

traffic on all streets and bridges, prohibit encroachments or obstacles thereon and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places, adopting, strengthening and/or emphasizing certain relevant provisions of existing legislations to enhance enforcement thereof, and thus reclaim the public roads, streets, thoroughfares, setbacks, alleyways and sidewalks, and other public passageways to ensure the safety, convenience, and well-being of the people of Naga.

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Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

SECTION 1. TITLE - This Ordinance shall otherwise be known as "**Road Clearing for Public Safety and Convenience Ordinance.**"

SECTION 2. SCOPE - The provisions of this Ordinance shall cover the clearing of all public roads, including streets, bridges, pedestrian lanes, highways, roadsides, streetsides, and other public passageways within the territorial jurisdiction of the City of Naga.

SECTION 3. PURPOSE - The purpose of this Ordinance is to regulate the use and maintenance of roads, sidewalks, streets, and setbacks in order to reclaim public roads and rid them of illegal and/or private obstructions or encroachments, and to facilitate the safe and convenient use thereof.

SECTION 4. DEFINITION OF TERMS - For the purposes of this Ordinance, the following definition of terms are to be construed including but not limited to the definitions found in the Transport and Traffic Code of Naga City or Ordinance No. 93-049 as hereby defined, to wit:

4.1. Public Roads - refers to all streets, roads, bridges, highways, and other thoroughfares constructed and maintained by the national government or by the local government unit, provided, that any road or sidewalk not falling under this definition but which upon the determination by the City of Naga is deemed vital to pedestrian safety and access, shall be deemed a public road for the purposes of this Ordinance.

4.1.1. National Roads - refers to roads that directly connect provinces, major cities, and metropolitan areas, and which fall under the management of national government agencies.

4.1.2. Provincial Roads - refers to roads that connect component cities and municipalities within the province, and fall under management of the provincial government.

4.1.3. City or Municipal Roads - refers to roads that provide inter-barangay connections to major municipal and city infrastructures and those

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which connect barangay roads to provincial or national roads.

- 4.1.4. Barangay Roads - refers to minor or tertiary roads, streets, and alleys under the management of the barangay, and other roads officially turned over to the barangay.
- 4.2. Road Clearing - means the removal of illegal or unauthorized road obstructions along the road right-of-way, which encompass the entire width of the road carriageway, including the travel way for motor vehicles and road shoulders, and sidewalks. Widening of the existing road right-of-way and activities for such purposes are beyond the scope of this ordinance.
- 4.3. Road Obstructions - refer to structures, materials, or activities within the road right-of-way that impede the free and clear passage of motor vehicles or pedestrians, and which pose or cause danger or injury upon motorists, pedestrians, and occupants of such nearby structures. These include but are not limited to the following:
- 4.3.1. Vehicles parked in prohibited areas, as specified in Section 46 of the Republic Act 4136 or the Land Transportation and Traffic Code, or in sidewalks, paths, and alleys not intended for vehicular parking pursuant to Section 52 of the same Republic Act;
 - 4.3.2. Vehicular terminals in areas not designated by the Sangguniang Panlungsod of Naga;
 - 4.3.3. Vending sites for any kind of item;
 - 4.3.4. House encroachments that obstruct the road right-of-way, protruding gates, conduct of household activities, and tents, except those temporarily used for funerals and other such activities;
 - 4.3.5. Store encroachments or indiscriminate signage and advertisements;
 - 4.3.6. Obstructing barangay outposts, halls, markers, and directories;
 - 4.3.7. Conduct of sports, sports facilities, and related activities;
 - 4.3.8. Drying of rice or other crops;
 - 4.3.9. Construction materials such as sand, gravel, cement, steel bars, and logs;
 - 4.3.10. Debris, waste materials, and other junked items;

