



SANGGUNIANG BAYAN OF ALEGRIA

HON. DOMINADOR G. ESMA, JR.

Municipal Vice Mayor
Presiding Officer

HON. REUEL O. JALASAN
SB Member

Chairperson, Committee on Public Works,
Infrastructure, Housing and Land Use
Chairperson, Committee on Peace and
Order and Public Safety and
Transportation

HON. NIMFA N. SAGARAL
SB Member

Chairperson, Committee on Women,
Family, Social Welfare, Gender and
Development, Senior Citizens and PWD
Chairperson, Committee on Disaster Risk
Reduction Management.

HON. ERLINDA B. SILVOSA
SB Member

Chairperson Committee on Education,
Culture, IP & Arts, Moral, Spiritual and
Value Formation

HON. EMALYN S. MICOMPAL
SB Member

Chairperson, Committee on Health and
Sanitation

HON. ARNOLD L. DAGCUTA
SB Member

Chairperson, Committee on Rules, Justice
and Human Rights, Civil Service,
Ordinances, Good Governance and Legal
Matters
Chairperson, Committee on Ways and
Means, Budget, Finance and
Appropriations

HON. RYAN T. ABARICO
SB Member

Chairperson, Committee on Environment
and Natural Resources
Chairperson, Committee on
Communication and Tourism

HON. REYNALDO B. RANAY
SB Member

Chairperson, Committee on Agriculture
and Food Security and Agrarian Reforms

HON. ELDY S. GABELIGNO
SB Member

Chairperson, Committee on Economics,
Trades, Industry and Cooperatives, Labor
and Employment

HON. ALMASUR G. OPALIA
Liga ng mga Brgy. President

Chairperson, Committee on Barangay
Affairs
Chairperson, Committee on Anti-Drugs
and Narcotics

HON. REIL JOHN A. ESMA
SK Fed. President

Chairperson, Committee on Youth Welfare
and Sports Development

Republic of the Philippines
Caraga Region XIII
Province of Surigao del Norte
Municipality of Alegria

SANGGUNIANG BAYAN OF ALEGRIA

**EXCERPTS FROM THE MINUTES OF THE REGULAR
SESSION OF THE SANGGUNIANG BAYAN OF ALEGRIA,
SURIGAO DEL NORTE, HELD AT THE SANGGUNIANG
BAYAN SESSION HALL ON AUGUST 24, 2020.**

PRESENT:

Hon. Dominador G. Esma, Jr. - MVM, Presiding Officer
Hon. Reuel O. Jalasan - SB Member
Hon. Nimfa N. Sagaral - SB Member
Hon. Erlinda B. Silvosa - SB Member
Hon. Emalyn S. Micompal - SB Member
Hon. Arnold L. Dagcuta - SB Member
Hon. Ryan T. Abarico - SB Member
Hon. Reynaldo B. Ranay - SB Member
Hon. Eldy S. Gabeligno - SB Member
Hon. Almasur G. Opalia - LNMB President
Hon. Reil John A. Esma - SK Fed. President

ABSENT: NONE

MUNICIPAL ORDINANCE NO. 2020-013, SERIES OF 2020

**AN ORDINANCE REGULATING THE USES OF RIGHT-OF-WAY
OF THE NATIONAL HIGHWAY WITHIN THE MUNICIPALITY
OF ALEGRIA SURIGAO DEL NORTE AND ADOPTING THE
PROVISIONS OF DPWH DEPARTMENT ORDER NO. 73, SERIES
OF 2014**

WHEREAS, the Department of Public Works and Highways (DPWH) issued a Department Order No. 73, series of 2014 which stipulated the prohibited uses within the Right-of-Way of National roads as provided also in Section 23, P.D. No. 17, also known as the Revised Highway Act series of 1972, as amended, declaring as unlawful for any person to usurp any portion of right-of-way to convert any public highway, bridge, wharf or trail to his private use or to obstruct the same in any manner;

WHEREAS, the Local Government Code of 1991 provided that the LGU shall endeavor for the general welfare of its constituents; promote among others to maintain peace and order and preserve the comfort and convenience of their inhabitants;

WHEREAS, proliferating structures, business activities and others using ROW of the National Highway has been considered prejudicial to some local government activities like responding to emergencies and similar undertakings;

NOW THEREFORE: be it enacted by the Sangguniang Bayan in session assembled, that:

SECTION 1 – TITLE. This Ordinance shall be known as the Right-of-way (ROW) Regulation Ordinance in the Municipality of Alegria.

