable or activities within the road right-of-way that impede the free and clear passage of motor vehicles or pedestrians and/or pose danger or cause injury to motorists, pedestrians, or occupants of nearby structures.

SECTION 5. PROHIBITION – It shall be prohibited and considered unlawful for any person or group of persons, entity or company to obstruct the free flow of people, goods and vehicles through a road network by using, utilizing or otherwise appropriating any road, street, sidewalk, or pedestrian walkway, avenue, alley, bridge, park and other public place or portion thereof, for commercial or personal purposes. The prohibition includes all kinds of obstructions such as but not limited to:



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- a. Vehicles parked along public roads, shoulders or sidewalks;
- b. Vehicular terminals except in areas designated by the concerned local government units for such purposes;
- c. Vending sites for any kind of item;
- d. House encroachments that obstruct the road right-of-way, extended gates, conduct of household activities, and tents, except those being temporarily used for funerals and other similar activities;
- e. Store encroachments and indiscriminate signage and advertisements;
- f. Obstructing outposts, halls, and markers;
- g. Conduct of sports, sport facilities, and other related activities;
- h. Drying of rice or other crops;
- i. Construction materials including sand, gravel, cement, steel bars, logs, and the like;
- j. Debris, waste materials, and other junked items; and
- k. Other structures, materials, or activities identified by the component LGUs as obstructions through their road inventory.

SECTION 6. PROCEDURE FOR CLEARING OF ANY OBSTRUCTION UNDER THIS ORDINANCE – the following procedures shall be observed in abating any obstruction:

- a. Any obstruction may be summarily removed if the owner of such structure has agreed upon any verbal request made by the LGU, otherwise a written notice shall be given to the owner to effect within fifteen (15) days the removal of such obstruction. Failure to comply within the said period, the LGU is authorized to effect the confiscation and removal of said obstructions;
- b. In cases wherein structures or facilities are owned by utility service providers, the local government unit shall coordinate with the concerned utility company for the removal or relocation of such obstruction; and
- c. In cases of obstructing and/or hazardous trees, coordination with the Department of Environment and Natural Resources shall be made prior to its removal.



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SECTION 7. EXCEPTIONS – For purposes of exempting an activity as an obstruction from the coverage of this ordinance, the following criteria shall be observed:

- a. That it has proper coordination and duly approved by the barangay, municipality and city in which the duration of the activity is properly determined such as religious/community activities (preaching, processions or holding of a wake or other affairs of the community like fiesta celebration, games and amusement);
- b. In cases of construction and repairs along public roads, equipment and materials used in such undertaking shall not be considered as obstructions under this ordinance, provided, that such undertaking has proper coordination with the appropriate government office and duly approved by the latter;
- c. In cases where such obstructions are necessary incidents dictated by reasons of emergency to protect and save lives or properties from any calamity or public danger whether natural or man-made; and
- d. Other cases when expressly permitted or allowed by law or an ordinance promulgated to meet a momentary necessity of order and public safety.

SECTION 8. PENALTIES. The following penalties shall be imposed upon any individual, registered owner, proprietor or manager, or responsible officers/employees of a contracting firm, business or commercial establishments, or industrial facility, who will violate any of the provisions of this ordinance, to wit:

1. First Offense – Fine of Php1,500.00
2. Second Offense – Fine of Php2,500.00
3. Third Offense and Subsequent Offenses – Fine of Php5,000.00 or imprisonment of not more than three (3) months or both at the discretion of the courts.

SECTION 9. REPEALING CLAUSE – All ordinances and resolutions, or parts thereof, the provisions of which are in conflict with or contrary to the provisions of this ordinance are hereby repealed, amended and modified accordingly.

SECTION 10. SEPARABILITY CLAUSE – If for any reason or reasons, any provision of this ordinance be declared invalid, the other provisions not affected thereby shall remain in full force and effect.




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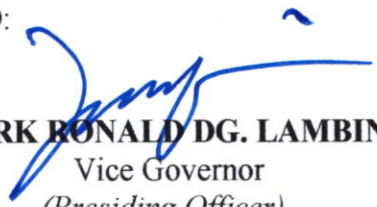
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SECTION 11. EFFECTIVITY CLAUSE – This ordinance shall take effect immediately upon compliance of posting and publication requirements following its approval.

CERTIFIED BY:


VERNA T. NAVA-PEREZ
Secretary to the Sanggunian

ATTESTED:


MARK RONALD DG. LAMBINO
Vice Governor
(Presiding Officer)

APPROVED:


AMADO I. ESPINO III
Governor