

Republika ng Pilipinas  
SANGGUNIANG PANLUNGSOD NG MARIKINA



ORDINANCE No. 114  
Series of 2007

CITY GOVERNMENT OF MARIKINA  
GENERAL SERVICES OFFICE

RECEIVED

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CONTACT NO. 646-2360 LOC. 215

ORDINANCE ADOPTING THE NEW REGULATIONS ON THE USE OF STREETS AND SIDEWALKS WITHIN MARIKINA CITY.

Introduced by: Councilor HILARIO A. PUNZALAN

WHEREAS, on August 20, 1993, the then Municipal Council of Marikina enacted Ordinance No. 59, Series of 1993 which regulates the use of streets and sidewalks in the Municipality of Marikina, and prescribes the fines and penalties for violation(s) of its provisions;

WHEREAS, the said Municipal Ordinance cited that the sidewalks are purely intended for the use of pedestrians and that no permanent nor temporary structures should be built thereon, prohibited their use for any other activities and/or purposes, and imposed fines and penalties for violation thereof;

WHEREAS, after seventeen (17) years since the enactment of said Ordinance, the innovation, the developmental changes and urban transformation of Marikina justify adopting new regulations on the use of streets and sidewalks;

WHEREAS, the intensified population growth of Marikina during the last decades also warrants the review and revision of some local laws to adapt commensurately to the current economic situation and zonal planning changes, as programmed by the City Government;

WHEREAS, the adverse effects of the world trade globalization have brought about the unexpected climate change in terms of economy, business, commerce, production and manufacturing which gradually resulted to closures of some factories / companies, merging of businesses, manpower cut and lay-off, and investment skepticism that created unemployment in some parts of the country;

WHEREAS, Marikina City was not spared of this predicament, as a number of businesses, including some small- and medium-enterprises in the City have either closed down or suspended their operations, thereby causing displacement of workers who are residents of Marikina, to include, those who are working out of town;


WHEREAS, the City Government of Marikina dutifully recognizes the plight of its poor, now jobless inhabitants, and would want to give them opportunities to earn in a decent lawful way so as to provide their families with the much-needed financial support for subsistence and sustenance and thus, prevent them from engaging into any kind of nefarious activities to obtain money;

WHEREAS, the series of consultations and public hearings conducted revealed that many of the jobless and those who can not find jobs have resorted to peddling or ambulant vending which, for now is prohibited by city laws, and for humanitarian reasons and for reasons above-cited, the City Government would allow them the use of city streets and sidewalks for some income-generating opportunities, subject to prescribed rules and regulations.

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED by the CITY COUNCIL of MARIKINA, in session duly assembled, that:

SECTION 1. The City Government of Marikina hereby adopts new regulations on the use of streets and sidewalks.

SECTION 2. **Definition of Terms.** For purpose of this Ordinance, the following terms are hereby defined as follows:

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- a. **AMBULANT PEDDLING**, as used under this Ordinance shall refer to the act of selling or offering for sale wares, goods or articles while travelling from place to place, without having to occupy permanently any space on any sidewalk, street, and public area.
  - b. **AMBULANT VENDOR** or **PEDDLER** shall refer to an individual who carries and/or transports his wares, goods, or articles, either physically or by means of a wheeled cart or container, to sell or offer for sale such wares or goods, from place to place and does not have any fixed vending area.
  - c. **COMMERCIAL** or **BUSINESS ESTABLISHMENT** shall refer to a store or a retail/wholesale outlet duly licensed to engage in the sale and distribution of supplies, materials and other articles of trade and most commonly found or established along the along the sidewalks;
  - d. **CONTAINER** shall refer to the receptacle which could be a plastic bag, a box, a plate, and the likes, or a small wheeled-cart where wares, goods or merchandise to be sold or offered to sell are placed and carried or transported by ambulant or transient vendors during their peddling activities.
  - e. **SIDEWALK** shall refer to any paved or unpaved stretch of foot walk at the side of the street or roadway for use of pedestrians.
  - f. **SIDEWALK VENDOR** shall refer to an individual who permanently occupies the sidewalk or space thereof to sell or offer to sell any good, ware or article.
  - g. **STREET** shall refer to a thoroughfare, road, avenue, or boulevard, which may be paved or unpaved, primarily used by travelling motorists.
  - h. **WARES, GOODS, MATERIALS, or ARTICLES** shall refer to products, items, or articles of trade being sold or being offered to be sold in commercial basis, whether retail or wholesale businesses, and these includes, but not limited to, construction materials, basic commodities, staples, food stuffs/products, steel or plastic wares, woven materials, accessories, appliances and other articles or items of value.

