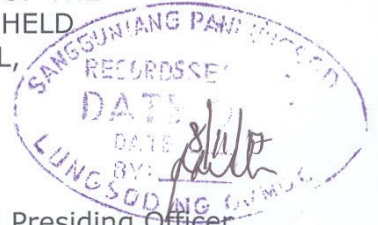




REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON AUGUST 10, 2017



PRESENT:

Leo Carmelo L. Locsin, Jr.,
Vincent L. Rama,
Mario M. Rodriguez,
Tomas R. Serafica,
Benjamin S. Pongos, Jr.,
Eusebio Gerardo S. Penserga,
Gregorio G. Yrastorza III,
Nolito M. Quilang,
Lea Doris C. Villar,
Mariano Y. Corro,

Vice Mayor & Presiding Officer
SP Member, Asst. Majority Floor Leader
SP Member, Presiding Officer "Pro-Tempore"
SP Member
SP Member
SP Member
SP Member
SP Member
SP Member, Asst. Minority Floor Leader
Ex-Officio SP Member
Chapter President, Liga ng mga Barangay ng Ormoc

ON LEAVE:

Rolando M. Villasencio,
John Eulalio Nepomuceno O. Aparis II,

SP Member, Majority Floor Leader
SP Member
Minority Floor Leader

PREFATORY STATEMENT

Public roads, highways and other open spaces for vehicles were built for the proper use of motorists and pedestrians to a certain extent as well. However nowadays, it has been often observed that certain individuals have alarmingly been using the said spaces for purposes other than the aforementioned, most commonly as drying pavements for their agricultural products such as palay or corn crops. To compound this dire situation, it is not uncommon to observe large stones or boulders and other unceremonious barriers, being placed on these highways and roads to prevent whatever are being placed or dried on them from being overrun by passing vehicles, thus, not only endangering passing motorists' lives, but also other people's lives and properties close by.

In an apparent response to this clear danger and hazard in our highways, roads and other open spaces for vehicles, the Department of the Interior and Local Government (DILG) Regional Office VIII issued Regional Memo-Circular No. 2017-000016 dated June 21, 2017 which subject was 'the enactment and/or enforcement of local ordinances prohibiting the drying of palay, corn, and other products in public roads, highways or any open spaces intended for vehicle use.' The LGU-Ormoc, for its part, in response to said Memo Circular consequently submitted to this Sanggunian an Indorsement from City Mayor Richard I. Gomez dated July 05, 2017 requesting for an amendment of Ordinance No. VI series of 1956 entitled: "AN ORDINANCE PROHIBITING THE DRYING OF PALAY, COPRA, NETS, CORN, ASPHALT, CLOTHES OR ANYTHING, AT THE PLAZA TENNIS COURT OF ORMOC CITY, AND PROVIDING PENALTY FOR THE VIOLATION THEREOF" to include the prohibition of the drying of palay, corn and other agricultural products in public roads, highways or any open spaces which are otherwise for vehicles use, including highways' shoulders that were widened to provide more space for the smooth flow of traffic.

Indeed, Republic Act No. 7160, otherwise known as the Local Government Code of 1991 (LGC), provides that every LGU shall exercise powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. These powers, more popularly known as police powers, grant authority to LGUs to enact such measures that will serve, among other lofty ends, to maintain peace and order, and promote and preserve the comfort and convenience of their inhabitants.

To the mind of this Sanggunian, the enactment of this Ordinance is an exercise of the necessary police powers that are essential for the preservation and maintenance of safety and order in highways, roads and other open spaces for vehicles within the City's territorial jurisdiction. Hence, this measure is an acquiescence and conferment of merits by this august Body on the request that is object of both the aforementioned DILG Memo Circular and the City Mayor's Indorsement.

NOW THEREFORE, PREMISES CONSIDERED, on motion of SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Public Properties, severally seconded by SP Members Mariano Y. Corro, Lea Doris C. Villar, Nolito M. Quilang, Gregorio G. Yrastorza III, Eusebio Gerardo S. Penserga, Tomas R. Serafica and Mario M. Rodriguez; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to enact:

ORDINANCE NO. 043

AN ORDINANCE PROHIBITING THE DRYING OR PLACING OF PALAY, COPRA, CORN, NETS, CLOTHING OR ANY OTHER ITEM ON OR ALONG PUBLIC HIGHWAYS, CITY ROADS, BARANGAY ROADS OR ANY OPEN PUBLIC SPACES FOR VEHICLE USE, INCLUDING HIGHWAYS' AND ROADS' SHOULDERS, AND PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF.