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- 4.3.11. Private businesses or repair shops of all kinds such as but not limited to repairing of vehicles, appliances, office equipment, furniture and fixtures, etc. that make repair work on street shoulders, sidewalks, and roads of the city as cited in Section 76 of City Ordinance No. 93-049;
- 4.3.12. Unattended/unmanned checkpoints or road blocks illegally erected on public roads;
- 4.3.13. Any abandoned vehicle, implement, device, and/or contrivances causing obstruction in streets and public places, and obstructing approaches to police, fire alarm apparatus, and fire hydrants or any part thereof, as mentioned in Article 20 and Section 104 of City Ordinance No. 93-049;
- 4.3.14. Placing or storing of materials or articles within any part of a public street without a written and approved permit from the City Engineer or lawful deputies as cited in Section 105 of City Ordinance No. 93-049;
- 4.3.15. Excavations of any manner or part of a public place, road, street or alley as cited in Section 106 City Ordinance No. 93-049;
- 4.3.16. Converting parts of public roads to one's own private use that in any way causes obstruction or damage to any bridge, drainage, ditch, and other appurtenances pertaining thereto, as cited in Section 107 of City Ordinance No. 93-049;
- 4.3.17. Depositing dirt, garbage, or rubbish and other offensive materials in any public place, street, alley, drainage, or gutter, as cited in Section 108 of City Ordinance No. 93-049;
- 4.3.18. For vendors, stands, posts or other obstructions in whole or in part on any highway, sidewalk, plaza, park and/or public place as cited in Section 109 of City Ordinance No. 93-049;
- 4.3.19. Piling up of construction materials, such as: gravel & sands, cements, steels and the like on the same roadsides and streetsides without moving them away for a period of five (5) working days.
- 4.3.20. Stocking of wares such as auto parts, engines, etc. at the roadsides or streetsides abutting their establishment as to impede use of such sidewalks by pedestrians.

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- 4.3.21. Other structures, materials, or activities identified and deemed by the Local Executive as obstructions.

SECTION 5. SOLIDARY LIABILITY OF BUILDING/STRUCTURE OWNERS AND OCCUPANTS - In the event that the owner of the building/structure is different from the occupant, the liability for violations of the provisions of this ordinance shall attach to both of them in solidum, unless by proof it is established that the violation is attributable to only one of them.

SECTION 6. PROHIBITED ACTS AND PRACTICES - The following are hereby strictly prohibited, including but not limited to the prohibitions of the existing City Transport and Traffic Code Ordinance:

- 6.1. Any act that results in any road obstruction as defined under Section 4 of this Ordinance;
- 6.2. Willingly or wittingly refusing to abate or remove existing road obstructions as defined under Section 4 of this Ordinance;

SECTION 7. EXEMPTIONS - The Local Chief Executive may, upon application, grant special permit for temporary and limited use of provincial and city/municipal roads, streets, and sidewalks for a definite period of time during any of the following:

- 7.1. Fiestas, public rallies, significant government activities, wakes, and other social gatherings within the locality;
- 7.2. Activities for civic and/or charitable causes;
- 7.3. Flea markets or tiangge, provided, that special permits have been obtained and recognized by the Local Chief Executive, and provided further, that the occupied space does not impede the flow of traffic;
- 7.4. Penalties shall not apply during times of emergency, such as urban fires, man-made disasters, or natural calamities.

SECTION 8. IMPLEMENTING STRATEGY AND ENFORCEMENT

- 8.1. Road clearing operations shall be regularly conducted by the Naga City government through its Road Clearing Task Group to bar illegal constructions and other obstructions which may hinder or affect road networks in all local roads under their jurisdiction;
- 8.2. Road clearing operations in national roads shall be undertaken in coordination with the national government agency concerned with the management of said roads, such as the Department of Public Works and Highways (DPWH) and the Department of Transportation (DOTr);
- 8.3. The Road Clearing Task Group may use, when appropriate, the tools, devices, or equipment to enforce road

clearing (e.g., wheel clamping of illegally parked vehicles, towing services, etc.);

- 8.4. The City Engineer shall conduct a periodic inspection of all buildings/structures within the territorial jurisdiction of the City of Naga to ascertain compliance with this ordinance and to furnish the Office of the City Mayor, Sangguniang Panlungsod and the Public Safety Office;
- 8.5. Likewise, the Public Safety Office and the PNP shall also conduct a periodic inspection and report as to their accomplishment of the road clearing operation;
- 8.6. The Naga City LGU Road Clearing Task Group shall:
- 8.6.1. Maintain provincial roads cleared and turned over by the provincial government; and
 - 8.6.2. Supervise component barangays to ensure their compliance with the directives outlined herein;
- 8.7. All Barangays shall:
- 8.7.1. Conduct regular road clearing operations in all barangay roads, and implement policies for the efficient use of the same, such as the enforcement of non-parking, one-side parking, or other similar strategies, in accordance with this ordinance;
 - 8.7.2. Maintain city roads cleared and turned over by the city government;
 - 8.7.3. Barangay Officials are also enjoined to coordinate with the PSO and the PNP in the implementation of the road clearing operation in the barangay;
- 8.8. Upon finding any violation of this ordinance, the concerned officials shall send the building/structure owner/occupant a written order to cause the removal and dismantling at their expense any road obstructions as cited by the ordering head;
- 8.9. Failure to comply with the Order issued pursuant to the above-mentioned provision, after a considerable period, the City Engineer, Public Safety Office and the PNP shall summarily cause the removal and dismantling of the said road obstruction;
- 8.10. Clear and visible signs indicating on-going construction or repair on a public road or sidewalk shall be required for the authorized construction or repair activities;
- 8.11. No electric poles shall be removed without due coordination with the operator/owner thereof;