SECTION 2 – DECLARATION OF POLICY. It is declared as the policy of the LGU of Alegria to ensure public safety especially pedestrians and vehicles by removing all obstruction and illegal structures within the ROW of all national roads in the municipality.

SECTION 3 – DEFINITION OF TERMS. For purpose of this Ordinance, the following terms are hereby defined:

- a) Right-of-way – means the land secured and reserved to the public for highway purposes (RA 917 of 1953);
- b) Obstructions – mean objects that hinder the use of public highway;
- c) Highway (National) – the term includes right-of-way, bridges, ferries, drainage structures, signs, guard rails, and related protective structures as defined in Revised Philippine Highway Act of 1953;

SECTION 4. PROHIBITIONS. The following activities, structures, objects and similar items are prohibited along the Right-of-Way (ROW) in the national highway in the Municipality of Alegria;

- 1. All kinds of temporary and permanent structures, such as buildings, houses, shanties, stores, shops, stalls, sheds, canopies, billboards, signages, advertisement, fences, walls, railing, basketball courts, barangay halls, garage, 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. Vehicle 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 ROW;
- 9. Disposal of Household/commercial/industrial wastewater and sewage into the sidewalk, curb and gutter, and carriageway;
- 10. Raising of animals or allowing them to roam within the ROW;
- 11. Washing and drying of clothes, crops and similar items;
- 12. Parking on a roadside of any vehicle stopped or parked at the curve or edge of the highways (Mun. Ord. No. 6, series of 2017)
- 13. Others, n.e.c



Provided that, all existing structures, activities shall be terminated/demolished by the authorities upon Issuance of a Notice to Vacate (NTV) seven (7) days prior to such operation.

Provided further, that the LGU shall not provide "compensation" to the affected structures/activities/installations as a result of such violation to any of the prohibitions of this Ordinance.

SECTION 5. AUTHORITY TO ENFORCE. A composite team that shall be composed of the following shall take charge in the enforcement of this Ordinance:

1. Municipal Engineer
2. PNP
3. Local Building Officer
4. Barangay Captain
5. Barangay Tanod/CVO/BPSO
6. A representative from DPWH

The Barangay Captain shall conduct an Inventory of Obstructions using the form as herein supplemented and shall submit such form to the Office of the Municipal Engineer for appropriate measures.

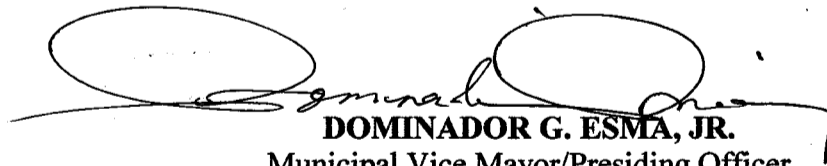
SECTION 6. PENAL PROVISION. – A fine of Two Thousand Five Hundred Pesos (Php2,500.00) shall be imposed to the violator of this ordinance.

SECTION 7. SEPARABILITY CLAUSE. If for any reason or reasons, any part or provision of this ordinance shall be declared invalid, the remaining part which are not affected shall continue to be in full force and effect.

SECTION 8. EFFECTIVITY. This Ordinance shall take effect after appropriate posting of this Ordinance to three (3) conspicuous places in the Municipality and to the barangays and upon declaration of its validity by the Sangguniang Panlalawigan of Surigao del Norte.


ADOPTED AND APPROVED. August 24, 2020 on motion of Hon. Reuel O. Jalasan duly seconded by Hon. Nimfa N. Sagaral.

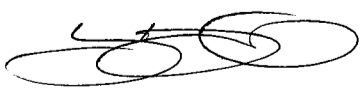
I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING MUNICIPAL ORDINANCE.



