



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City of Mandaluyong

ORDINANCE NO. 305, S-2005

AN ORDINANCE GRANTING AUTHORITY TO THE CITY GOVERNMENT
OF MANDALUYONG TO EXTRAJUDICIALLY ABATE LEGAL
EASEMENTS AND NUISANCES AND IMPOSE FEES TO
SERVICE PROVIDERS MAKING USE OF SUCH
EASEMENT AND/OR SERVITUDE OF
PUBLIC PROPERTY

BE IT ORDAINED by the Sangguniang Panlungsod, in session assembled:

- SECTION 1. TITLE. This Ordinance shall be known as the *“Extrajudicial Abatement of Legal Easements and Nuisances in the City of Mandaluyong”*.
- SECTION 2. DECLARATION OF POLICY. It is the declared policy of the City Government of Mandaluyong that in order to forestall the unabashed appropriations of legal easements by unscrupulous individuals, public officials, and other entities, and the abatement of public nuisances, and to restore these legal easements to protect the rights, interests and the general welfare of the public, all encroachments, utilization and construction of any sort shall be extrajudicially abated.
- SECTION 3. SCOPE AND COVERAGES. This Ordinance shall apply to all legal easements and public nuisances.
- SECTION 4. DEFINITIONS OF TERMS. As used in this Ordinance, the following words, and/or terms shall mean:
- a. ABATE – to bring entirely down to lower status; to reduce or lessen in degree or intensity; to beat down, cut-away, or otherwise, lower, so as to leave a figure in relief.
 - b. EASEMENT – is an encumbrance imposed upon an immovable for the benefit of another immovable belonging to a different owner.
 - c. LEGAL EASEMENTS – are easements established by law in the interest of private persons or for private use and for the general welfare of the City constituents in particular.
 - d. NUISANCE – is any act, omission, establishment, business, condition of property or anything else which injures or endangers the health or safety of others, or annoys; or offends the senses; or shocks, defies; or disregards decency or morality; or obstructs or interferes with the free passage of any public highway or street; or any body of water; or hinders; or impairs the use of property.
 - e. PUBLIC NUISANCE – affects a community or neighborhood or any considerable number of persons.
 - f. NUISANCE *PER SE* – that which is a nuisance at all times and can so affect the immediate safety of persons and property as to warrant summary abatement.
 - g. ABATEMENT – the act or process of abating or the state of being abated.
- SECTION 5. THE CITY GOVERNMENT RIGHTS TO IMPOSE LEVIES OR FEES FROM THOSE ESTABLISHMENTS, CORPORATION OR ENTITIES EXEMPTED BY THE ORDINANCE. The City Government shall in the exercise of its police and regulatory powers is authorized to exact levies and/or to impose fees to those who had made use of the legal easements in the pursuit of their business and in the interest of public service and general welfare, such levied and/or imposed fees shall be assessed equitably depending on how the easement was established and/or acquired and its effects to foot and vehicular traffic and its sustained maintenance and serviceability.

- SECTION 6. DEPARTMENT AND/OR OFFICE AUTHORIZED TO EXTRAJUDICIALLY IMPLEMENT THE ABATEMENT OF LEGAL EASEMENTS AND NUISANCES. The City Engineering Department and/or in coordination with the City Planning and Development Department and the concerned Sangguniang Pambarangay are hereby empowered and authorized to implement the extrajudicial abatement of legal easements and also in some cases where nuisances to be abated are considered health hazards, then and there, the City Engineering and the City Health Department shall implement expeditiously the same.
- SECTION 7. ESTABLISHMENT AND/OR CREATION OF IMPLEMENTING RULES, POLICY AND/OR GUIDELINES IN THE IMPLEMENTATION AND ENFORCEMENT OF THE ORDINANCE. Within thirty (30) days after the adoption and/or approval of this Ordinance, the City Engineer, the City Development and Planning Officer, the City Legal Officer and the City Health Officer are hereby mandated to establish and/or create an implementing rules, regulations, policy and guidelines in the smooth enforcement and implementation of this Ordinance, copy furnished the Sangguniang Panlungsod for the same to adopt a Resolution confirming, affirming and approving the adoption of such Rules, Regulations and policy guidelines implementing this Ordinance.
- SECTION 8. SEPARABILITY CLAUSE. If for any reason or reasons, any part of this Ordinance shall be held to be unconstitutional, or invalid, other parts or provisions hereof which are not affected thereby, shall continue to be in full force and effect.
- SECTION 9. EFFECTIVITY. This Ordinance shall take effect thirty (30) days after its approval and publication for three (3) consecutive weeks in a newspaper of general circulation in the Metropolitan Manila.


ENACTED on this 30th day of May 2005 in the City of Mandaluyong.


I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED AND APPROVED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN REGULAR SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.

ATTESTED:


DANILO L. DE GUZMAN
City Councilor &
Acting Presiding Officer

APPROVED:


JIMMY D. LACEBAL
Sanggunian Secretary


JESUS C. CRUZ
Acting City Mayor

Date: **MAY 31 2005**

JONATHAN DC. ABALOS (Vacation Leave)
Councilor


CHERRY LYNN P. SANTOS
Councilor


LUISITO E. ESPINOSA
Councilor



EDWARD G. BARTOLOME
Councilor


TERESITA C. PILLAS
Councilor


RENATO B. STA. MARIA
Councilor


EPIFANIO C. DE GUZMAN
Councilor

NOEL E. BERNARDO (Absent)
Councilor


GERARDO B. PE
Councilor


ROBERTO J. FRANCISCO
Councilor


MICHAEL R. OCAMPO
Councilor


JUAN A. AMON
ABC President


THOMASIN KAE I. DOMINGUEZ
SK Federation President