



Republic of the Philippines
Province of Bulacan
City of Malolos

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF 38th REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF MALOLOS HELD AT LOG CABIN RESTAURANT AND HOMESTAY, PATAY SAGADA, MOUNTAIN PROVINCE ON APRIL 03, 2023.

MEMBERS PRESENT:

HON. MIGUEL ALBERTO T. BAUTISTA	City Vice Mayor Presiding Officer
HON. FRANCISCO J. CASTRO	City Councillor
HON. JOHN VINCENT G. VITUG III	"
HON. NINO CARLO C. BAUTISTA	"
HON. MICHAEL M. AQUINO	"
HON. MIGUEL CARLOS B. SOTO	"
HON. EDGARDO F. DOMINGO	"
HON. THERESE CHERYLL B. OPLE	"
HON. VICTORINO M. ALDABA III	"
HON. EMMANUEL R. SACAY	"
HON. DENNIS D. SAN DIEGO	"
HON. DIONISIO C. MENDOZA	ABC President
HON. PATRICK S. DELA CRUZ	SK President

ALL MEMBERS PRESENT:

CITY ORDINANCE NO. 24-2023

AN ORDINANCE PROVIDING MEASURES TO ENSURE PEDESTRIAN SAFETY AND CONVENIENCE IN PUBLIC ROADS AND SIDEWALKS WITHIN THE CITY OF MALOLOS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

**AUTHORED BY: HON. NINO CARLO C. BAUTISTA, HON. EMMANUEL R. SACAY, HON. EDGARDO F. DOMINGO, HON. MIGUEL CARLOS B. SOTO & HON. VICTORINO M. ALDABA III
CO-AUTHORED BY: MEMBERS OF SANGGUNIANG PANLUNGSOD OF MALOLOS**

EXPLANATORY NOTE

There number of incidents and inconvenience present in the pedestrian lanes/sidewalks within the territorial jurisdiction of the City. Many of these incidents or tragedies are preventable. Providing a clear path to pedestrian's walkways could help prevent these.

Sidewalks separated from the roadway are the preferred accommodation for pedestrians. Sidewalks provide many benefits including safety, mobility, and healthier communities. In addition to reducing walking along roadway crashes, sidewalks reduce other pedestrian crashes.

This ordinance aims to address four different but related areas of public concern: 1) the worsening traffic conditions in our cities; 2) the corresponding congestion along our sidewalks; 3) the guarantee of safe and convenient public access for all pedestrians, especially the disabled; and 4) the absence of adequate relief for pedestrian incidents as a result of hazards to passage along our roads and sidewalks.

Also, in lined with the Department of the Interior and Local Government's Memorandum Circular 2019-121, where all Local Government Units are directed to clear the roads from illegal structures and constructions, based on President Rodrigo Duterte's 4th State of the Nation Address.

HON. FRANCISCO J. CASTRO
CITY COUNCILOR

HON. JOHN VINCENT G. VITUG III
CITY COUNCILOR

HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR

HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR

HON. MICHAEL M. AQUINO
CITY COUNCILOR

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CITY COUNCILOR

HON. PATRICK S. DELA CRUZ
CITY COUNCILOR

HON. DIONISIO C. MENDOZA
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HON. DENNIS D. SAN DIEGO
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HON. VICTORINO M. ALDABA III
CITY COUNCILOR

HON. THERESE CHERYLL B. OPLE
CITY COUNCILOR

HON. EDGARDO F. DOMINGO
CITY COUNCILOR

Thus, this ordinance proposes that all obstructions found along sidewalks and public roads be declared by the City as nuisance. This would make them subject to summary abatement by our local governments. In this manner, the City will no longer have any delays in removal of such obstructions. Public utilities and contractors who conduct construction and repair work along our roads and in the process, endanger pedestrian safety, are also subject to penalties under this Ordinance.

Pursuant to the Republic Act No. 7160, otherwise known as Local Government Code of 1991, the Sangguniang Panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants;

It is necessary in the interest of public order, safety and security that the government immediately adopt and enforce adequate and effective measure to prevent said incidents;

Be it ENACTED by the Sangguniang Panlungsod of the City of Malolos in Session assembled that:

**RULE I
GENERAL PROVISIONS**

SECTION 1. - TITLE OF ORDINANCE - This Ordinance shall be known as "Walkable Lane Ordinance".

