

FOURTEENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
Second Regular Session }

8 NOV 10 2008

SENATE

RECEIVED BY

COMMITTEE REPORT NO. 227

Submitted by the Committee on Local Government on NOV 10 2008

Re : Senate Bill No. 1757.

Recommending its approval without amendment

Sponsors : Senators Aquino III and Defensor Santiago.

**MR. PRESIDENT:**

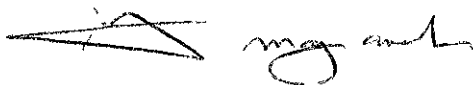
The Committee on Local Government, to which was referred Senate Bill No. 1757, introduced by Senator Defensor Santiago, entitled:

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

has considered the same and has the honor to report it back to the Senate with the recommendation that it be approved without amendments.

Respectfully submitted:

  
**BENIGNO SIMEON C. AQUINO III**  
Chairman



FRANCIS "CHIZ" G. ESCUDERO  
Vice-Chairman

Members:



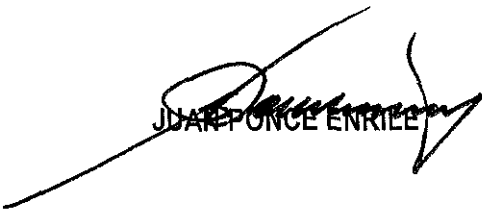
EDGARDO J. ANGARA



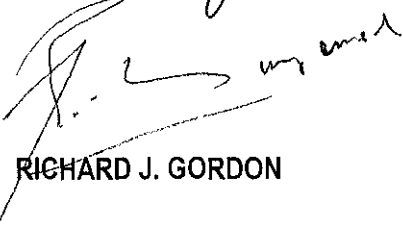
ALAN PETER "COMPAÑERO" S. CAYETANO



COMPANERA PIA S. CAYETANO



JUAN PONCE ENRILE



RICHARD J. GORDON



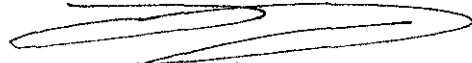
JOKER P. ARROYO



RAMON BONG REVILLA JR.



RODOLFO G. BIAZON



LOREN B. LEGARDA



M.A. MADRIGAL

ANTONIO "SONNY" F. TRILLANES IV

FRANCIS "CHIZ" G. ESCUDERO  
Vice-Chairman

Members:

EDGARDO J. ANGARA

ALAN PETER "COMPAÑERO" S. CAYETANO

COMPAÑERA PIA S. CAYETANO

JUAN PONCE ENRILE

RICHARD J. GORDON

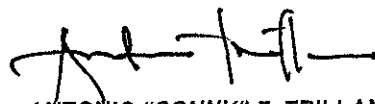
JOKER P. ARROYO

RAMON BONG REVILLA JR.

RODOLFO G. BIAZON

LOREN B. LEGARDA

M.A. MADRIGAL

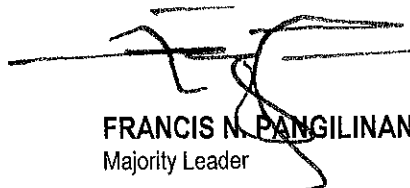
A handwritten signature in black ink, appearing to be 'Antonio' followed by a stylized 'T' and 'F'.

ANTONIO "SONNY" F. TRILLANES IV

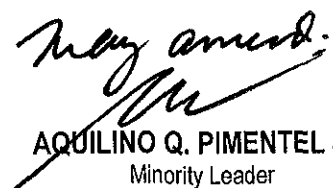
Ex-Officio Members:



**JINGCOY EJERCITO ESTRADA**  
President Pro-Tempore



**FRANCIS N. PANGILINAN**  
Majority Leader



**AQUILINO Q. PIMENTEL JR.**  
Minority Leader

**Hon. MANNY VILLAR**  
*President*  
Senate of the Philippines  
Pasay City

FOURTEENTH CONGRESS OF THE REPUBLIC)  
OF THE PHILIPPINES )  
First Regular Session )

7 13 15 21

SENATE  
S. No. 1757

RECEIVED BY: 1

---

Introduced by Senator Miriam Defensor Santiago

---

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 the 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 v. 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.\*

  
MIRIAM DEFENSOR SANTIAGO  
*sdh*

---

\* This bill was originally filed during the Thirteenth Congress, Second Regular Session.