SECTION 3. **Applicability of Existing Ordinances on Street/Sidewalk Use.** The applicable provisions of Ordinance No. 133, Series of 2006, otherwise known as the "2006 Traffic Management Code of Marikina" and Ordinance No. 145, Series of 2006, otherwise known as the "Revised Marikina Peace, Order, Public Safety and Security Code of 2006," and other existing city ordinances shall apply on the use of streets, including the prescribed restrictions thereof.

SECTION 4. **Exclusive Use of Sidewalks.** The sidewalks of Marikina City shall be for exclusive use of pedestrians, and it shall be unlawful for any person, natural or juridical, to occupy permanently or even temporarily any portion of the sidewalks within Marikina City, for any commercial or business purpose(s), except as otherwise provided or authorized.

SECTION 5. **Prohibited Acts, and Activities on the Use of Sidewalks.** The following uses, acts and/or activities shall be prohibited on all sidewalks of Marikina City:

Dumping or strewing of litters and garbage, spilling of used lubricants, chemicals and other harmful or injurious elements.

- a. Use as vehicle garage and/or for repairing vehicles.
- b. Installing pens or cages for animals or leashing/chaining pet animals.
- c. Storing bottles and cases/ boxes of soft drinks, beverages, wines, liquor, whether empty or not.
- d. Storing junks, broken furniture, fixtures or articles, and other recyclable materials.
- e. Storing or stacking construction materials, such as, sand gravel, tubes, pipings, steel bars and the likes, including appliances and other articles of trade for sale or being offered for sale.
- f. Building or erecting any structure, house extension, stall or store extension, and installation of roofs, awnings, air-conditioning units, and the likes that will protrude over the sidewalk or portion thereof.
- g. Constructing or erecting structural extensions for business expansion.
- h. Setting up of garden plots, plant boxes, planting of trees, shrubs or bushes, and other flowering plants.
- i. Installing permanent or picket fences.
- j. Installing obstructive materials, such as signs or signboards and other materials on or above the sidewalks that can serve as obstacles or pose danger to pedestrians.
- k. Occupying permanently or for over a long period of time a sidewalk or portion thereof for the purpose of vending or selling goods, wares or articles.
- l. Occupying permanently or for over a long period of time a sidewalk to conduct of shoe-shine or bootblack operation, shoe/bag repairs, and other personalized repair services, like umbrella repair, key duplicating and the like activities.
- m. Conduct of buy-and-sell of gold, silver, precious stones or gems, jewelry, watches, and other personal articles of value.
- n. Bathing, and doing household chores such as, cooking, washing clothes and dishes, hanging to dry clothes.
- o. Conducting obscene, scandalous, libelous and seditious acts, performances, or activities.
- p. Conducting any form of gambling and drinking of alcoholic drinks or intoxicating liquor.
- q. Sleeping and/or using a make-shift bed, hammock, swing, cot and the likes for resting and relaxation.
- r. Using sidewalks as detour routes or to pass other vehicles, to include operating a bicycle or motorcycle.
- s. Mendicancy or begging for alms.
- t. Using the sidewalks for personal/family celebrations, picnics and other gatherings.
- u. Setting up of basketball court or goal and for other forms of games, sports or leisure.
- v. All uses, acts and activities that shall impede the convenient use of sidewalks by pedestrians, or that would serve as obstruction or obstacles and/or pose as hazard and danger to the public.



**SECTION 6. Other Prohibited Acts and Activities – Special Permits Required.** The following prohibited acts and activities on the temporary use of sidewalks and streets may be allowed or authorized by the City Government subject to the issuance of special permits:

- (A) Barangay Permit
    - (a) Conduct of s religious activity, such as pastoral work, preaching and other related activity.
    - (b) Conduct of advertising and promotional activities, such as free product tasting or free sampling.
- (Note: Selling or offering the product for sale shall be

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strictly prohibited.

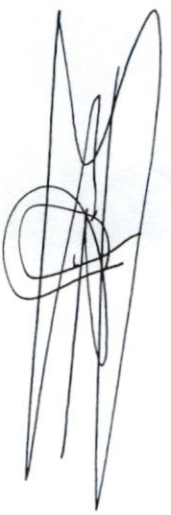
- (c) Conduct of community-related affair and activity.
- (d) Holding of a wake for a deceased person where extra Space is needed.

