



**RESOLUTION NO. 032-D-2008**

WHEREAS, it has been observed that some sectors of our society, for any cause whatsoever, obstruct, impede or in any way hamper, partially or completely, the passability of any highway, road/street or any established right of way, exposing risk of accidents in highways and giving inconvenience to the commuting public ;

WHEREAS, it is essential that there be free access on highways, roads/streets or established right of way to ensure smooth flow of traffic and accessibility of the general public;

WHEREAS, it is necessary that such matters be brought within the ambit of the law so as to ensure that the public be well and truly served;

NOW THEREFORE, Be it resolved as it is hereby resolved by the Sangguniang Panlungsod of the City of Naga, Cebu, on motion of Hon. Nilo B. Alinsonorin, duly seconded in mass, to adopt and promulgate the following Ordinance:

**ORDINANCE NO. 007-2008**

AN ORDINANCE PROHIBITING ANY PERSON WHO OBSTRUCTS IMPEDES OR IN ANY WAY HAMPER THE PASSABILITY OF ANY HIGHWAY, ROAD/STREET AND ANY ESTABLISHED ROAD RIGHT OF WAY WITHIN THE CITY OF NAGA, CEBU

BE IT ORDAINED by the Sangguniang Panlungsod of the City of Naga, Cebu, in a session assembled, that:

SECTION 1. OBJECTIVE. – To ensure an orderly access to any highway, road/street or any established road right of way for the general public.

For purposes of clarification, an established road right of way shall mean an access road from any National Highway or Municipal/Barangay Road which have been constructed, used and traversed by the general public for the past ten years or more.

SECTION 2. PROHIBITION. – Any person is prohibited from obstructing, impeding or in any way hampering the passability of any highway, road/street or any established right of way within the City of Naga, Cebu, through the following acts:

2.1 Constructing any structure, contrivance (such as tents, shanties, ambulant stores and the like thereon);

2.2 Making use of aforementioned highways/roads/ways as makeshift basketball courts, disco places or any other recreational area, or for any other purpose except upon the written authorization issued by the Department of Public Works and Highways, the Provincial Governor or the City Mayor upon the recommendation of the Barangay Captain concerned;

2.3 Barricading, Picketing or placing on any of the highways, roads/streets or ways large stones/rocks, nails, broken glass, tree trunks, "suyak", boom, pole or any other similar implements for the purpose of hindering the free passage thereon;

A handwritten signature in black ink, appearing to be "Nilo B. Alinsonorin", written over a horizontal line.

2.4 Any and all acts or omission not enumerated herein but which are similar or related to the abovementioned acts shall likewise be punishable under this Ordinance.

SECTION 3. PENALTY – Any person who violates this Ordinance shall be penalized with a fine not exceeding P5,000.00 or imprisonment not exceeding a year or both at the discretion of the Court.

SECTION 4. REPEALING CLAUSE. – Any ordinance or regulatory provision inconsistent with the provisions of this Ordinance is hereby repealed.

SECTION 5. SEPARABILITY CLAUSE.- In the event any provision of this ordinance shall be declared void or unconstitutional by a competent authority, those which can stand by itself shall remain valid.

SECTION 6. EFFECTIVITY – This Ordinance shall take effect after its mandatory three weeks posting and after publication in any newspaper of general circulation available within the City of Naga, Cebu.

UNANIMOUSLY APPROVED this 22<sup>nd</sup> day of September 2008.

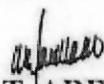
CERTIFIED CORRECT:



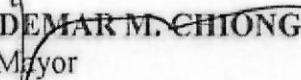
**DELFIN R. SEÑOR**

Vice Mayor/Presiding Officer

ATTESTED BY:

  
**DELZA T. ARELLANO**  
Secretary to the Sanggunian

APPROVED BY:

  
**VALDE M. CHIONG**  
City Mayor

*Approved:  
Cebu SP Res# 1063-2009  
Feb. 23, 2009*