

Republic of the Philippines
Province of Iloilo
Municipality of Tigbauan
-o0o-

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE SANGGUNIANG BAYAN, TIGBAUAN, ILOILO HELD AT THE SESSION HALL, TIGBAUAN MUNICIPAL BUILDING, TIGBAUAN, ILOILO ON NOVEMBER 14, 2007 AT 2:00 P.M.

PRESENT:

HON. ROEL T. JARINA,	Vice Mayor & Presiding Officer
HON. SUZETTE MARIE HILADO-BANNO,	Councilor
HON. SUZETTE TENEFRANCIA-ALQUISADA,	Councilor
HON. AGATON O. TUMABOTABO,	Councilor
HON. MARLON R. TERUÑEZ,	Councilor
HON. NORBERTO T. TURALBA,	Councilor
HON. LORETA LUNGAY-ARIAS,	Councilor
HON. ELMER T. TORRATO,	Councilor
HON. ORVILLO T. TANGENTE,	Pres., Liga ng mga Brgy.
HON. JOSE DONEL T. TRASPORTO,	SKMF President

ABSENT:

HON. JOSE T. TAVARRO, JR.,	Councilor (On Leave)
----------------------------	----------------------

Municipal Ordinance No. 2007- 002

AN ORDINANCE REGULATING THE USE OF VARIOUS PUBLIC OWNED UTILITIES AND FACILITIES IN THE MUNICIPALITY OF TIGBAUAN, PROVINCE OF ILOILO, AND PROVIDING PENALTIES FOR VIOLATION THEREOF

SPONSORED BY: Hon. Orvillo T. Tangente, Chairman, Committee on Barangay Affairs
SECONDED BY: Hon. Suzette Marie Hilado-Banno, Hon. Agaton Tumabotabo,
Hon. Marlon Teruñez, Hon. Norberto Turalba, Hon. Elmer Torrato,
Hon. Jose Donel Trasporto and Hon. Loreta Arias

WHEREAS, Section 447 of the local Government Code of 1991 (RA 7160) states that the Sangguniang Bayan as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants;

WHEREAS, Section 16 of the said code states that the Local Government Unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary and appropriate incidental for its efficient and effective governance essential to the promotion of the general welfare;

WHEREAS, it is the responsibility of the municipal government to protect and manage government owned properties and facilities in order to promote proper usage and preserve the comfort and convenience of its inhabitants;

NOW, THEREFORE, Be it enacted by the Sangguniang Bayan that:

Article A.

REGULATIONS OF THE USE OF PUBLIC ROADS, SIDEWALKS, ALLEYS, OR LANES

Section A.01. Regulated Acts. No person shall use any public roads, sidewalks, alleys, lanes or parts thereof, for purposes of bathing, laundering or washing of clothes or other similar purposes.

Section A.02 Definition of terms as used in this Article, the term:

- Public Roads - includes national, provincial, municipal and barangay roads.
- Sidewalks - refer to narrow pathway at the sides of a road intended for the use of pedestrians.
- Alleys - refer to a narrow street, passageway or byway.
- Lanes - refer to a narrow pathway or byway.

Section A. 03 Penalty. Any person who violates any provision of the Article shall be punished by a fine of One Thousand Pesos (P1,000.00) but not more than Two Thousand Five Hundred Pesos (P2,500.00) or by imprisonment of not more than one (1) month or both fine and imprisonment, at the discretion of the Court.

Article B. TEMPORARY USE OF SIDEWALKS AND ALLEYS

Section B.01. Regulated Acts. No person shall use and/or occupy any sidewalk or alley or portion thereof, which is owned by the Municipality, in connection with any construction works or other allowable purposes, without securing a permit therefore from the Mayor and paying the corresponding permit fee imposed under existing tax ordinances.

Section B.02. Administrative Provisions. The period of use and/or occupancy of sidewalk or alley or portion thereof shall commence from the time the permit is issued and shall terminate upon the completion of the construction work, other allowed activities, or upon cancellation of the permits thereof, or on the period as specified in the permit.