DOMINADOR G. ESMA, JR.
Municipal Vice Mayor/Presiding Officer

Attested by: 
MARIA ELENA J. BUCONG
SB Secretary

APPROVED:


RENE G. ESMA
Municipal Mayor
SEPT. 1, 2020









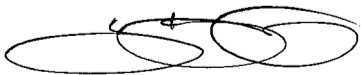


**INVENTORY OF OBSTRUCTIONS WITHIN THE RIGHT-OF-WAY
OF NATIONAL ROADS**

NAME OF BARANGAY	PUROK/LOCATION OF OBSTRUCTION	DESCRIPTION OF OBSTRUCTION

Date Prepared: _____

Submitted by: _____



Republic of the Philippines
Caraga Region XIII
Province of Surigao del Norte
Municipality of Alegria

OFFICE OF THE MUNICIPAL ENGINEER

-0-

TO : Mr./Mrs./Ms. _____
Address: _____

FROM: Engr. Roco G. Moca
Municipal Engineer

DATE : _____

SUBJECT: **NOTICE OF OBSTRUCTION AND PROHIBITED USES WITHIN THE
RIGHT-OF-WAY OF THE NATIONAL ROADS IN THE MUNICIPALITY
OF ALEGRIA**

- First Notice
- Second Notice
- Third Notice

Pursuant to the provisions of Section 23 of the Presidential Decree (PD) No. 17. (Revised Philippine Highway Act), as amended, which states that:

“It shall be unlawful for any person to usurp any portion of a right-of-way, to convert any part of any public highway, bridge, wharf or trail to his own private use or to obstruct the same in any manner x x x”

and the provisions of the National Building Code of the Philippines (PD NO. 1096) and its Implementing Rules and Regulations, as well as the other relevant laws and rules of the government, and in the interest of public safety and the common good, you are notified of the following obstructions and prohibited uses, which are marked x, within the right-of-way (ROW) of the national road in the vicinity of your premises.

- Private temporary or permanent structures, such as buildings, houses, shanties, stores, shops, stalls, sheds, posts, canopies, billboards, signages, advertisements, fences, walls, railings, basketball courts, garbage receptacles, or the like.
- Construction materials, such as sand, gravel, cement, lumber and steel bars, earth spoils, waste materials, debris, embankment, heaps, or the like.
- Plants or plant boxes.
- Driveways or ramps occupying or protruding to the sidewalk.
- Humps, whether permanent or temporary.

- Vehicles or equipment, including junked items, that are parked, occupying or protruding to the sidewalk or shoulder.
- Vending, repair of vehicles, or and other businesses within the sidewalk or other parts of the ROW.
- Disposal of domestic/commercial/industrial wastewater or sewage into the sidewalk, curb and gutter, or travel way.
- Raising of animals or allowing them to roam within the ROW.
- Washing or drying of clothes, corps and similar items.
- Sports or related activities.

You are hereby given seven (7) days from receipt of this notice which to voluntarily remove the above stated obstructions and prohibited uses within the right-of-way. If you fail to do so, we will take appropriate measures to remove the said obstructions and prohibited uses and charge to you the corresponding costs we would incur, and we will also resort to proper sanctions provided for by existing laws and rules of the government.

We will highly appreciate your outmost cooperation on this matter.

District Engineer

Note: Should be thirty (30) days in case underprivileged and homeless citizens are affected, pursuant to Section 8 of Republic Act No. 7279.

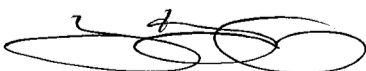
This Notice was received by:

Date received: _____

Voluntary Removal

I take note of the obstructions and prohibited uses within the road right-of-way as marked above, and I will voluntarily remove the same within a period of ____ () days starting on _____.

Name of Recipient
Date received: _____






**STATUS REPORT OF REMOVAL OF OBSTRUCTION
WITHIN THE RIGHT-OF-WAY OF NATIONAL ROADS
FOR THE PERIOD: _____**

District Engineering Office: _____ Region: _____ Date Prepared: _____

NAME OF ROAD	KM STATION/ ADDRESS/LOCATION OF OBSTRUCTION	DESCRIPTION OF OBSTRUCTION	STATUS REMOVAL AS LAST REPORT	STATUS REMOVAL OF THIS REPORT

PREPARED BY: _____

SUBMITTED BY: _____

NOTED:

DPWH REPRESENTATIVE