SECTION 2. - DECLARATION OF POLICY - The City Government in the interest of safety of the public and its constituents, shall legislate this ordinance for the following purposes:

- a. To make all public roads and sidewalks safe and convenient for the use of pedestrians;
- b. To improve the flow of traffic;
- c. To promote the right of the disabled to safe and convenient access;
- d. To authorize the appropriate local government units to institute the summary abatement of obstructions along public roads and sidewalks; and
- e. To provide penalties against those who endanger pedestrian safety or convenience by their acts or omissions.

SECTION 3. - COVERAGE OF ORDINANCE - All pedestrian lane, sidewalks, streets and roads within the jurisdiction of the City of Malolos, shall obey this Ordinance.

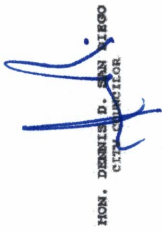
**RULE II
DEFINITION OF TERMS**

SECTION 4. - DEFINITION OF TERMS - As used in this ordinance the following terms are defined as follows:

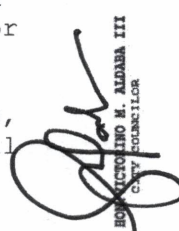
- a. **Pedestrian lane or Cross walk** - Part of the public road at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the road;
- b. **Public Roads** - all streets, roads, bridges, highways and other thoroughfares constructed and maintained by the national government or by any local government unit: Provided, that any road or sidewalk not falling under this definition but which, upon determination, is deemed vital to pedestrian access or safety, shall be deemed a public road or sidewalk for the purposes of this Ordinance.


HON. PATRICK S. DELLA CRUZ
CITY COUNCILOR

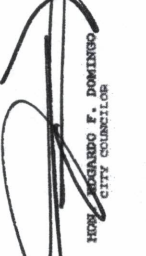

HON. DIONISIO C. MENDOZA
CITY COUNCILOR

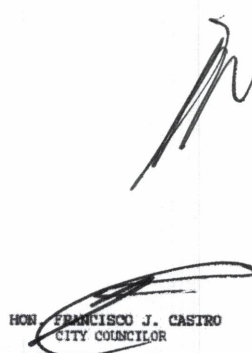

HON. DENNIS D. SAN DIEGO
CITY COUNCILOR


HON. EMANUEL B. SELAY
CITY COUNCILOR


HON. VICTORINO M. ALDABA III
CITY COUNCILOR

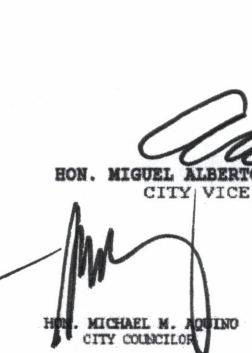

HON. TERESE CERVILLA B. ODE
CITY COUNCILOR


HON. RICARDO F. DOMINGO
CITY COUNCILOR


HON. FRANCISCO J. CASTRO
CITY COUNCILOR


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CITY VICE MAYOR


HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

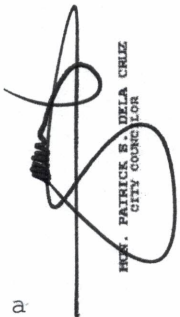
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- c. **Sidewalks** - all specific areas running parallel to both sides of a public road, with a width and elevation as may be deemed appropriate for safe and convenient pedestrian passage, by the appropriate consultation with the Department of Public Works and highways (DPWH): Provided, that for public roads which, for reasons of lack of land area, easement or legal right protected by law, may not be provided with sidewalks, it shall be designate passing lanes which may be lesser in dimension than regular sidewalks but which shall, in every case, be adequate for safe and convenient pedestrian passage,
 - d. **Obstruction** - any structure, permanent or otherwise, movable or immovable, erected along, standing on, abutting or in any manner impeding safe and convenient passage through any public road or sidewalk shall be deemed an obstruction subject to summary abatement under this Ordinance: Provided, that property of the government including structures erected or installed for the purpose of regulating the flow of traffic shall not be deemed obstructions.

