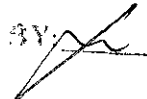


'11 SEP 15 P1:13

SENATE
S.B. No. 2966

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Introduced by SENATOR MANNY VILLAR

EXPLANATORY NOTE

It has been observed that some city, municipal and even provincial streets, avenues, alleys, sidewalks, bridges, parks and other public places are not properly utilized by road users and the public due to the practices of some individuals who use these areas for displaying and selling their goods as well as utilizing the same in erecting structures for commercial and advertising purposes,

The occupation and use by private individuals of sidewalks and other public places devoted to public use constitute both public nuisances and nuisances per se." (Padilla, *Civil Code Annotated*, Vol. II, p. 59, 6th Ed., citing *Umali vs. Aquino*, C. A. Rep. 339)

The ruling in *Umali* further states that the use of sidewalk "applies even to cases involving the use or lease of public places under permits or licenses issued by competent authority upon the theory that such holders could not take advantage of their unlawful permits and licenses and claim that the land in question is a part of a public street or a public place devoted to public use hence beyond the commerce of man."

It is therefore necessary to clear all illegal structures and obstructions on or along those places in order to ensure a smooth flow of traffic and provide for a safe and convenient movement of goods and people.

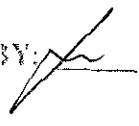
In view of the foregoing, the immediate passage of this bill is earnestly requested.


MANNY VILLAR

'11 SEP 15 P1:13

SENATE

S.B. No. 2966

RECEIVED BY: 

Introduced by SENATOR MANNY VILLAR

**AN ACT
REGULATING THE USE OF SIDEWALKS FOR COMMERCIAL AND OTHER
PURPOSES**

*Be it enacted by the Senate and the House of Representatives of the
Philippines in Congress assembled:*

1 **SECTION 1. Short Title.** – This Act shall be known as the "Clear
2 Sidewalks Act of 2011."
3

4 **SECTION 2. Declaration of Policy.** – It is the policy of the State to
5 promote the general welfare of the people. Pursuant to this policy, this Act seeks
6 to clear sidewalks from unauthorized commercial or personal use in order to
7 facilitate the smooth passage of persons as well as to clear all obstructions to
8 traffic and vehicular flow. Adequate sidewalk areas must also be maintained to
9 allow safe pedestrian passage and for the safe and convenient use of
10 wheelchairs, strollers and similar instruments.
11

12 **SECTION 3. Definition of Terms.** – As used in this Act, the term:

13
14 (A) "Sidewalks" mean paved paths for pedestrians alongside streets.

15
16 (B) "Illegal structures/obstructions" mean structures which are erected on
17 sidewalks without the necessary permit.
18

19 (C) "Sidewalk vendor" means any person or individual who sells or vends
20 any agricultural products, cooked foods and/or dry goods, items or
21 articles, including any person who attends to these above-cited products
22 which hare intended to be sold, at any temporary location, sidewalk, alley,
23 vacant space or portion thereof.
24

25 (D) "Community-wide special occasions" mean community-sponsored
26 special occasions which shall include, but not limited to fiestas,
27 gatherings, etc.
28

29 **SECTION 4. Prohibited Acts.** – The use of streets, sidewalks, avenues,
30 alleys, bridges, parks and other public places for commercial and personal
31 purposes shall be prohibited. Such prohibited acts include but not limited to the
32 following:
33

1 (A) Vending or selling of foods, magazines, newspapers, cigarettes,
2 brooms, watches or jewelries, shoes and other footwear, and/or any other
3 items;

4
5 (B) Conduct of shoe-shine occupation;

6
7 (C) Doing house chores such as washing clothes, hanging clothes, and
8 bathing;

9
10 (D) Vehicle garage or vehicle repair;

11
12 (E) Dumping garbage;

13
14 (F) Setting up of basketball court or goal;

15
16 (G) Use of sidewalk to install pens of animals or keep animals in chains;

17
18 (H) Storing softdrinks or wine or liquor bottles and cases: drinking liquor
19 and beverages and holding picnics or gatherings;

20
21 (I) Storing of junks and recyclable materials;

22
23 (J) Use of sidewalk for storage of construction materials for sale (pipes,
24 tubings, lumber, cement, and the like);

25
26 (K) House extension or stall/store extension including installation of roofs
27 or awnings;

28
29 (L) Installation of permanent or picket fence;

30
31 (M) Use of sidewalks for plants, trees and plant boxes; and

32
33 (N) Signs or signboards on or above sidewalks and detached from the
34 business establishment.

35
36 **SECTION 5. *Grant of Permits for Temporary Use of Sidewalks.*** – The
37 authorities shall have the power to grant permits to applicants for the temporary
38 use of sidewalks under the following occasions:

39
40 (A) Community-wide special occasions or sales promotion days. The
41 licensing authority may establish rules and regulations governing displays
42 and sales of merchandise during community-wide special occasions or
43 sales promotion days. For these purposes, the licensing authority shall
44 clearly designate the portions of the sidewalks on which merchandise may
45 be displayed as well as the duration of such use.

46
47 (B) Civic or charitable purposes. All sales for civic or charitable purposes
48 shall be held in clearly designated portions of the sidewalks on which
49 merchandise may be displayed and for a specific duration.

50
51 The use of sidewalks and the displays or sale of merchandise under this
52 section must be of a nonpermanent nature and must be neat and orderly.

53
54 A representative of the licensing authority shall be present to oversee
55 such authorized temporary use of sidewalks.

56

1 **SECTION 6. *Content of Applications for Temporary Use of Sidewalks.***

2 – The application for the grant of permits for the temporary use of sidewalks
3 during the above occasions shall contain the following information:

4
5 (A) Full name and complete address of applicant/s;

6
7 (B) The place where he is allowed to use and the duration of such use;

8
9 (C) The purpose of such use; and

10
11 (D) If purpose of use is for the selling of goods, the products he is
12 authorized to sell.

13
14 **SECTION 7. *Implementing Agency.*** – The municipal or city government
15 shall be responsible for the implementation of the provisions of this Act. Within
16 thirty (30) days from the approval of this Act, the municipal or city governments
17 shall formulate implementing rules and regulations for the effective
18 implementation of this Act.

19
20 **SECTION 8. *Penalties.*** – Any person who violates any of the provisions
21 of this Act shall be punished by a fine of One Thousand Pesos (P1,000.00) which
22 shall accrue to the Municipal or City Treasury, or imprisonment of not more than
23 thirty (30) days, or both. Any permit issued shall be revoked upon violation of the
24 requirements under this Act. Such revocation shall prohibit the grant of a new
25 permit for twelve (12) months from the date of the conviction.

26
27 **SECTION 9. *Separability Clause.*** – If any provision or part thereof, is
28 held invalid or unconstitutional, the remainder of the law or the provision not
29 otherwise affected shall remain valid and subsisting.

30
31 **SECTION 10. *Repealing Clause.*** – Any law, presidential decree or
32 issuance, executive order, letter of instruction, administrative order, rule or
33 regulation contrary to, or inconsistent with the provisions of this Act is hereby
34 repealed, modified or amended accordingly.

35
36 **SECTION 11. *Effectivity Clause.*** - This Act shall take effect fifteen (15)
37 days after its publication in at least two (2) newspapers of general circulation.

38
39 *Approved,*

40