FOURTEENTH CONGRESS OF THE REPUBLIC)  
OF THE PHILIPPINES )  
First Regular Session )

7 JUL 16

SENATE  
S. No. 1757

RECEIVED BY: \_\_\_\_\_

Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 REGULATING THE USE OF SIDEWALKS FOR COMMERCIAL AND OTHER PURPOSES  
3 *Be it enacted by the Senate and the House of Representatives of the Philippines in*  
4 *Congress assembled:*

5 SECTION 1. *Short Title.* – This Act shall be known as the “Clear Sidewalks Act of  
6 2007.”

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

13 SECTION 3. *Definition of Terms.* – As used in this Act, the term:  
14 (A) “Sidewalks” mean paved paths for pedestrians alongside streets.  
15 (B) “Illegal structures/obstructions” mean structures which are erected on sidewalks  
16 without the necessary permit.  
17 (C) “Sidewalk vendor” means any person or individual who sells or vends any  
18 agricultural products, cooked foods and/or dry goods, items or articles, including any  
19 person who attends to these above-cited products which hare intended to be sold, at  
20 any temporary location, sidewalk, alley, vacant space or portion thereof.  
21 (D) “Community-wide special occasions” mean community-sponsored special occasions  
22 which shall include, but not limited to fiestas, gatherings, etc.

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

- 4           (A) Vending or selling of foods, magazines, newspapers, cigarettes, brooms, watches or  
5           jewelries, shoes and other footwear, and/or any other items;
- 6           (B) Conduct of shoe-shine occupation;
- 7           (C) Doing house chores such as washing clothes, hanging clothes, and bathing;
- 8           (D) Vehicle garage or vehicle repair;
- 9           (E) Dumping garbage;
- 10          (F) Setting up of basketball court or goal;
- 11          (G) Use of sidewalk to install pens of animals or keep animals in chains;
- 12          (H) Storing softdrinks or wine or liquor bottles and cases; drinking liquor and beverages  
13          and holding picnics or gatherings;
- 14          (I) Storing of junks and recyclable materials;
- 15          (J) Use of sidewalk for storage of construction materials for sale (pipes, tubings,  
16          lumber, cement, and the like);
- 17          (K) House extension or stall/store extension including installation of roofs or awnings;
- 18          (L) Installation of permanent or picket fence;
- 19          (M) Use of sidewalks for plants, trees and plant boxes; and
- 20          (N) Signs or signboards on or above sidewalks and detached from the business  
21          establishment.

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

- 25          (A) Community-wide special occasions or sales promotion days. The licensing authority  
26          may establish rules and regulations governing displays and sales of merchandise  
27          during community-wide special occasions or sales promotion days. For these

1           purposes, the licensing authority shall clearly designate the portions of the sidewalks  
2           on which merchandise may be displayed as well as the duration of such use.

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

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

8           A representative of the licensing authority shall be present to oversee such  
9           authorized temporary use of sidewalks.

10          SECTION 6. *Content of Applications for Temporary Use of Sidewalks.* – The application  
11          for the grant of permits for the temporary use of sidewalks during the above occasions shall  
12          contain the following information:

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

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

15          (C) The purpose of such use; and

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

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

21          SECTION 8. *Penalties.* – Any person who violates any of the provisions of this Act shall  
22          be punished by a fine of One Thousand Pesos (P1,000.00) which shall accrue to the Municipal or  
23          City Treasury, or imprisonment of not more than thirty (30) days, or both.

24          Any permit issued shall be revoked upon violation of the requirements under this Act.  
25          Such revocation shall prohibit the grant of a new permit for twelve (12) months from the date of  
26          the conviction.



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

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

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

9           Approved,

RCC/4-6-06