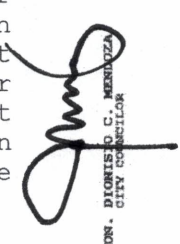
RULE III
RIGHTS, DUTIES, ABATEMENT, COMPLIANCE AND ENFORCEMENT

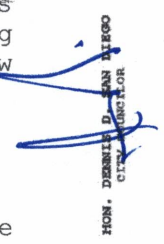
SECTION 5. - RIGHTS AND DUTIES OF PEDESTRIAN - Pedestrians have the following rights and duties:

A. Pedestrian crossing in general.

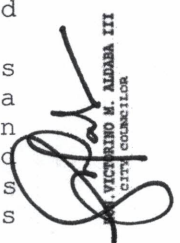
1. Where sidewalks are provided, pedestrians shall, unless required by circumstances, walk along sidewalks. No pedestrian shall walk along and upon the portion of a public road paved for vehicular traffic.
2. Where sidewalks are not provided, a pedestrian walking along and upon a public road shall, when practicable, walk only on the shoulder on the left side of the roadway in relation to the pedestrian's direction of travel, facing traffic which may approach from the opposite direction.
3. No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, may go upon any public road except while crossing a street on a crosswalk; and, when so crossing, such person shall be granted all rights all rights and shall be subject to all of the duties applicable to pedestrians.
4. The driver of vehicle at any crosswalk where a sign so indicates shall stop and remain stopped to allow a pedestrian to cross a public road when the pedestrian is in a crosswalk or pedestrian lane or steps into lane and is upon the half of the public road upon which the vehicle is travelling or when the pedestrian is approaching so closely from the opposite half of the public road as to be in danger.
5. When traffic control signals are not in place or in operation and no sign indicates otherwise, the driver of a vehicle shall yield, slowing down or stopping if need be to so yield, to a pedestrian crossing the road within a marked crosswalk or when the pedestrian is upon the half of the public road upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the public road as to be in danger.
6. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is possible for the driver to yield.
7. When a vehicle is stopped at a crosswalk to permit a pedestrian to cross the public road, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
8. A pedestrian may not cross an intersection diagonally except where and when crossing is authorized by official traffic control devices.

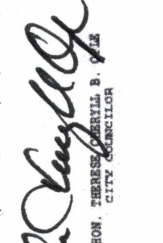

HON. PATRICK B. DELA CRUZ
CITY COUNCILOR

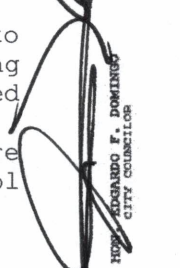

HON. DIONISIO C. MENDOZA
CITY COUNCILOR


HON. DENNIS D. SAN DIEGO
CITY COUNCILOR


HON. MANUEL S. SALAZAR
CITY COUNCILOR


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HON. TERESE DERYLL B. OZA
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HON. MICHAEL M. AQUINO
CITY COUNCILOR


HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR


HON. MIGUEL ALBERTO T. BAUTISTA
CITY VICE MAYOR

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- 9. Where a sidewalk is provided and its use is practicable, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.
- 10. Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the public road and, if on a two-way public road, shall walk only on the left side of the road.
- 11. The driver of a public utility vehicle (PUV) must, at all times, load and unload passengers along the sidewalk in marked loading and unloading stops.
- 12. Notwithstanding other provisions of this subsections or other ordinances of the City, a driver of a vehicle shall exercise due care to avoid colliding with a pedestrian, give warning by sounding the horn when necessary and exercise proper caution on observing a child or any obviously confused, incapacitated or intoxicated person.

