



Republic of the Philippines
SANGGUNIAN PANLUNGSOD
City of Mandaluyong

ORDINANCE NO. 530, S-2014

**AN ORDINANCE PROHIBITING THE PLACING OF ANY OBJECT
ON SIDEWALKS AND STREETS, AND PROVIDING
PENALTIES IN VIOLATION THEREOF**

WHEREAS, it has been a widely accepted principle in law that in case of political subdivisions like that of a city, property may either be for public use or patrimonial property or private use, and that property for public use are not within the commerce of man;

WHEREAS, Article 424 of the Civil Code of the Philippines clearly enumerates those property for public use, among which are roads and city streets;

WHEREAS, the Local Government Code of the Philippines expressly and exclusively gave the local Sanggunian the authority to regulate the use of roads and streets;

WHEREAS, it has been observed that there are property and house owners who unabashedly place objects in front of their property for whatever purpose but with the primary intention of “reserving” or “preventing” that particular space for parking or being parked upon;

WHEREAS, it may be argued that an almost similar provision particularly Section 50 of the existing Traffic Code of Mandaluyong is in existence, as well as an MMDA Resolution which enumerates acts penalized by said resolution, both provisions deal exclusively with traffic violation per se, while the subject matter of the proposed ordinance aims to prevent the mere act of placing objects for whatever purpose it may serve.

WHEREAS, the placing of said objects is unlawful and must be dealt with by law.

BE IT ENACTED by the Sangguniang Panlungsod of Mandaluyong, in regular session duly assembled:

SECTION 1. It shall be unlawful for any person or entity to place in front of their property and on the road or street any object which may include but are not limited to the following:

1. flower pots/cans
2. stones/rocks/cement slabs
3. tree branch
4. car tire
5. wood structure, specially those marked with “no parking sign”
6. iron structure, specially those marked with “no parking sign”

SECTION 2. PENALTIES.

- a. **FIRST OFFENSE** – warning and forfeiture plus appropriate fee in the minimum amount of One Hundred Pesos (P100.00) for the removal of the object;
- b. **SECOND OFFENSE** – payment of Five Hundred (P500.00) fine plus appropriate fee for the removal of the object;

- c. THIRD AND SUCCEEDING OFFENSE – payment of One Thousand Pesos (P1,000.00) fine plus appropriate fee for the removal of the object and an incremental fine of One Thousand Pesos (P1,000.00) for every violation plus fee for the removal until the cumulative amount of Five Thousand Pesos (P5,000.00) is reached, after which, a succeeding violation will mete the maximum fine of Five Thousand Pesos (P5,000.00) plus imprisonment of not less than five (5) days but not more than thirty (30) days, the extent of which shall be determined by a proper court. The cost for the removal of the object shall not be considered in determining whether the maximum allowable amount of Five Thousand Pesos (P5,000.00) to be imposed by a local Sanggunian has been reached.

If the number of violations already reached the necessary number where the penalty of imprisonment is proper, the implementing division shall notify the City's Legal Department to take the necessary action.

- SECTION 3. IMPLEMENTING ORGANIZATION. The appropriate division to be designated by the head of the City's Engineering Department shall be tasked to implement this Ordinance, unilaterally or upon a complaint coming from any source as to who is the author of the violation. However, the implementing division of the Engineering Department shall first coordinate with the Barangay concerned before it may take action for peacekeeping purposes.

The Barangay concerned, on its own, may enforce the provisions of this Ordinance if it chooses to, and by doing such, the proceeds (fine + forfeiture fee) from said enforcement shall be divided equally between said Barangay and the City Treasury. However, as in the first paragraph, the said Barangay must first inform the implementing division of the Engineering Department of its intent to take action for records purposes.

- SECTION 4. PRESUMPTION OF RESPONSIBILITY. In the absence of a complaint pertaining to the perpetrator of the offense (illegal placing of objects), it shall be presumed that the owner of the property where the prohibited object is adjacently placed is the author of the said prohibited act.

- SECTION 5. WHERE TO PAY THE FINE. All fines imposed shall be paid directly with the Treasury Department for not more than three (3) days from the time of the violation. Failure to pay within said period will result in the imposition of an additional 50% as interest. If the fine remains unpaid for a period of at least one (1) month, the penalty of imprisonment for a period not less than five (5) days but not more than thirty (30) days, shall be imposed as determined by a proper court.


- SECTION 6. PUBLIC DISSEMINATION. Upon approval, the Sanggunian Secretariat is requested to give copies of this Ordinance to all Barangays of the City, who in turn should inform their constituents of its contents in whatever form they may deem appropriate.

SECTION 7. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days after approval.

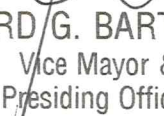
SECTION 8. SEPARABILITY CLAUSE. Any provision of this ordinance found to be in conflict with any existing law or ordinance shall be ineffective but the rest shall remain in full force and effect.

ENACTED on this 6th day of January, 2014 in the City of Mandaluyong.

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


JIMMY D. LACEBAL
Sanggunian Secretary

PRESIDED BY:


EDWARD G. BARTOLOME
Vice Mayor &
Presiding Officer

APPROVED:


BENJAMIN DC. ABALOS, JR.
City Mayor

Date: JAN 09 2014