

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD

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CITY ORDINANCE NO. 09-17-810

February 15, 2017

AN ORDINANCE DECLARING ALL ILLEGAL STRUCTURES SITTING ON PUBLIC ROAD AS NUISANCE PER SE, MANDATING JOINTLY THE CITY LEGAL OFFICE (CLO), THE CITY ENGINEER'S OFFICE (CEO) AND THE BACOLOD TRAFFIC AUTHORITY OFFICE (BTAO), TO CLEAR ALL ROADS WITHIN THE CITY LIMITS OF THE SAME, AND TO REPORT ITS ACCOMPLISHMENT TO THE CITY MAYOR AND THE CITY COUNCIL EVERY MONTH UNTIL THE FINAL COMPLETION THEREOF.

WHEREAS, the City of Bacolod is experiencing traffic nightmares brought about by undisciplined drivers, increasing volume of vehicles using city streets, the lack of traffic signage, and the mushrooming of illegal structures along the busy streets in the City;

WHEREAS, abusive drivers, when accosted for traffic violations, have ready answers, pointing to the stationary illegal structures as number one traffic violators but the city government is not doing anything to remove them from the streets;

WHEREAS, in order to display to all and sundry that the city government is all serious to attend to the traffic woes of the city, and is willing to apply the law to all regardless of classes for the general welfare of its people, these illegal structures shall be removed from the streets within a reasonable time-frame set hereof.

NOW THEREFORE, be it enacted as it is hereby enacted by the City Council of Bacolod City by virtue of the powers vested in it by law, in a session duly assembled, that:

Section 1. – DEFINITION OF TERMS – For purposes of this Ordinance, the following terms are being defined hereunder, to wit:

- a. **ROAD** – Road as defined in this ordinance shall mean any area the public is reasonably allowed to drive on at all times such as highways, covered canals, bridges and streets including the shoulders.
- b. **ILLEGAL STRUCTURES** – Illegal structures shall be defined as all objects sitting on public roads including makeshift stalls being used to peddle goods or merchandise on the streets. Terminals used by Motorized Tricycles For Hire as provided in city Ordinance No. 650, series of 2013, or any structure allowed by local ordinance or law to be occupying the streets are considered as being not Illegal Structures.

Section 2. – DECLARATION OF ILLEGAL STRUCTURES AS NUISANCE PER SE – All structures that are sitting on the road including its shoulder, regardless of its width and length, or being permanent or transient, are considered as nuisance per se, for being traffic hazards as these pose danger to the lives and limbs of motorists, pedestrians and passengers. Thus, these illegal structures can be removed or confiscated by the city government at their cost if notice to voluntarily remove within a reasonable period is ignored by the owners thereof.

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Section 3. – JOINT MANDATE OF THE CITY LEGAL OFFICE (CLO), THE CITY ENGINEER'S OFFICE (CEO) AND THE BACOLOD TRAFFIC AUTHORITY OFFICE (BTAO) TO REMOVE ILLEGAL STRUCTURES – The City Legal Office, the City Engineer's Office and the Bacolod Traffic Authority Office are jointly mandated to remove these illegal structures within six (6) months from the approval hereof. The City Legal Office is the lead department which is tasked to convene this tri-parlite committee for its effective and immediate implementation. However, prior to the forced removal, the owners of these illegal structures shall be identified first, and be given an opportunity to remove them by themselves through a written notice to vacate by the city through the City Legal Office within ten (10) days from the receipt of these letters. Failure on the part of the owners of the illegal structures to comply with the lawful demand of the city, would empower these offices to employ its authority to forcibly remove them from the streets as the same had already been declared as nuisance per se by the city government.