B. Pedestrian crossing by visually or mobility impaired pedestrians:

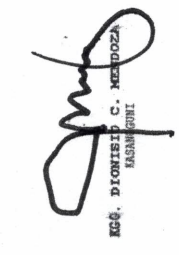
- 1. When a pedestrian is trying to cross a public road or highway, guided by a dog guide or carrying in a raised or extended position a cane or walking stick, an approaching driver is obliged to bring his vehicle to a full stop before arriving at such intersection or place of crossing and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian.
- 2. If a mobility impaired person (using a guide dog or service animal, a walker, a crutch, an orthopedic cane, or a wheelchair), is in the process of crossing a road way at an intersection, a driver approaching the intersection must stop before arriving at the intersection and take reasonable precautions to avoid injuring such a pedestrian.

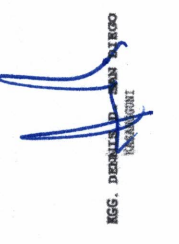
SECTION 6. - OBSTRUCTIONS AS NUISANCE - All obstructions along public roads and sidewalks are hereby presumed or declared nuisances and, as such, are subject to summary abatement without need of judicial proceedings. Provided, that temporary housing structures built along public roads and sidewalks during natural calamities shall not be declared nuisances in itself until the lifting of the declaration of a state of calamity; Provided, further, that the said temporary housing structures will not hamper or otherwise delay any government services during such calamities.


SECTION 7. - SUMMARY ABATEMENT - All barangays, are hereby authorized to summarily abate any obstruction found within their respective territorial jurisdictions: Provide, that where the obstruction is immovable, permanent and claimed by any person to be his private property, its abatement shall be done only after a non-extendible five-day period from notice to such person of the intended abatement within which such person may show cause why the abatement should not be ensue: Provide, further, that where such person files an action in any court against the intended abatement, he shall furnish a bond to the City Government of Malolos, in an amount to thrice the estimated value, if any, of the structure but in no case not less than three thousand Pesos (P3,000), which bond shall be forfeited in the event the suit is found groundless.

SECTION 8. - REMEDIES TO COMPEL COMPLIANCE - Any person may file, without need to pay any bond or filing fee, a petition for mandamus directed against the City Government to compel such unit to summarily abate and specified obstruction within its territorial jurisdiction: Provided, that such person has previously asked, in writing, the City Mayor, for such summary abatement and if it was not acted on the matter within fifteen (15) days from receipt thereof or has determined that summary abatement is not proper.

