

Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
18th City Council

PO2011-59

30th Regular Session

ORDINANCE NO. SP- 2068 , S-2011

AN ORDINANCE PROHIBITING ANY PERSON, NATURAL OR JURIDICAL, FROM OCCUPYING OR CONSTRUCTING ANY STRUCTURES, EDIFICES OR SHANTIES IN ANY PORTION OF THE STREETS, ALLEYS, SIDEWALKS, OPEN SPACES AND OTHER PUBLIC PLACES AND/OR USING THE SAME AS DWELLING PLACES, VENDING SITES, PLACES OF BUSINESS AND COMMERCE OR RECREATIONAL AREAS, EXCEPT THOSE ALLOWED BY THE GOVERNMENT.

Introduced by Councilors GODOFREDO T. LIBAN II, ANTHONY PETER D. CRISOLOGO, JOSEPH P. JUICO, ALEXIS R. HERRERA, PRECIOUS HIPOLITO CASTELO, EDEN "CANDY" A. MEDINA, JULIENNE ALYSON RAE V. MEDALLA, RODERICK M. PAULATE, JULIAN ML. COSETENG, ALLAN BENEDICT S. REYES, JAIME F. BORRES, JOSE MARIO DON S. DE LEON, GIAN CARLO G. SOTTO, EUFEMIO C. LAGUMBAY, RAQUEL S. MALAÑGEN and RANULFO Z. LUDOVICA.

WHEREAS, Section 16 of Republic Act No. 7160, the Local Government Code of 1991, authorizes the local sanggunian to exercise "the power expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. x-x-x-x-;

WHEREAS, Section 458 (2-vi) of the same law, empowers the local sanggunian to "prescribe reasonable limits and restraints on the use of property within the jurisdiction of the city";

WHEREAS, pursuant to Section 458 (5-v and vi), the local sanggunian is likewise authorized to regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places x-x-x-x-; and "regulate traffic on all streets and bridges; prohibit encroachments or obstacle thereon and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places" respectively;

WHEREAS, it is already of public knowledge that in some portion of the streets, alleys, sidewalk, open spaces and other public places in Quezon City are erected various types of structures and shanties which are being used as dwelling places, vending sites of goods, articles, commodities and similar other articles of commerce, repair shops or as the storage thereof; vulcanizing, recapping and battery charging shops, recreational areas, and many others;



WHEREAS, the presence of these illegal structures, business and commercial undertakings and similar others mentioned above poses imminent danger to health, safety and the security of the general public.

NOW, THEREFORE,

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

SECTION 1. The use, occupation or construction of any structures, edifices or shanties on any portion of the streets, alleys, sidewalks, open spaces and other public places or using the same as dwelling places, vending sites, places of business and commerce or recreational areas, except those allowed by the government, is hereby prohibited.

SECTION 2. All existing structures, shanties or edifices found erected on any portion of the streets, alleys, sidewalks, open spaces and other public places, except those allowed by the government, are hereby declared illegal structures and are subject to summary demolition.

SECTION 3. All traffic and law enforcers belonging to the Department of Public Order and Safety and the barangay are hereby deputized to enforce and carry out the provisions of this ordinance by conducting regular inspection of the presence of the illegal structures or shanties.

SECTION 4. The deputized traffic and law enforcers shall notify the Office of the Task Force COPRISS within forty eight (48) hours from the time of the discovery of the presence of the illegal structure using the form prepared for the purpose. The Task Force COPRISS shall prepare and print the desired inspection report form and distribute sufficient copies thereof to all Punong Barangay and the Chief of the Department of Public Order and Safety, immediately upon the approval of this ordinance.

SECTION 5. The Office of Task Force COPRISS shall serve notices of demolition to the owners or occupants of the illegal structures and shanties within forty eight (48) hours upon receipt of the inspection report.

SECTION 6. The owner or any person occupying or using the subject illegal structures or shanties shall be given a period of forty five (45) days from receipt of notice of demolition from the Task Force COPRISS within which to vacate the subject premises. No extension of time to vacate the premises shall be granted. Thereafter, the Office of the Task Force COPRISS shall proceed to demolish said structures or shanties.

SECTION 7. The Task Force COPRISS, Department of Public Order and Safety and the Liga ng mga Barangay are directed to prepare the rules and regulations within twenty (20) days from the approval of this ordinance. The copy of the IRR shall be furnished to the Offices of the Mayor, Vice Mayor, all Punong Barangay and the Central Police District Chief.


SECTION 8. Any person or persons found to be violating the provisions of Section 1 hereof shall be penalized by a fine of five thousand pesos (P5,000.00) or an imprisonment of one (1) year, or both such fine and imprisonment at the discretion of the court.

SECTION 9. The concerned Barangay Officials, Heads and responsible personnel of the Quezon City Government who shall fail to perform the duties and functions mandated under this ordinance shall be held administratively liable in accordance with existing laws.


SECTION 10. All Ordinances, administrative orders, circulars, memoranda, and rules and regulations, or any part thereof, which are inconsistent with this Ordinance are deemed repealed or modified, accordingly.

SECTION 11. This ordinance shall take effect after compliance with the posting and publication requirements as prescribed under Section 59 of R.A. No. 7160.

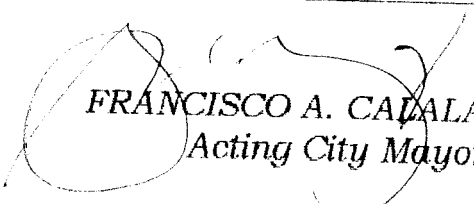
ENACTED: June 13, 2011.


EDCEL B. LAGMAN, JR.
Acting Vice Mayor
Acting Presiding Officer

ATTESTED:


DOROTHY D. LAGRADA, dpa
City Secretary

APPROVED: _____


FRANCISCO A. CADALAY, JR.
Acting City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on June 13, 2011 and was PASSED on Third/Final Reading on June 27, 2011.


DOROTHY D. LAGRADA, dpa
City Secretary