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- 8.12. Hazardous or obstructing trees may be removed, provided these are done in accordance with the rules and requirements imposed upon by the Department of the Environment and Natural Resources (DENR) as well as other pertinent laws;
- 8.13. Displacement options shall be provided for those directly affected, including the provision of alternative parking spaces, transfer of vendors to authorized vending sites, and resettlement or referral of homeless occupants of obstructing shanties to appropriate government offices and/or agencies;
- 8.14. Local units of the Philippine National Police (PNP) and the Bureau of Fire Protection (BFP) shall provide the necessary assistance to the LGUs in the implementation of road clearing operations;
- 8.15. A monthly report shall be submitted by the designated secretariat of the Road Clearing Task Group in accordance with the guidelines and requirements of DILG.

SECTION 9. IMPLEMENTING RULES AND REGULATIONS- to further carry out effectively the provisions of this ordinance, the Naga City LGU Road Network Development and Clearing Task Group may, within 60 days from approval, promulgate the implementing rules and regulations which shall conform to this code.

SECTION 10. NOTICE AND GRIEVANCE MECHANISMS

- 10.1. No encroachment or obstruction, especially those part of any building or permanent structure, may be removed or dismantled without prior notice to its owners thereof;
- 10.2. Violators shall be issued an appropriate Notice of Violation, reprimand, Citation Tickets and other notices that correspond to their number of offenses, such as written warnings, Notice to Vacate, and/or Cease-and-Desist Orders, as cited under Section 11 of this Ordinance;
- 10.3. Concerned citizens can express their grievances to the Public Safety Office (PSO), which shall be the designated body for receiving and resolving such issues and, if left unresolved, may elevate their concerns to the Office of the City Administrator (OCA) before raising their concerns to the City Mayor's Office, should these remain unresolved and unacted upon.

SECTION 11. PENALTIES - Violations of this Ordinance shall merit the following fines and penalties:

- 11.1. For ambulant vendors, transient peddlers, and illegal structures of businesses:
 - 11.1.1. First Offense - Warning/Reprimand and Notice to Vacate/Demolish/dismantle obstruction;

11.1.2. Second Offense - Fine and Notice

11.1.2.1. Fine of Php 200.00 for ambulant vendors or transient peddlers and Notice to Vacate/Demolish/dismantle obstruction;

11.1.2.2. Fine of Php 1,000.00 for other business owners and Notice to Vacate/Demolish/ dismantle Obstruction;

11.1.3. Third and Succeeding Offenses - Fine, Notice, and Confiscation of Goods or Revocation of Business

11.1.3.1. Fine of Php 500.00 for ambulant vendors or transient peddlers and Notice to Vacate/Demolish Obstruction, and confiscation of goods;

11.1.3.2. Fine of Php 2,500.00 for other business owners, Notice to Vacate/Demolish Obstruction, and Issuance of Cease-and-Desist Order or Revocation of Business Permit.

11.1.4. For illegally parked vehicles - Drivers or operators of illegally-parked vehicles shall be penalized in accordance with Section 147 of the existing Transport and Traffic Code Ordinance or Ordinance No. 93-049.

11.2. Failure to post a clear and visible sign indicating on-going construction or repair along a public road or sidewalk will be fined with Php 2,500.00;

11.3. Failure to acquire permits before undertaking excavations of any manner along public roads, streets, or alleys will be fined according to Section 147 of Naga City Ordinance No. 93-049, with the exception of those covered under the DPWH Department Order No. 2 series of 2011 regarding diggings/excavations on national roads;

11.4. Failure to provide protective roofing above sidewalks or public roads adjacent to any construction will be fined with Php 2,500.00;

11.5. Destroying or tampering any sign or notice that indicates hazard to pedestrian safety will be fined with Php 2,500.00;

11.6. In the event that a violator cannot pay the fine imposed pursuant to this Ordinance's provisions, he shall be made to undergo subsidiary imprisonment or punishments otherwise imposed by the discretion of the court;

- 11.7. Punishment for other offenses - Conviction of persons for any violation under this Ordinance shall not bar his prosecution for any other offenses or violations which may have been committed concurrently with the commission of any of the offense for which he was convicted for or series of acts which constituted the offense of violation of which he was convicted.