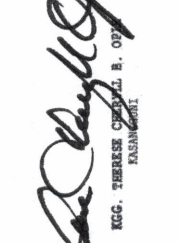

KGG. PATRICK E. DELA CRUZ
KASANGGUNI

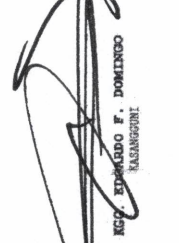

KGG. DIONISIO C. MEDOZA
KASANGGUNI


KGG. DENNIS SAN
KASANGGUNI

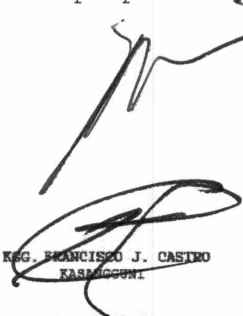

KGG. EMANUEL R. SNEY
KASANGGUNI

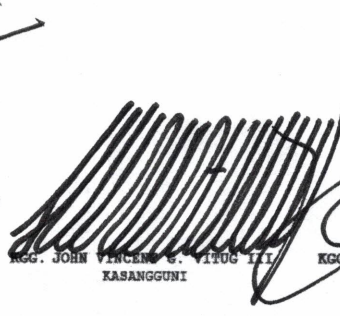

KGG. ANTONIO M. ANDARA III
KASANGGUNI

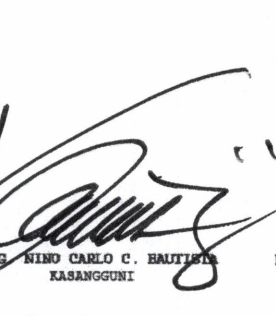

KGG. TERESE CERVIL B. OY
KASANGGUNI

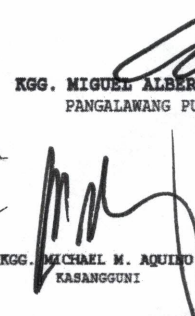

KGG. EDUARDO F. DOMINGO
KASANGGUNI

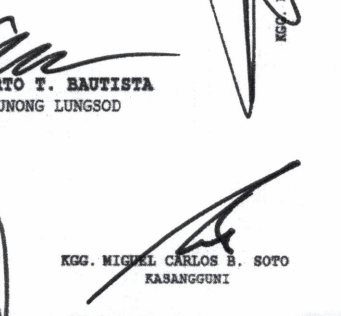

KGG. MIGUEL ALBERTO T. BAUTISTA
PANGALAWANG PUNONG LUNGSOD


KGG. FRANCISCO J. CASTRO
KASANGGUNI


KGG. JOHN VINCENT E. YIPUG III
KASANGGUNI


KGG. NINO CARLO C. BAUTISTA
KASANGGUNI


KGG. MICHAEL M. AQUINO
KASANGGUNI


KGG. MIGUEL CARLOS B. SOTO
KASANGGUNI

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In the event that it was determined that summary abatement is not proper, any person may file the proper action in court respecting abatement of nuisance unless the petition for mandamus in the preceding paragraph has been filed, in which case, said petition shall proceed as an ordinary action for abatement of nuisance. Said petition shall be without prejudice to and shall not affect any claim for damages as provided in the following Section.

SECTION 9. - DAMAGES FOR ACTS OR OMISSIONS ENDANGERING PEDESTRIAN SAFETY -
Any person who suffers damage to his person property as a result of an act or omission by another which endangers pedestrian safety may file an action for damages against any juridical or natural person or the City Government, including but not limited to the following acts or omissions resulting in damage:

- a. Failure to post a clearly marked and visible sign indicating on-going construction or repair work along a public or sidewalk;
- b. Failure to obtain the permits from the City Engineering Office required in undertaking repair or construction work or in conducting any other activity requiring the use of a public road or sidewalk;
- c. Failure to cover or provide adequate cover of any hole, ditch or digging along a public road or sidewalk;
- d. Failure to put up or use adequate protective roofing above sidewalks or public roads adjacent to any construction or repair site;
- e. Illegal parking of any vehicle along a public road or parking on a sidewalk;
- f. Destroying, removing or in any manner tampering with any sign or notice indicating an existing hazard to pedestrian safety or any lamp or lamppost illuminating a public road or sidewalk; and
- g. Building or in any manner placing a connecting pipe or portion thereof on an elevated concrete or other connecting material across or along a sidewalk;

SECTION 10. - PENALTIES:

a. Person found guilty of violations of the right and duties of pedestrians as enumerated in Section 5 hereof shall be penalized with the following fine:

- 1. First Offense - a fine of One Thousand Pesos (Php1,000.00)
- 2. Second Offense - a fine of Three Thousand Pesos (Php3,000.00)
- 3. Third Offense - a fine of Five Thousand Pesos (Php5,000.00) or imprisonment of not less than (1) month but not more than six (6) months, or both at the discretion of the court.

b. The penalty contained herein is without prejudice to the award damages to the aggrieved party, as may be proven during trial. The institution of a criminal action shall impliedly include the civil action, unless a separate civil action has been field or a reservation for the filling of such action is made in accordance with the Rules of court.

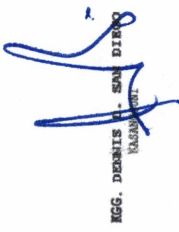
SECTION 11. - DISSEMINATION OF INFORMATION TO PUBLIC -The provisions of this Ordinance shall be disseminated widely to all barangays within the jurisdiction of the City.

**RULE III
FINAL PROVISIONS**

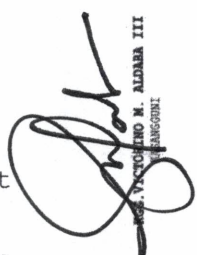
SECTION 12. - FUNDING - The Office of the City Mayor shall set aside whatever initial funds are necessary to the operation and implementation of this Ordinance, after which its operational funds shall be included in the annual budget of the City Traffic Management Office.