BE IT ENACTED, by the Fourteenth Sangguniang Panlungsod ng Ormoc; That

SECTION 1. TITLE. This Ordinance shall be known as the "Ordinance Prohibiting the Drying or Placing of Palay, Copra, Corn, Nets, Clothing or Any Other Item on or along Public Highways, City Roads, Barangay Roads or Any Open Public Spaces for Vehicle Use."

SECTION 2. SCOPE. This Ordinance shall govern the use or placing of any palay, copra, corn, nets, clothing or any other item on or along public highways, roads or any open spaces which are otherwise intended for the use of vehicles within the territorial jurisdiction of the City, including those highways' and roads' shoulders that were widened to provide convenience and more space for the smooth flow of traffic. However, this shall not cover the use or placing on such public highways, roads or any open spaces for vehicles, including the shoulders, of any item necessary, connected with or incidental to construction, maintenance, repairs or other similar works performed by government or private agencies or its representatives on highways, roads, shoulders, utility connections thereon, and for other similar legitimate purposes.

SECTION 3. MANDATORY PROVISION. No person, firm, company or corporation shall be allowed to dry palay, copra, corn, nets, clothes or any other item on or along public roads, highways or any open spaces which are otherwise intended for the use of vehicles, including highways' and roads' shoulders that were widened to provide convenience and more space for the smooth flow of traffic.

SECTION 4. PENALTY. Violators of the provisions of this Ordinance shall be punished in accordance with the following:

- (a) First Offense: Fine of not less than One Thousand Philippine Pesos (Php1,000.00) at the discretion of the court, but the offender may opt to pay a no-contest Administrative Fine of Five Hundred Philippine Pesos (Php500.00) to the City Treasurer or his representative who shall issue the corresponding receipt.
- (b) Second and Succeeding Offenses: Fine of not less than Two Thousand Philippine Pesos (Php2,000.00) at the discretion of the court, but the offender may opt to pay a no-contest Administrative Fine of One Thousand Philippine Pesos (Php1,000.00) to the City Treasurer or his representative who shall issue the corresponding receipt.

SECTION 5. RECKONING PERIOD. The reckoning period for violation of any provision of this Ordinance is one (1) year. At the start of each new calendar year, thus, a new reckoning period begins from January to December of the year, that is, the first violation committed by any person during the 12-month period shall constitute a First Offense and the succeeding violations within that 12-month period shall constitute the Second, and succeeding Offenses, correspondingly and respectively.

SECTION 6. ENFORCING OR IMPLEMENTING OFFICES. The implementation and enforcement of this Ordinance shall be primarily lodged with the following offices: the Office of the City Mayor, thru the City Engineering Office; the Department of Public Works and Highways, Fourth Leyte Engineering District; and, the Ormoc City Police Office. Additionally, the barangay officials of the city are also tasked in the implementation of this ordinance in their barangays.

SECTION 7. SEPARABILITY CLAUSE. If for any reasons, any part or provision of this Ordinance is declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall remain to be in full force and effect.

SECTION 8. REPEALING CLAUSE. All existing ordinances, and parts thereof, which are inconsistent with the provisions of this Ordinance are hereby deemed repealed, amended or modified accordingly. City Ordinance No. VI s. 1956 is expressly repealed.

SECTION 9. EFFECTIVITY. This Ordinance shall take effect immediately upon approval and compliance of the requirements of the LGC.

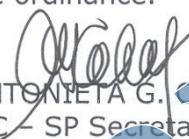
ENACTED, August 10, 2017.

Ord. No. 043

RESOLVED, FURTHER, to furnish copies of this ordinance one to each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; the City Treasurer; the City Engineering Office; the Fourth Leyte Engineering District Office; the Ormoc Police Office; the City Auditor; to the one hundred ten (110) Barangays of Ormoc City; the Office of the Liga ng mga Barangay ng Ormoc; the OIC-City Director, DILG; and others concerned;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA G. CO HAT
(OIC - SP Secretary)
Supervising Administrative Officer

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
Vice Mayor & Presiding Officer

APPROVED:


RICHARD I. GOMEZ
City Mayor

18 AUG 2017
(Date)