



SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE SPECIAL SESSION OF THE SANGGUNIANG BAYAN OF MONCADA, TARLAC HELD ON THE 27th DAY OF DECEMBER 2019 AT THE SB SESSION HALL, LEGISLATIVE BUILDING

PRESENT:

HON. JAIME O. DUQUE	.. VICE MAYOR/PRESIDING OFFICER
HON. CLEOFE D. FAVIS	.. MEMBER
HON. RODOLFO C. ESPEJO, JR.	.. MEMBER
HON. ALBERTO C. MARZAN, JR., MD	.. MEMBER
HON. RUBEN V. GAMBOA, JR	.. MEMBER
HON. THELMAFLOR A. ESPEJO	.. MEMBER
HON. GEORGE MICHAEL P. AGUILAR	.. MEMBER
HON. JANIUS M. YASAY	.. MEMBER
HON. CELESTE A. AYSON	.. MEMBER
HON. GEORGE R. CUCHAPIN, MD	.. LnB PRESIDENT
HON. EZEKIEL C. RIVERA	.. SKF PRESIDENT

ABSENT:

NONE

MUNICIPAL ORDINANCE NO. 12 *Series of 2019*

ORDINANCE CLEARING THE NATIONAL HIGHWAY, PROVINCIAL ROADS AND MUNICIPAL ROADS IN MONCADA OF ALL ILLEGAL STRUCTURES, OBSTRUCTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

Authored by: Coun. Rodolfo C. Espejo, Jr.
Chairman, Committee on Peace and Order, Public Safety, Security and DRRM

WHEREAS, the National highway and other public roads are the main arteries for social mobility and the movement of economic goods and services in the municipality of Moncada deemed vital to the socio-economic development of the town;

WHEREAS, maintaining these roads following international safety standards is mandated of all LGUs to ensure safe and convenient movement of road users;

WHEREAS, obstructions along these roads that pose imminent danger to life and property of road users are prohibited;

NOW, THEREFORE, premises considered and on motion presented by Coun. Rodolfo C. Espejo, Jr., and unanimously seconded;

BE IT ENACTED by the Sangguniang Bayan of Moncada, Tarlac in session assembled, that:

SECTION 1. TITLE – This Ordinance shall be known as the “**SAFE ROADS ORDINANCE OF MONCADA 2019**.”



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SECTION 2. DEFINITION OF TERMS. – As used in this Ordinance, the following terms shall mean:

- a. Roads – refer to the National highway, provincial highway, municipal road.
- b. National Highway - all roads maintained by the National Government with road right of way width of 20 meters.
- c. Provincial Highway - all roads maintained by the Provincial Government with road right of way width of 10 meters.
- d. Municipal Roads - all roads maintained by the Municipal government with road right of way width of 5 to 6 meters.
- e. Obstructions are structures permanently or temporarily built or laid out within the technical right of way width of the national highway, provincial roads or municipal roads posing imminent danger to road users.
- f. Illegal structures refer to electric and cable poles found inside the 20-meter right of way width of the national highway, 10-meter right of way width of a provincial road and 6-meter right of way width of a municipal road. Also, permanent or makeshift stands encroaching into the same right of way width of the roads.

SECTION 3. STATUTORY PROVISIONS

- a. Electric, telecommunication and cable poles within the right-of-way width of the roads that pose imminent danger to life and property of road users are deemed illegal upon approval of this Ordinance and shall be subject to demolition or removal by authorized personnel. Provided, that telecommunication companies and electric cooperatives that installed poles within the boundaries of right of way width shall relocate their facilities off the roads.
- b. Illegally parked vehicles shall be towed off to an impounding area and owners fined accordingly for the infraction.
- c. Owners of stands or stalls used for economic purposes encroaching into the right-of-way width of the roads shall be allowed thirty (30) days upon approval of this Ordinance within which to clear the area, otherwise, LGU authorized personnel shall take necessary action if clearing notice is ignored.
- d. Signages set up along the roads within their right-of-way width are obstructions and shall be taken away by LGU authorized personnel.

SECTION 4. ADMINISTRATIVE PROVISIONS. – Barangay officials within their respective territorial jurisdiction, jointly assisted by personnel of the Moncada Police Station, Department of Public Works and Highways, Municipal Engineering Office and Office of Motorpool Operations, shall clear the National Highway, provincial highways, and municipal roads within the Municipality of Moncada of all illegal structures and obstructions, and shall carry out enforcement and implementation functions.



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SECTION 5. PENALTY PROVISIONS. – Violation of this Ordinance shall merit the following fines and penalties:

A. For ambulant vendors/illegal structures/businesses:

1. First Offense:
 - i. Fine of P200.00 for ambulant vendors and Notice to Vacate/Demolish Obstruction;
 - ii. Fine of P500.00 for other business owners and Notice to Vacate/Demolish Obstruction;
2. Second Offense:
 - i. Fine of P500.00 for ambulant vendors and Notice to Vacate/Demolish Obstruction;
 - ii. Fine of P1000.00 for other business owners and Notice to Vacate/Demolish Obstruction;
3. Third and Succeeding Offenses:
 - i. Fine of P1000.00 for ambulant vendors, Notice to Vacate/Demolish Obstruction, and confiscation of goods;
 - ii. Fine of P2,500.00 for other business owners and Issuance of Cease and Desist Order or Revocation of Business Permit;

B. For illegally parked vehicles - Drivers or operators of illegally-parked vehicles/equipment shall be issued a Traffic Violation Ticket/Citation Ticket and shall be penalized in accordance with the following fines:

1. First Offense – Fine of P500.00 and removal of vehicle;
2. Second Offense – Fine of P 1500.00 and removal of vehicle;
3. Third and Succeeding Offenses – Fine of P2500.00, impounding of vehicle and confiscation of Driver's License by duly deputized authorities.

C. Towing fees amounting to P 1,500.00 shall be imposed on drivers or operators of six-wheeled vehicles and below and P 2,500.00 for drivers or operators of vehicles with more than six (6) wheels.

SECTION 6. The use of provincial and municipal roads, streets and sidewalks on a temporary basis and for a definite period only shall require a special permit from the Municipal Government of Moncada;

Provided, *further*, that the use of bridges and the National Highway on a temporary basis shall be prohibited.

SECTION 7. The Municipal Government of Moncada reserves the right at its option to dispose all illegal structures, materials and goods that are confiscated at dumpsites or in any manner most convenient and safe.



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SECTION 8. If any provision, section, or part of this Ordinance is declared unconstitutional by a court of competent jurisdiction, such judgment shall not affect or impair the remaining provisions, sections, or parts which shall continue to be in full force and effect.

SECTION 9. All Ordinances, Executive Orders and other issuances inconsistent hereto are deemed repealed or modified accordingly;

SECTION 10. This Ordinance shall take effect fifteen (15) days after its posting in three (3) conspicuous places in the Municipality.

ENACTED, December 27, 2019 at Moncada, Tarlac.

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I hereby certify that the above-quoted Ordinance was passed on Third and Final Reading on the above-mentioned date and place.


VICTOR SANDINO S. MOLINA
Secretary to the Sanggunian

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**


JAIME O. DUQUE
Vice-Mayor & Presiding Officer

APPROVED by Her Honor, the Mayor, this 9th day of January, 2020.


ESTELITA M. AQUINO
Municipal Mayor