KGG. PATRICK S. DEEA CRUZ
KASANGGUNI


KGG. DIONISIO C. MOROZA
KASANGGUNI


KGG. DENNIS H. SAN DINO
KASANGGUNI


KGG. EDUARDEL R. SANCAY
KASANGGUNI

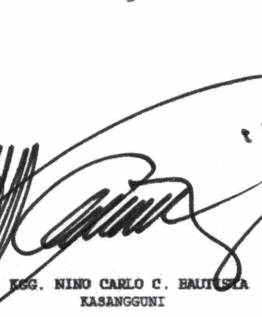

KGG. ANTONIO M. ALDARA III
KASANGGUNI

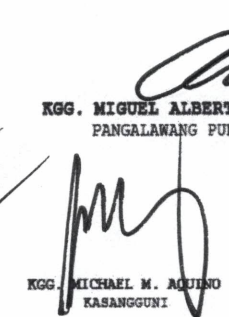

KGG. THERESA MARTEL B. OFJE
KASANGGUNI

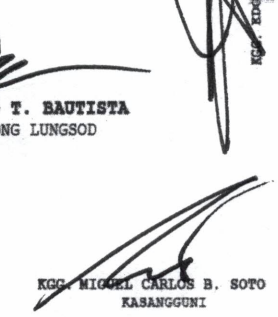

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PANGALAWANG PUNONG LUNGSOD


KGG. MICHAEL M. AQUINO
KASANGGUNI


KGG. MIGUEL CARLOS B. SOTO
KASANGGUNI

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A portion of the collected fines and penalties under this Ordinance shall be used for disaster preparedness and for security improvement in streets and roads of the City and/or funds will be placed or used upon the discretion of the City Mayor.

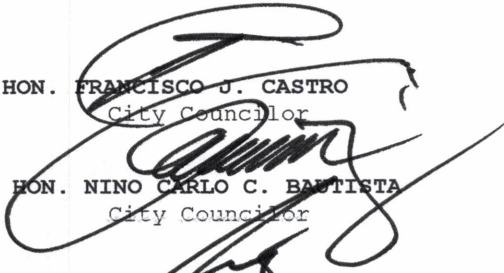
SECTION 13. - REPEALING CLAUSE - All ordinances resolutions, rules and regulations inconsistent with the provisions of this Ordinance are hereby repealed and modified accordingly.

SECTION 14. - SEPARABILITY CLAUSE - If for any reason, any section or provision of this Ordinance shall be held as unconstitutional or invalid by competent authority, such judgment or action shall not affect or impair the other sections or provisions thereof.

SECTION 15. - APPLICABILITY CLAUSE - All other matters relating to the impositions in this ordinance shall be governed by pertinent provisions of existing laws and other ordinances.


SECTION 16. - EFFECTIVITY - This ordinance shall take effect upon its approval.


APPROVED.

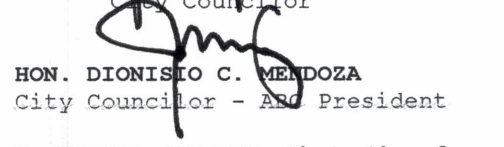

HON. FRANCISCO J. CASTRO
City Councilor


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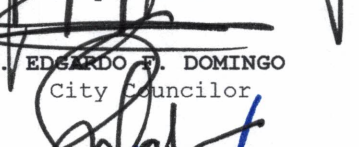

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HON. VICTORINO M. ALDABA III
City Councilor


HON. DENNIS D. SAN DIEGO
City Councilor


HON. PATRICK S. DELA CRUZ
City Councilor - SK President

I HEREBY CERTIFY that the foregoing City Ordinance was approved by the Sangguniang Panlungsod.

MA. ROSALIE SP. CRUZ
Local Legislative Staff Officer V
Temporary Secretary to the Sangguniang Panlungsod

ATTESTED BY:


HON. MIGUEL ALBERTO T. BAUTISTA
City Vice Mayor - Presiding Officer

APPROVED/DISAPPROVED:

APR 13 2023
Date of Approval:


ATTY. CHRISTIAN D. NATIVIDAD
City Mayor

*absent

DhorieTrogo*04042023