



Republic of the Philippines  
 PROVINCE OF EASTERN SAMAR  
 Borongan City  
 oOo-

**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**

EXCERPT FROM THE MINUTES OF THE REGULAR (5<sup>TH</sup> VIRTUAL) SESSION HELD BY THE SANGGUNIANG PANLALAWIGAN MEMBERS OF EASTERN SAMAR ON **FEBRUARY 19, 2021**, BORONGAN CITY, PROVINCE OF EASTERN SAMAR

**PRESENT:**

HON. MARIA CARIDAD S. GOTEESAN . . . . . Vice-Governor/Presiding Officer

**FIRST DISTRICT:**

HON. VIRGINIA R. ZACATE . . . . . SP Member  
 HON. NEIL M. ALVAREZ . . . . . SP Member  
 HON. ANNABELLE A. CAPITO . . . . . SP Member  
 HON. ESTANISLAO N. QUELITANO, JR. . . . . SP Member

**SECOND DISTRICT:**

HON. ADEL JO CHRISTELLE Y. HERNANDEZ . . . . . SP Member  
 HON. MARK S. BIONG . . . . . SP Member  
 HON. MARK POL P. GONZALES . . . . . SP Member  
 HON. NESTORIO O. CABLAO . . . . . SP Member  
 HON. JAIME S. TY . . . . . SP Member

**PRESIDENT COUNCILORS LEAGUE:**

HON. BYRON M. SUYOT . . . . . Ex-Officio Member

**PRESIDENT-LIGA NG MGA BARANGAY:**

HON. ELOISE MELLONEY P. EVARDONE . . . . . Ex-Officio Member

**ABSENT:**

HON. KAREN D. ALVAREZ . . . . . SP Member  
 HON. GILBERTO B. GERMINO, JR. . . . . Ex-Officio Member

**PROVINCIAL ORDINANCE NO. 02, SERIES OF 2021**

**AN ORDINANCE REGULATING THE USE OF PROVINCIAL ROADS AND BRIDGES; “ENHANCING MAINTENANCE WORKS AND PREVENTING ROADWAY ILLEGAL OBSTRUCTIONS FOR THE FREE FLOW OF TRAFFIC AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF”**

**Principal Sponsor: HON. ESTANISLAO N. QUELITANO, JR.**  
 Co-Sponsors: All Sangguniang Panlalawigan Members Present

**WHEREAS**, Republic Act 11494 of the Bayanihan Recover as One Act provides:

“Section 4 COVID-19 Response and Recovery Interventions. – xxx.

(II) Regulation of traffic on all roads, streets, and bridges, and access thereto; prohibit putting up of encroachments or obstacles; authorize the removal of encroachments and illegal constructions in public places; and perform all other related acts; xxx.”

**WHEREAS**, Local government units are mandated to maintain all local roads within their jurisdiction as a basic service and facility, pursuant to Section 17(b) of Republic Act 7160 or the Local Government Code of 1991;

**WHEREAS**, in line with the policy if the government to ensure the safety and accessibility of our roads, the DILG issued Memorandum Circular No. 2020-027, or the Continued Implementation of the Presidential Directive to Clear Roads of Illegal Obstructions on February 7, 2020, which, among others, provided guidelines for local government units in the conduct of road clearing within their respective localities, with emphasis on implementation by Barangays and the clearing of barangay and tertiary roads;

**WHEREAS**, there have been conducted already road clearing operations provincewide since the directives on the matter from the Office of the President and the Department of the Interior and Local Government (DILG) have been disseminated to the LGUs; and to institutionalize the clearing of obstructions in public roads particularly in provincial roads hence, this Ordinance;

**WHEREFOR**, in consideration of the foregoing be it enacted by the Sangguniang Panlalawigan in Session duly convened:

**SECTION 1. SHORT TITLE.** For brevity this Ordinance shall be referred to and cited as **“Regulating the Use of Provincial Roads and Bridges Ordinance of 2021.”**

**SECTION 2. SCOPE AND PURPOSE.** This Ordinance shall serve the following purposes:

- a. To ensure that all provincial roads are safe, free and clear passage of vehicles and pedestrians;
- b. To improve the flow of traffic; and
- c. To prevent illegal obstructions in Provincial Roads and Bridges.

**SECTION 3. DEFINITION OF TERMS.** For the purposes of this Ordinance, the following terms shall have the corresponding definition:

- a. Provincial Roads are those that:
  - Connect cities and municipalities without traversing National Roads.
  - Connect National Roads to barangays through rural areas.
  - Connect to major provincial government infrastructure.
  - All other roads classified and declared as Provincial Roads and Bridges.
- b. Sidewalk and bike lanes obstructions on shoulders of Provincial Roads – any structure, whether permanent or temporary, immovable or movable, erected along, standing on adjoining, or in any manner impeding safe and convenient passage through any provincial road sidewalk and bike lanes; the conduct of business by sidewalk vendors; and any belonging or thing found therein, which shall all be deemed nuisance *per se* and treated as trash, subject to summary abatement and/or disposal, as provided for under this Ordinance. Provided, that the property of the government, including official road signs and structures erected and installed, for the purpose of regulating the flow of traffic shall not be considered as such.
- c. Obstructions on shoulders of Provincial Roads on vendors – any person who sells or offers for sale any consumer products, whether agricultural or manufactures, cooked foods and/or dry goods, items or articles, including any person who attends to these products intended to be sold at any temporary location, sidewalk, alley vacant space or portion thereof.
- d. Setback – the horizontal distance, measured from the outmost face of the building/structure to the property lines that must be absolutely free of all forms of physical obstructions, that can negatively affect natural light and ventilation, or that can impede access to the sides and near area.
- e. Classification of roads: dirt road, gravel road, asphalt road and concrete road.
- f. Classification of bridges: footbridge, overflow causeway, hanging bridge, concrete bridge, steel and concrete bridge.

**SECTION 4. INVENTORY OF PROVINCIAL ROADS AND BRIDGES.** The Provincial Engineering Office shall maintain an inventory of roads and Bridges within the Province of Eastern Samar, which may be conducted in coordination with the concerned Department of Public Works and Highways District Engineering Office, and shall include road classification, determination of road measurements, and identification and documentation of obstructed roads and natures of obstructions;

**SECTION 5. CONTINUING MAINTENANCE, REHABILITATION AND IMPROVEMENT WORKS.** Maintenance of existing Provincial Road and Bridges, rehabilitation and repair those that were destroyed caused by inclement weather and continuous wear and tear; and improvement of Roads and Bridges to better classification of Roads and Bridges.

**SECTION 6. GUIDELINES IN THE CONDUCT OF ROAD AND BRIDGES CLEARING OPERATIONS.** In the conduct of road clearing operations, the following guidelines shall be observed:

- a. Road clearing shall mean the removal of illegal or unauthorized road obstructions along the road right-of-way, which encompasses the entire width of the road carriageway (including travel way for motor vehicles and road shoulders) and sidewalk. The widening of the scope of the existing road right-of-way and activities undertaken for such purpose are beyond the scope of this Ordinance;
- b. Road obstructions are structures, materials, or activities within the road right-of-way that impede the free and clear passage of motor vehicles or pedestrians and/or pose danger or cause injury to motorist, pedestrians, or occupants of nearby structures. These include, but are not limited to:
  1. Vehicles parked in prohibited places as specified in Section 46 of Republic Act 4136 or the Land Transportation and Traffic Code, or in sidewalks, paths, or alleys not intended for vehicular parking pursuant to Section 52 of the same Republic Act.
  2. Vehicular terminals except in areas designated by the concerned LGU.
  3. Vending sites for any kind of item.
  4. House encroachments that obstruct the road right-of-way, protruding gates, conduct of household activities, and tents, except those being temporarily used for funerals and other similar activities.
  5. Store encroachments and indiscriminate signage and advertisements.
  6. Obstructing barangay outposts, halls, markers, and advertisements.
  7. Conduct of sports, sports facilities, and other related activities.
  8. Drying of rice or other crops.
  9. Construction materials including sand, gravel, cement, steel bars, logs, and the like.
  10. Debris, waste materials, and other junked items.
  11. Other structures, materials, or activities identified by the LGU as obstructions through their road inventory;
- c. Obstructing and/or hazardous trees may be pruned or removed by the Provincial Engineering Office in accordance with rules imposed by the Department of Environment and Natural Resources; and Philippine Coconut Authority.

**SECTION 7. DISPLACEMENT STRATEGY.**

1. In cases wherein structures or facilities owned by utility service providers, such as posts, meters, instrumentation boxes, and the like, cause obstruction to the road right-of-way, due coordination shall be made by the concerned utility company and the local government unit to remove or relocate the obstructing structure or facility. It must also be ensured that such relocation, and the conduct of road clearing operations in general, shall not cause disruption to the delivery of utility and other basic services.

2. In cases wherein materials, equipment, and structures temporarily obstruct the road right-of-way due to the undertaking of a project by a national government agency, the Provincial Engineering may coordinate with the concerned agency to relocate the obstructions or agree on a timetable for its removal;
3. Portions of provincial roads that are being utilized as parking areas, transportation terminals and vehicle repair shop shall be removed and relocated after due notice, to a safe location at owner's choice.
4. Affected vendors shall be relocated to designated areas identified by the LGUs; and if qualified under the national and LGU Livelihood Programs, may be provided financial and technical assistance.

#### **SECTION 8. GRIEVANCE PROCEDURE**

The Office of the Governor thru the Office of the Provincial Engineer, shall act accordingly on feedbacks and grievances of affected persons: individual, juridical or institutional, by establishing a Help Desk and a Road Clearing Unit of the Provincial Engineering Office.

A hotline via landline and mobile phone call and text and various social media platforms in the internet, e.g. facebook, twitter, Instagram, messenger, etc.