Section B.03. Penalty. Any person who violates the provisions of this Article shall be punished by a fine of One Thousand Pesos (P1,000.00) but not more than Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment of one (1) month, or both fine and imprisonment, at the discretion of the Court.

Article C. REGULATIONS ON THE USE OF PUBLIC ROADS, PARKS AND PLAZA

Section C.01. Regulated Acts. No person shall use any portion of any public roads, parks or plaza for the drying of whatever kind of cereals, buri palms or drying of palay or for other similar purposes.

Section C.02. Definitions. As used in this Article:

- Public Roads - include national, provincial, municipal or barangay roads.
- Parks - means an expanse of public land used for recreation.
- Plaza - means an open public square owned by the government.

Section C.03. Exemption. The drying of palay alongside of the public roads will be allowed during harvest season provided it will not constitute obstructions on the flow of traffic to ensure public safety.

Section C.04 Penalty. Any person who violates the provisions of this Article shall be punished by a fine of on One Thousand Pesos (P1,000.00) but not more than Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment of one (1) month, or both fine and imprisonment, at the discretion of the Court.

Article D.

REGULATIONS ON THE CONSTRUCTION OF HUMPS OR PLACING OF PROTUBERANCE ON PUBLIC ROADS

Section D.01. Regulated Acts. No person, natural or juridical, shall construct or cause the construction of any kind of hump, or place any kind of protuberance, on any public road, without first securing a permit therefore from the Mayor through the Municipal Engineer.

Section D.02. Administrative Provisions

- 1) Any person, natural or juridical, desiring to construct humps or place any kind of protuberance on any public road shall file an application for that purpose with the Office of the Municipal Engineer.
- 2) Upon receipt of the said application, the Municipal Engineer or his duly authorized representative shall coordinate with the Officer-In-Charge of the traffic management to discuss the merits of the application.
- 3) No permit by the Mayor on this matter shall be issued without the written recommendation of both the Municipal Engineer and the Officer-In-Charge of the Traffic Management.

Section D.03 Rules and Regulations.

- 1) The Municipal Engineer shall determine the appropriate specifications as to the thickness, width and length of the hump or protuberance to be placed or constructed.
- 2) The Municipal Engineer is hereby authorized to alter or modify the existing humps or protuberance on any Municipal or Barangay roads to conform to the necessary specification prescribed by his office.
- 3) The Municipal Engineer and the Officer-In-Charge of the Traffic Management shall issue the necessary additional rules and regulations or implementing guidelines for the effective enforcement of this Article.
- 4) Brgy. Officials are authorized to monitor and report to the Office of the Municipal Engineer , any violation of this ordinance.

Section D.04 Penalty. Any violation of the provisions of this Article shall be punished by a fine of One Thousand Pesos (P1,000.00) but not more than Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment of one (1) month, or both fine and imprisonment, at the discretion of the Court.

Article E.

SEPARABILITY, APPLICABILITY, REPEALING AND EFFECTIVITY CLAUSES

Section E.01. Separability Clause. If, for any reason, any provision, section or part of this Ordinance is declared not valid by a Court of competent jurisdiction or suspended or revoked by the authorities concerned, the other sections or parts hereof which are not affected thereby shall continue to be in full force and effect.

Section E.02 Applicability Clause. All other related matters not specifically provided in this Ordinance shall be governed by the pertinent provision of existing applicable laws and ordinances.

Section E.03. Repealing Clause. All ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly. Should there be existing general or special ordinances which were inadvertently excluded in the process during the formulation of this Ordinance, they shall continue to be in force and effect provided that they are not in conflict with, or contrary to, the provisions of this ordinance.

Section E.04. Effectivity Clause. This Ordinance shall take effect ten (10) days after its approval and having been posted in three (3) conspicuous public places in the Municipality of Tigbauan, Province of Iloilo.

ENACTED. November 14, 2007

I HEREBY CERTIFY that the foregoing Municipal Ordinance No. 2007-002 was approved by the Sangguniang Bayan.

CERTIFIED CORRECT:

MARLENE T. NAVA
S.B. Secretary

ATTESTED:

ROEL T. JARINA
Vice Mayor & Presiding Officer

APPROVED:

JAMES EXCELSIOR M. TORRES
Municipal Mayor