



Republic of the Philippines
Province of Ilocos Sur
MUNICIPALITY OF NARVACAN

OFFICE OF THE SANGGUNIANG BAYAN 2019-2022

Vice Mayor/Presiding Officer:

HON. PABLO U. SANIDAD, SR.

Sangguniang Bayan Members:

HON. EDNA C. SANIDAD

HON. JOSEPH A. FEJADA

HON. JOVENNIANO B. AMPO, JR.

HON. CHARITO C. VILORIA

HON. BERNADETTE C. LIM

HON. LORETO C. CABALLES

HON. EMILIANO C. CLARIN

HON. REINA ALEXA V. ANTOLIN

ABC President:

HON. ROMULO C. REA

SK Federated President:

HON. JOEMAR GREY A. CABICO

Attested:

MARIBEL C. CORRALES
SB Secretary

Approved:

HON. LUIS "CHAVIT" C. SINGSON
Municipal Mayor

EXCERPTS FROM THE MINUTES OF THE 23rd REGULAR SESSION OF THE SANGGUNIANG BAYAN OF NARVACAN, ILOCOS SUR HELD ON DECEMBER 16, 2019 AT THE MUNICIPAL SESSION HALL

ORDINANCE NO. 08-SS

Series of 2019

ORDINANCE ADOPTING THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH) ORDER NO. 73, SERIES OF 2014, "PROHIBITED USES WITHIN THE RIGHT OF WAY OF NATIONAL ROADS"

**CHAPTER I
GENERAL PROVISIONS**

SECTION 1. THIS ORDINANCE shall be known as the "MANDATORY COMPLIANCE TO THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH) DEPARTMENT ORDER NO. 73, S. 2014 "PROHIBITED USES WITHIN THE RIGHT OF WAY OF NATIONAL ROADS"

SECTION 2. The Regional Development Council (RDC) , on its Resolution No. 66, s. 2017, requested DILG Regional Office I to enjoin LGUs to craft and implement their respective local ordinances pertaining to the DPWH Department Order No. 73, s. 2014, entitled "Prohibited Uses Within the Right of Way of National Roads."

SECTION 3. The Manila North Road (MNR) is a vital road linking southern part of Luzon to Ilocos Region and it traverses the four provinces of Pangasinan, La Union, Ilocos Sur and Ilocos Norte;

SECTION 4. Section 23 of Presidential Decree No. 17, known as the Revised Philippine Highway Act, as amended, declaring as unlawful for any person to usurp any part of the public highway, bridge or wharf or trail to his own private use or to obstruct the same in any manner; FURTHER, to smoothen the flow of traffic and other national roads in the region which was expanded from two to four lanes.



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CHAPTER II

PARTNERSHIP OF THE NATIONAL, REGIONAL AND LOCAL GOVERNMENT UNITS

SECTION 5. In consonance with the above-mentioned laws, the DPWH directed the Regional and District Engineering Offices to immediately remove or cause the removal of all obstructions and prohibited uses that otherwise impede or obstruct the flow of traffic within the Road-Right-of-Way (RROW) of all national roads to ensure safety and protection of road users and commuters;

SECTION 6. There is a need of coordination and cooperation between concerned LGUs and the DPWH in the removal of obstructions and prohibited uses within the RROW of MNR likewise to include in the Comprehensive Land Use Plans (CLUPs) and zoning ordinances, the establishment of parking areas, dryers or multi-purpose zones to address the issues of illegal uses of the RROW within MNR;

CHAPTER III

IMPLEMENTING MECHANISM AND ENFORCING AUTHORITIES

SECTION 7. The DPWH Region I strengthens coordination with the Department of the Natural Resources Region I (DPWH RO) being the agency having the jurisdiction over the trees located in public domains including RROW to duly facilitate the clearing of trees located within the RROW of the MNR and other national roads in the region;



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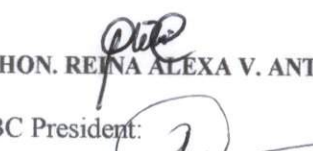

