



Republika ng Pilipinas  
Lungsod Quezon  
SANGGUNIANG PANLUNGSOD  
(City Council)

PO2000-45

67th Regular Session

ORDINANCE NO. SP- 946 S-2000

AN ORDINANCE PROVIDING FOR THE OPENING TO THE PUBLIC OF SUBDIVISION ROADS WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY, AND INSTITUTING A SYSTEM FOR THE IDENTIFICATION AND REGULATION THEREOF

Introduced by Councilors MICHAEL F. PLANAS, JORGE L. BANAL, JULIAN M.L. COSETENG, WINSTON "Winnie" T. CASTELO, RAMON G. MATHAY, ERIC Z. MEDINA, MA. FRESCA M. BIGLANGAWA, GODOFREDO T. LIBAN II, ELIZABETH A. DELARMENTE, WILMA AMORANTO-SARINO, NANETTE CASTELO DAZA, MARCEL C. RILLO, FERNANDO V. AVANZADO, BAYANI V. HIPOL and MARCIANO P. MEDALLA

Sponsored by Councilor Eufemio C. Lagumbay

WHEREAS, police power is conferred upon the local government units (LGU) under Section 16 of the Local Government Code, which provides for the General Welfare Clause, to wit: "Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient governance, and those which are essential to the promotion of the general welfare, xxx,"

WHEREAS, it is the policy of the State to afford its inhabitants the requirements of decent human settlements and to provide them with ample opportunities for improving their quality of life;

WHEREAS, the worsening traffic problem demands that every member of society should join in the effort to provide a solution to this problem and be ready to sacrifice personal convenience and comfort for the common good;

WHEREAS, there is a great need to respect the road-right-of-way of existing property owners in the area where subdivisions are erected;

WHEREAS, the exercise of the police power of the State is necessary in implementing an effective, judicious and just solution to this problem;

WHEREAS, the police power of a municipal corporation is broad and is commensurate with, but not to exceed the duty to provide for the real needs of the health, safety, comfort and convenience of the members of the community as consistently as may be with private rights;

WHEREAS, the Constitution guarantees substantive due process and upholds the right to private property and such can only be taken upon payment of just compensation,

WHEREAS, it is also a state policy declared in the Local Government Code that the appropriate local government unit, non-governmental and people's organizations and other concerned sectors of the community should also be consulted before any project or program is implemented in their respective jurisdictions.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED:

SECTION 1. All subdivision roads within the territorial jurisdiction of Quezon City are hereby opened for the use of the public after a determination that the opening is of utmost necessity to decongest traffic or as a response to natural or man-made calamities and other public disasters. For this purpose, such roads and streets shall be opened only for such time of the day and days of the week as may be necessary.

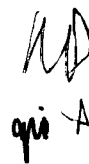
In opening subdivision roads for the purpose of traffic decongestion, it must be established that:

- i) the vehicular traffic in the area has resulted in traffic congestion;
- ii) the subdivision roads are connected to another public road;
- iii) there are no alternative routes which can serve the purpose; and
- iv) the physical condition of the subdivision road specified is capable of absorbing the additional volume of traffic certified by the City Engineer.

SECTION 2. The City Mayor is hereby authorized to identify and designate such subdivision roads which will be opened to public use, through a City Council Resolution, subject to the purpose and parameters specified in the preceding section.

SECTION 3. Requirements before Identification. The City Mayor shall so identify and designate such subdivision roads with:

- a) the prior concurrence of the Sangguniang Barangay having jurisdiction over the particular subdivision or streets, expressed through a Barangay Resolution;
- b) the favorable recommendation by the City Planning and Development Office;
- c) the favorable consideration by the Department of Public Order and Safety directly responsible for the traffic management of the specific street concerned; and
- d) a prior resolution of the City Council.



SECTION 4. Consultations. - a) The concerned Sangguniang Barangay shall, before considering the resolution filed for the purpose of opening subdivision roads within its territorial jurisdiction, notify the homeowners association concerned in writing of the same and conduct such public hearings as may be necessary, but in no case shall there be less than two (2) public hearings conducted for the purpose; PROVIDED, that no such public hearings shall be held without giving two (2) weeks advance notice to the concerned homeowners' association.

b) The City Mayor shall, thirty (30) days before the promulgation of the Executive Order designating such subdivision roads open to the public, publish notices of such proposed Executive Order in three (3) public places, including the vicinity of the particular road or subdivision concerned, and solicit the view of the public thereon. The homeowners' association shall also be notified in writing of the proposed Executive Order thirty (30) days before its promulgation.

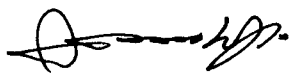
SECTION 5. After such designation, it shall be unlawful for any person, firm or corporation to close, prevent or otherwise refuse the public or vehicular traffic the use of or free access to any subdivision within the jurisdiction of Quezon City.

SECTION 6. Prohibited Act. It shall be unlawful for any person, firm or corporation to solicit or exact toll fees or charge in exchange for the exercise of the right to pass through subdivision roads; PROVIDED, that bonafide duly registered homeowners associations shall be allowed to sell village stickers to their homeowners, proceeds of which shall be used for security purposes. PROVIDED, further, that said homeowners associations shall be allowed to regulate the passage of trucks or heavy equipment within their subdivision road.

SECTION 7. Penalty Clause. Any person found violating this Ordinance, shall upon conviction, be penalized by imprisonment or fine or both such imprisonment or fine at the discretion of the Court in the manner, as follows:

- a. First Offense - a fine of not less than Five Hundred Pesos (P500)
- b. Second Offense - a fine of not more than Seven Hundred Pesos (P700)
- c. Third Offense - a fine of not more than One Thousand Pesos (P1,000)
- d. Fourth Offense - Imprisonment of Thirty (30) days or fine of not more than Five Thousand Pesos (P5,000)

PROVIDED, HOWEVER, that if the offender is a partnership, corporation, security agency or any other entity duly organized under existing laws, the Business Permits and Licensing Office (BPLO) of the Quezon City government shall revoke/cancel/refuse the renewal of the license of the offender; PROVIDED, further, that, if the offender is an employee of any of the above mentioned juridical entity, the latter shall be solidarily liable from the time with the offender; PROVIDED, Finally, that the officers, members of governing boards, representatives or agents, members of the partnership, corporation, or security agency who have actually participated in, authorized or ratified the violation of Sections 4 and 5 hereof, shall be held criminally liable with the offender.




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SECTION 8. Separability Clause - If, for any reason or reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provision hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 9 Effectivity Clause - This Ordinance shall take effect upon its approval.


ENACTED: September 5, 2000.

  
JORGE L. BANAL  
President Pro-Tempore  
Acting Presiding Officer

ATTESTED:

  
GREGORIO Q. ALIDO  
Legislative Staff Officer VI

APPROVED: 10-9-2000

  
ISMAEL A. MATHAY, JR.  
City Mayor