Section 4. – TIMETABLE AND PROCEDURE FOR ITS IMPLEMENTATION – The removal and clearing of all illegal structures on the streets shall be done in the following manner, to wit:

- a. Within the first fifteen (15) days upon the approval of this Ordinance – Identification of all illegal structures, including makeshift stalls being used to peddle goods on the streets, and their owners shall be made by City Legal Office and submit the same to the Office of the City Mayor, and the City Vice Mayor;
- b. Within the next fifteen (15) days – Notice to Vacate or Remove their Illegal Structures in writing shall be sent to the structure owners, granting them ten (10) days from receipt thereof, to voluntarily remove their illegal structures from the streets;
- c. Within the second month from its approval up to sixth month – The City Legal Office, the City Engineer's Office and the Bacolod Traffic Authority Office shall employ the full force of the law by forcibly removing these illegal structures whose owners ignored the lawful demand of the city for voluntary removal. Said offices are mandated to render a report of their accomplishment every month to the City Mayor and the City Vice-Mayor until all the illegal structures are removed from the streets within a period as provided above.

Section 5. – MONITORING – After all illegal structures are removed from the streets, the City Legal Office and the City Engineer's Office are mandated to monitor compliance with this Ordinance, ensuring that all streets within the city limits are cleared of Illegal Structures, and to render a monthly status report to the City Mayor and the City Vice Mayor. In case new illegal structure is constructed or placed on the street, said offices are mandated to observe the procedure provided in Section 3 hereof, prior to the resort to forced removal. However, if the structure is being illegally constructed on the street, the city may immediately stop the owner without need of sending him/her a written notice to vacate.

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Section 6. – INFORMATION DISSEMINATION – The Public Information Office is mandated to cause the dissemination of information through print and broadcast media relative to the objective of this Ordinance in order to forewarn Illegal Structure Owners to peacefully remove their illegal structures without need to wait for a written demand from the city government.

Section 7. – ROLE OF BARANGAY – Barangay Officials are hereby mandated to ensure that all roads within their jurisdiction are cleared from illegal structure by reporting the same promptly to the City Legal Office (CLO) and City Engineer's Office (CEO) in writing. In cases of demolitions, the Barangay Officials shall assist the CLO, CEO, BTAO and other agencies in whatever manner they can, such as pacifying the affected persons and provide other possible assistance to them.

Section 8. – ADMINISTRATIVE LIABILITY – The Heads of concerned departments tasked to implement this Ordinance shall be administratively liable under the law in case of failure on their part to fully discharge their functions as mandated hereof.

Section 9. – SEPARABILITY CLAUSE – Should any provision in this Ordinance or any part thereof be declared invalid or unconstitutional, the remaining provisions not affected shall continue in full force and effect.

Section 10. – REPEALING CLAUSE – All existing ordinances, resolutions, executive orders or regulations and other issuances inconsistent with the provisions and/or purposes of this ordinance are hereby repealed, amended or modified accordingly.

Section 11. EFFECTIVITY – This Ordinance shall take effect immediately upon its approval in accordance with law.

CARRIED BY THE VOTE OF:

Affirmative :

Councilors :

Caesar Z. Distrito, Cindy T. Rojas, Renecito S. Novero, Em L. Ang, Elmer T. Sy, Ana Marie V. Palermo, Wilson C. Gamboa, Jr., Dindo C. Ramos, Bartolome N. Orola, Sr., Claudio Jesus Raymundo A. Puentevella, Sonya M. Verdeflor, Noli B. Villarosa.

Negative : None.

Absent : None.

Official Travel : Vice Mayor El Cid M. Familiaran.

Main Author : Councilor Dindo C. Ramos.

Passed : February 15, 2017 (33rd Regular Session of the 9th Council).

Comments : Passed.

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RICARDO L. TAN
Acting Vice Mayor
Presiding Officer

ATTESTED:

ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian

By:


CELIA L. LABIYO
Stenographic Reporter IV

APPROVED: March 22, 2017.


EVELIO R. LEONARDIA
City Mayor

CLL/CGT/jbz

NEGOTIATION SERVICES SECTION
DATE 3/27/17 11:55AM
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