SECTION 12. ROAD CLEARING TASK GROUP - This Ordinance authorizes and directs a Road Clearing Task Group to undertake all tasks in implementing road clearing operations within the jurisdiction of the City of Naga, ensuring a periodic inspection of all the roadsides and streetsides of the city, and apprehending violators of the preceding prohibitions. For this purpose, this Ordinance shall adopt the Naga City LGU Road Network Development and Clearing Task Group created under the Executive Order 2019-035 for the continued implementation of road clearing operations pursuant to the provisions of this Ordinance.

- 12.1. The Naga City LGU Road Network Development and Clearing Task Group shall be composed of the following:

- 12.1.1. City Mayor as Chairman;
- 12.1.2. Head, Public Safety Officer as Executive Officer/Head Secretariat;
- 12.1.3. Chairman, Peace and Order, Public Safety and Disaster Management, Sangguniang Panlungsod;
- 12.1.4. Department Head, City Health Office;
- 12.1.5. Department Head, General Services Department;
- 12.1.6. Department Head, Metro PESO;
- 12.1.7. Department Head, City Planning & Development Office;
- 12.1.8. Head, City Events, Protocol & Public Information Office;
- 12.1.9. Head, PSO Traffic Management Center;
- 12.1.10. Department Head, Lingkod Barangay Office;
- 12.1.11. President, Metro Naga Chamber of Commerce and Industry;
- 12.1.12. Chairperson, Naga City People's Council;
- 12.1.13. President, Liga ng mga Barangay;
- 12.1.14. City Director, Naga City Police Office;

- 12.1.15. District Office Head, Land Transportation Office 5;
- 12.1.16. Chief, Camarines Sur Highway Patrol Group;
- 12.1.17. District Engineer, Department of Public Works and Highway;
- 12.1.18. General Manager, Metro Naga Water District;
- 12.1.19. General Manager, Camarines Sur Electric Cooperative II;
- 12.1.20. City Engineer, City Engineer's office;
- 12.1.21. Officer, Solid Waste Management Office; and
- 12.1.22. Superintendent, Market Enterprise and Promotions Office.

SECTION 13. JOINT LEGISLATIVE AND EXECUTIVE OVERSIGHT COMMITTEE - There is hereby a Joint Legislative and Executive Oversight Committee to monitor and oversee the implementation of this Ordinance. The Oversight Committee shall compose of the following:

- 13.1. Chairman - SP Chairman of the Committee on Peace and Order, Public Safety, and Disaster Management;
- 13.2. Vice Chairman - City Administrator;
- 13.3. Members:
 - 13.3.1. Head, Community Relations Office;
 - 13.3.2. President, Liga ng mga Barangay;
 - 13.3.3. SP Chairman, Committee on Infrastructure;
 - 13.3.4. SP Chairman, Committee on Transport;
 - 13.3.5. SP Chairman, Committee on Public Utilities;
 - 13.3.6. City Engineer, City Engineer's Office.

SECTION 14. FUNDING - All funding necessary for the procurement of equipment and performance of functions of the Road Clearing Task Group shall be included in the program/allocation of funds in line with the City Peace and Order and Public Safety Plan (POPS Plan).

SECTION 15. INFORMATION DISSEMINATION - The City Events, Protocol, and Public Information Office (CEPIO) shall, upon approval of this Ordinance, cause its proper dissemination to the general public.

SECTION 16. SEPARABILITY CLAUSE - If any provision, section, or part of this Ordinance is found to be unconstitutional by a

court of competent jurisdiction, those provisions not affected shall continue to be in full force and effect.

SECTION 17. REPEALING AND AMENDATORY CLAUSE - All previous ordinances, rules, and regulations or parts thereof, which are found inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed, modified and/or supplemented accordingly.

SECTION 18. EFFECTIVITY - This Ordinance shall take effect upon approval and publication in a newspaper of general circulation within the City of Naga.

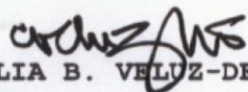
Enacted: August 16, 2022


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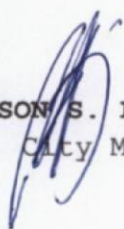
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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.


CECILIA B. VELUZ-DE ASIS
City Vice Mayor &
Presiding Officer


JOSSELLE C. ABIOG
Acting Secretary to the
Sangguniang Panlungsod

APPROVED:


NELSON S. LEGACION
City Mayor *sd*
8/22/22