

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

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10 JUL 21 P4:23

SENATE
S. No. **1763**

RECEIVED BY:

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.

In the case of *Umali v. Aquino*, 1 C. A. Rep 339, the Supreme Court ruled 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.”

The same ruling 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/obstructions on or along those places in order to ensure a smooth flow of traffic and provide a safe and convenient movement of goods and persons.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
acs

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

10 JUL 21 P4:23

SENATE
S. No. **1763**

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 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:

3 SECTION 1. *Short Title.* – This Act shall be known as the “Clear Sidewalks Act.”

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

9 SECTION 3. *Definition of Terms.* – For the purposes of this Act, the term:

10 (A) “Sidewalks” means a paved path for pedestrians alongside streets.

11 (B) “Illegal structures/obstructions” means structures which are erected on sidewalks
12 without the necessary permit.

13 (C) “Sidewalk vendor” means any person or individual who sells or vends any
14 agricultural products, cooked foods and/or dry goods, items or articles, including any
15 person who attends to these above-cited products which hare intended to be sold, at
16 any temporary location, sidewalk, alley, vacant space or portion thereof.

17 (D) “Community-wide special occasions” means community-sponsored special occasions
18 which shall include, but not limited to fiestas, gatherings, and other similar occasions.

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 and/or vehicle repair;

9 (E) Dumping garbage;

10 (F) Setting up of basketball court/goal;

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

12 (H) Storing softdrinks or wine/liquor bottles and cases; drinking liquor and beverages and
13 holding picnics/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 Section must be
7 of a nonpermanent nature and must be neat and orderly. A representative of the licensing
8 authority shall be present to oversee such authorized temporary use of sidewalks.

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

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

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

14 (C) The purpose of such use;

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

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

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

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

Approved,