#### **SECTION 9. INTER-LGU and Partner Agencies Coordination**

To effectively implement this Ordinance, there shall be close coordination by and between the province thru the Office of the Governor and among the city and municipal mayors where provincial roads and bridges are located in respective LGU jurisdictions and with DILG, DPWH, PNP, BFP, DENR, PCA and private sectors specially during road clearing operations, among others.

#### **SECTION 10. MONITORING AND EVALUATION**

The Provincial Engineering Office shall conduct regular tracking and keeping records in the enforcement of this Ordinance in consultation and reporting to the Office of the Governor.

The Office of the Provincial Engineer shall provide assistance and support to the Inter-Agency Composite Evaluation Team who may visit the province and component city and municipalities for evaluation and/or validation in compliance to R.A. 11494, the "Bayanihan to Recover as One Act" and directives of the Department of the Interior and Local Government (DILG).

#### **SECTION 11. PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE SHALL BE METED WITH THE FOLLOWING PENALTIES.**

1. First Offense – written warning.
2. Second Offense – Confiscations of Items/Materials.
3. Third and subsequent Offence – Administrative fine of Two Thousand Pesos (₱2,000.00) per violations but not to exceed ₱5,000.00.

**SECTION 12. SEPARABILITY AND REPEALING CLAUSE** – If any provision of this Ordinance is declared not valid or unconstitutional, the other provisions shall remain in force and effect. All Ordinances, Executive Orders and Resolutions inconsistent hereof are hereby modified, amended or repealed accordingly.

**SECTION 13. EFFECTIVITY CLAUSE.**

1. This Ordinance shall take effect immediately upon its approval and posting at the Provincial Capitol Building and Legislative Building Bulletin Boards for three (3) consecutive weeks and where available, publication in local newspaper of general circulations and to the official Gazette.
2. Full implementation of this Ordinance shall take effect upon declaration of the province by the National Inter-Agency Task Force Against COVID-19 under classification or category as Modified General Community Quarantine (MGCQ) or New Normal/Post Quarantine Scenario.

Nonetheless, Road Clearing Operations shall continue to take effect immediately per sub-paragraph No. 1 above in this Section.

3. The Sangguniang Panlalawigan Secretary shall immediately cause the wide dissemination of this Ordinance using the tri-media network such as: Radio, Television, News Papers/Bulletin and Social Media of various platforms such as Facebook, Twitter, Instagram, etc.

**ENACTED: February 19, 2021, Borongan City, Eastern Samar.**

X-----X

*I hereby certify to the correctness of the foregoing Ordinance.*

  
**HON. MARIA CARIDAD S. GOTEESAN**  
Vice-Governor/Presiding Officer

  
**HON. VIRGINIA R. ZACATE**  
SP Member

  
**HON. ADEL JO CHRISTELLE Y. HERNANDEZ**  
SP Member

  
**HON. MARK S. BIONG**  
SP Member

  
**HON. NEIL M. ALVAREZ**  
SP Member

  
**HON. MARK POL P. GONZALES**  
SP Member

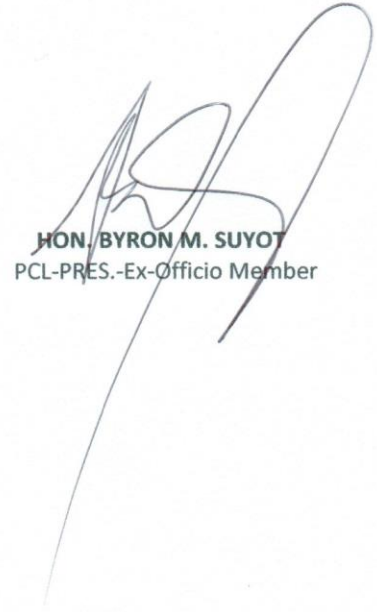
Provincial Ordinance No. 02, Series of 2021. AN ORDINANCE REGULATING THE USE OF PROVINCIAL ROADS AND BRIDGES; "ENHANCING MAINTENANCE WORKS AND PREVENTING ROADWAY ILLEGAL OBSTRUCTIONS FOR THE FREE FLOW OF TRAFFIC AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF"

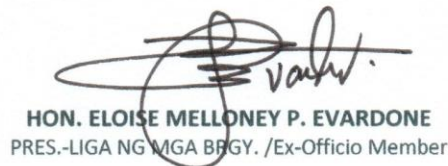
**HON. ANNABELLE A. CAPITO**  
SP Member

  
**HON. NESTORIO O. CABLAO**  
SP Member


  
**HON. JAIME S. TY**  
SP Member

  
**HON. ESTANISLAO N. QUELITANO, JR.**  
SP Member

  
**HON. BYRON M. SUYOT**  
PCL-PRES.-Ex-Officio Member

  
**HON. ELOISE MELLONEY P. EVARDONE**  
PRES.-LIGA NG MGA BFGY. /Ex-Officio Member

ATTESTED:

  
**FRANKLIN N. ROBEDIZO**  
Secretary to the Sanggunian

APPROVED:

  
**BEN P. EVARDONE**  
Governor  
Date: \_\_\_\_\_