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AUTHORIZING THE METROPOLITAN MANILA DEVELOPMENT AUTHORITY AND THE LOCAL GOVERNMENT UNITS TO CLEAR THE SIDEWALKS, STREETS, AVENUES, ALLEYS, BRIDGES, PARKS AND OTHER PUBLIC PLACES...

MMDA RESOLUTION NO. 28-02, July 25, 2002

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WHEREAS, it has been observed that some of the city/municipal streets, avenues, alleys, sidewalks, bridges, parks and other public places in Metro Manila are not properly utilized by the road users/public due to malpractices of some unscrupulous individuals who wantonly utilize these areas for displaying and vending their goods as well as utilizing the same in erecting some structures for commercial and advertising purposes;

WHEREAS, in the case of "Umali vs. Aquino 1 C.A. Rep 339, the Supreme Court rules that "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";

WHEREAS, the same ruling states that such 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";

WHEREAS, the Office of the President in its memorandum dated November 6, 1992 directed all Metro Manila Mayors and the Director General of the Philippine National Police (PNP) to strictly enforce traffic laws and remove all street and sidewalk obstructions, including among others, "makeshift stalls, basketball courts, and other illegal structures x x x...." in order to effect the smooth flow of traffic in Metro Manila";

WHEREAS, the Metro Manila Development Authority (MMDA) is mandated under Republic Act No. 7924 to set policies, coordinate and regulate the implementation of all programs and projects concerning traffic management and formulate and implement programs, policies and procedures to achieve public safety;

WHEREAS, in consonance with the aforementioned Supreme Court decision, memorandum, and mandate respectively, the Metro Manila Council (Council) deems it necessary and urgent to clear all illegal structures/obstructions on or along the aforesaid places in order to ensure a smooth flow of traffic and provide a safe and convenient movement of goods and persons in Metro Manila.

NOW THEREFORE, be it resolved as it is hereby resolved, pursuant to Section 6 of RA 7924, that the Council hereby authorizes the MMDA and the LGUs to clear the sidewalks, streets, avenues, alleys, bridges, parks and other public places in Metro Manila of all illegal structures and obstructions.

RESOLVED FURTHER, that the use of streets, sidewalks, avenues, alleys, bridges, parks and other public places in Metro Manila for commercial and personal purposes shall be prohibited. Such prohibited acts include but not limited to the following:

1. Vending or selling of foods, magazines, newspapers, cigarettes, brooms, watches or jewelries, shoes and

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other footwear, and/or any other items;

2. Conduct of shoe-shine occupation;

3. Conduct of "religious" activities, such as preaching and seeking alms;

4. Doing house chores such as washing clothes, hanging clothes, and bathing;

5. Vehicle garage and/or vehicle repair;

6. Dumping garbage;

7. Setting up of basketball court/goal;

8. Use of sidewalk to install pens of animals or keep animals in chains;

9. Storing softdrinks or wine/liquor bottles and cases; drinking liquor and beverages and holding picnics/gatherings;

10. Storing of junks and recyclable materials;

11. Use of sidewalk for storage of construction materials for sale (pipes, tubings, lumber, cement, and the like);

12. House extension or stall/store extension including installation of roofs or awnings;

13. Installation of permanent or picket fence;

14. Use of sidewalks for plants, trees and plant boxes; and,

15. Signs or signboards on or above sidewalks and detached from the business establishment.

RESOLVED FURTHERMORE, that all terms, goods and structures found on or along roads, streets, avenues, alleys, sidewalks, bridges, parks and other public places shall be confiscated by the government without prior notice. The same shall be treated as common or ordinary garbage and shall be disposed of as such. The government shall thus, not be held liable for any damage arising from the removal, confiscation or disposal of the said items.

RESOLVED MUCH FURTHERMORE, that any use of roads, streets, avenues, alleys, sidewalks, bridges, parks and other public places on a temporary basis and for a definite period only shall require a special permit from the concerned Local Government Unit and MMDA.

RESOLVED FINALLY, that the government 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.

Let copies of this Resolution be furnished to the Local Government Units of Metro Manila.

This Resolution shall take effect upon approval.

Adopted: 25 July 2002

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Chairman

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Mayor, City of Las Piñas

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