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SECTION 8. The DILG Regional Office I having jurisdiction over the concerned LGUs shall serve as the oversight agency to have a centralized and unified system and approach in the promulgation and implementation of the local ordinances;

SECTION 9. The DILG and the DPWH being the primary agencies which have primary concerns over the RROW along the MNR and other national roads in the region shall provide technical assistance and supervision to concerned LGUs in crafting their local ordinances;

SECTION 10. The DILG shall closely coordinate with DILG Regional Office I as regards to scope limitations and details of D.O. No. 73, s. 2014;

SECTION 11. The Local Government Units (LGUs) shall craft its local ordinances and implement the details of D.O. No. 73, S. 2014.

CHAPTER IV

THE DETAILS OF DEPARTMENT ORDER NO. 73, SERIES OF 2014

SECTION 12. All Regional /District Engineering Offices are directed to immediately remove or cause the removal of all obstructions and prohibited uses within the right of way (ROW) of all national roads within their respective jurisdiction and henceforth prohibit the presence/occurrence of the following structures, objects and such other similar items and activities along our national roads as well as strictly disallow the building, erection, construction, planting and fabrication of the same, thus:

1. All kinds of temporary and permanent structures, such as buildings, houses, shanties, stores, shops, stalls, sheds, canopies, billboards, signages,



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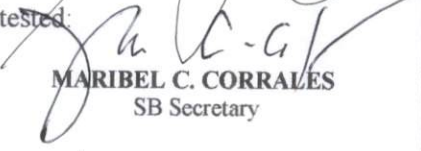
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advertisements, fences, walls, railings, basketball courts, barangay halls, garbage receptacles, and the like;

2. Posts and towers of Electric Cooperatives and Major Electric Power Distributors, distribution lines, posts for cables of phones and mobile service providers;
3. Driveways and ramps occupying or protruding to the sidewalk;
4. Trees, shrubs and plant boxes;
5. Humps whether permanent or temporary;
6. Dumping and storage of construction materials, such as sand, gravel, cement, lumber and steel bars, earth spoils, waste materials, debris, embankment, heaps and the like;
7. Vehicles and equipment, including junked items that are parked occupying or protruding to the sidewalk or shoulder;
8. Vending, repair of vehicles, and other businesses within the sidewalk and other parts of RROW which include the carriageway, curb and gutter, sidewalks, shoulders and canals within the RROW;
9. Disposal of household/commercial/industrial waste water and sewage into the sidewalk, curb and gutter, and carriageway;



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10. Raising of animals or allowing them to roam with the ROW;

11. Washing and drying of clothes, crops and similar items.

SECTION 13. REQUIREMENTS needed are as follows;

1. Inventory of Obstructions within the RROW by Regional/District Engineering Office (Annex "A");
2. Due notices to the concerned persons and entities of the noted obstructions and prohibited uses and directing the voluntary removal of the same (Annex "B");
3. Status report of the removal of obstruction (Annex "C").

CHAPTER V

PENALTIES

SECTION 14. Persons or entities found in violation of the above-mentioned acts or prohibitions shall be required to voluntarily remove any of the enumerated obstructions under the department order and shall be imposed with the following penalties:

- | | | |
|----------------------------|---|------------|
| 1. FIRST OFFENSE | - | P 1,000.00 |
| 2. SECOND OFFENSE | - | P 2,000.00 |
| 3. THIRD AND FINAL OFFENSE | - | P 5,000.00 |
- Five Thousand Pesos or an imprisonment of 3 months or both upon the discretion of the court.



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Failure to remove prohibited structures and the like will give the concerned agency the right to take appropriate measures to remove the said obstructions and prohibited uses and charge the person/entity responsible of the violation of the corresponding costs it would incur as well as resort to proper sanctions provided for by existing laws and regulations.

SECTION 15. EFFECTIVITY CLAUSE. This ordinance shall take effect upon its approval.

ENACTED this 16th day of December, 2019.