



**GENERAL ORDINANCE NO. 19-70**  
**Series of 2019**

**AN ORDINANCE PROHIBITING THE ESTABLISHMENT OF ILLEGAL STRUCTURES AND CONSTRUCTIONS, AND OTHER OBSTRUCTIONS INSIDE THE PUBLIC ROADS, ALLEYS AND THOROUGHFARES WITHIN THE MUNICIPALITY OF TUNGAWAN, ZAMBOANGA SIBUGAY**

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**Authored by: Hon. Lorverle S. Caracol and Hon. Arvie G. Arcillas**

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**WHEREAS**, DILG MC No. 2019-121 enjoins all local officials to exercise their powers essential to reclaim public roads which are being used for private ends and in the process, rid them of illegal structures and constructions, in line with the President's directive during the 2019 State of the Nation Address;

**WHEREAS**, in the case of "Umali vs. Aquino" 1 C.A. Rep 399, the Supreme Court ruled that "the occupation and use of private individuals of sidewalks and other places devoted to public use constitute both public nuisances and nuisances per se";

**WHEREAS**, the Local Government of Tungawan acknowledges the importance of an obstruction free roads, alleys and thoroughfares existing within its bounds, thus, prohibiting the establishment of structures and encroachment of any of its part, parking of vehicles, storing or commodities and other materials, and planting of trees and or other form of plant varieties in the aforementioned public structures;

**Be it Ordained by the 19<sup>th</sup> Legislative Council of Tungawan, Zamboanga Sibugay in its 9<sup>th</sup> Regular Session, Assembled, that:**

Section 1. **Title** – This Ordinance shall be known as " An Ordinance Prohibiting the Establishment of Illegal Structures and Constructions, and Other Obstructions Inside the Public Roads, Alleys and Thoroughfares within the Municipality of Tungawan, Zamboanga Sibugay"

Section 2. **Definition of Terms** – When used in this ordinance, the word and phrases shall mean as follows:

- i). **Public Roads** – This shall refer to the National Highway, Provincial Roads, Municipal Streets/Roads and Barangay Roads;
- ii). **Illegal Structures and Constructions** – This shall mean all residential houses commercial buildings, garages, waiting sheds, parking spaces, picket fences, stores, shops, signages, landmarks, street lights, posts either wood, metal, or steel, installed water and electrical pipelines, cable wires and other objects or figures existing or to be constructed within the public roads, alleys and thoroughfares in the municipality;
- iii). **Obstructions** – This refers to humps, drying of agricultural products, drying of clothes, stockpiles of goods and commodities, obstacles at school zones, trees and ornamental plants, illegal parking, tethering and grazing or loosing animals and other obstacles within the public roads, alleys and thoroughfares in the municipality;



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Section 3. **Regulations** - The municipal government shall exercise its powers and mandates in cleaning its public roads from illegal structures and constructions, and other obstructions, in order to maintain an orderly and safe traffic system especially in times of emergencies. As such, the local government shall among others:

- i) Conduct periodic monitoring and inspection on public roads, alleys and thoroughfares to check that no illegal structure and construction, and obstructions shall be erected or installed;
- ii) Execute regular trimming and pruning of trees and ornamental plants, and grass cutting within the public roads, alleys and thoroughfares;
- iii) Direct the schools to put up their traffic obstacle in front of their entrance gates and exits only during the arrival and departure times of the pupils. That after all the pupils have entered the school premises and have departed after dismissal of classes, the obstacles shall be removed and kept to designated place.
- iv) Maintain that no person or juridical entity shall establish and construct or put any obstruction objects in the public roads, alley and thoroughfares of the municipality at all times;
- v) Cause the rehabilitation of all recovered public roads, alleys and thoroughfares by placing road street or road names and street lights among others;
- vi) Develop and implement strategies that will address the displacement issues caused by the implementation of this ordinance.

Section 4. **Special Permits** – Special Permit may be granted to private persons or judicial entities and public institutions in the establishment of temporary or semi-permanent road signs and other signages: *Provided*, That prudence must be observed to avoid exacerbating problems on obstruction to the road users.

Section 5. **Penalty Clause** – Any person or persons, and juridical entity or entities violating this ordinance shall be fined as follows:

i)	1 <sup>st</sup> Offense	- - - - -	P 1,000.00
ii)	2 <sup>nd</sup> Offense	- - - - -	2,000.00
iii)	3 <sup>rd</sup> Offense and more	- - - - -	2,500.00

Section 6. **Separability Clause** - If any provision of this ordinance is declared unconstitutional or in operative, the other provisions not declared shall remain in force and effect;

Section 7. **Repealing Clause** – All ordinances, executive orders and issuances of local effect or parts thereof inconsistent with the provisions of this ordinance are hereby repealed, amended or modified accordingly.

Section 8. **Effectivity** – This ordinance shall take effect after the approval by the Municipal Mayor and posting at 3 conspicuous places in the Municipal Hall, Public Market and Integrated Bus Terminal of the municipality.





Republic of the Philippines  
Region IX, Zamboanga Peninsula  
Province of Zamboanga Sibugay

**MUNICIPALITY OF TUNGAWAN**

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**OFFICE OF THE SANGGUNIANG BAYAN**

MP No. 09262641885 E-mail: sbstung@yahoo.com




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APPROVED and ORDAINED this 24<sup>th</sup> day of September 2019, at Tungawan, Zamboanga Sibugay.


Certified Correct:

  
**DANTE D. IBARRA**  
SB Secretary

Attested to be Duly Adopted:

  
**IVAN N. BALANO**  
Municipal Vice Mayor  
Presiding Officer

Approved:

  
**CARLWAN C. CLIMACO**  
Municipal Mayor  
Date: 9-25, 2019

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