- (B) City Government Permit
- (a) Conduct of lawful rally.
  - (b) Conduct of s public consultation and/or dialogue.
  - (c) Conduct of large or massive civic assembly and meeting.
  - (d) Conduct of any city-wide affair, celebration or activity.

It shall be incumbent upon the concerned authority to review the application for permit, taking into consideration the significance of and probable after-effect of the activity on public peace and order. The permit shall, among other things, state the date, the time period or duration of the activity, and the specific place or area where the activity will be held.

**SECTION 7. *The Use of Streets and Sidewalks by Ambulant Vendor or Peddler.*** The use of streets and sidewalks within Marikina City shall be allowed by the City Government of Marikina, and their operation and activities shall be covered by the following rules and regulations:

- a. Ambulant vendors or peddlers shall be allowed to traverse, transport, and carry their goods, wares or articles, on the streets and sidewalks, provided however, that under no circumstances shall they stay put permanently on the sidewalk or any portion or area thereof.
- b. Ambulant vendors or peddlers shall sell their goods, wares, or articles not more than TEN (10) MINUTES and in a manner so as not to obstruct the flow of pedestrians, and immediately thereafter, shall leave and continue peddling.
- c. Ambulant vendors or peddlers are prohibited selling their goods, wares or articles within a radius of FIFTY METERS (50 M.) from any church/religious institution, or school/educational establishment, except when there are no church mass services, or congregations or school classes going on.
- d. Ambulant vendors or peddlers shall not scatter or throw any litter or garbage, nor shall they dispose any leftovers of their goods or wares on the street or sidewalk, and shall maintain sanitation and cleanliness of the streets and sidewalks during the conduct of their business.
- e. Ambulant vendors or peddlers shall vend or peddle inside subdivisions, provided they have secured a permit from the concerned homeowners association.
- f. As may be necessary, ambulant vendors or peddlers shall be allowed only to traverse, cross or travel on busy major thoroughfares or streets that are designated as regular travel routes for public utility and private vehicles, to transfer to another street, but, in no case or circumstances that they shall conduct their vending activity on the said major thoroughfares or streets.
- g. The wheeled carts to be used in peddling shall have a maximum measurement as follows: One-half Meter (0.5m.) in Width, One Meter (1 m.) in Length and One-half-Meter (0.5 m) in Height.



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SECTION 8.. *Confiscation and Impounding.* All items, goods, materials or articles found on streets and sidewalks shall be confiscated without any prior notice to the violator of this Ordinance, and shall be brought and impounded at a city government-designated impounding area. The confiscated items shall be released only after payment of corresponding fine(s) and penalty(ies). The City Government or its enforcing agency shall not be held liable for any damage or damages arising from the removal, confiscation and impounding of such items, goods, materials or articles. There shall be an inventory report as regards to the quantity, description and state of the confiscated items, and corresponding receipt therefore shall be issued to the violator which the latter shall present upon payment of fine and redemption of the confiscated items.

SECTION 9. *Fines and Penalties.* The following fines and penalties shall be imposed upon:

(A) Owners of Commercial and Business Establishments:

- (i) Within Seventy-Two (72) Hours from receipt of the notice of violation, the violator may elect, in lieu of prosecution, to pay voluntarily the corresponding fine of ONE THOUSAND PESOS (P1,000.00), and at which instance, the confiscated items, goods, materials or articles shall be released.
- (ii) In case the violator failed or can not pay the prescribed fine hereof, he or she shall be required to render a five (5)-day community service, or at his or her option, voluntarily donate blood to the Marikina Blood Bank. In case the violator is medically unfit to donate blood, he may bring and submit, in his/her stead, another individual who can donate blood.
- (iii) If the violator or offender committed the same offense for three (3) consecutive times, his or her business permit and license to-operate shall be revoked and store or establishment shall be permanently closed.
- (iv) The refusal or failure of the violator to pay the fine within five days from issuance of the order of payment, the establishment shall be temporarily closed until such time that the fine has been paid.

(B) For Ambulant Vendors or Peddlers:

- (i) Non-Registration
- (ii) No Identification Card
- (iii) No Health Certificate
- (iv) Not wearing the Prescribed Dress
- (v) Using Unauthorized Containers
- (vi) Found on Stationary Vending on a Place
- (vii) Violations of Prohibitions under Section 5 P 1,000.00, or the applicable fines imposed by existing ordinances.
- (viii) In case the violator failed or can not pay the prescribed fine hereof, he or she shall be required to render a five (5)-day community service, or at his or her option, voluntarily donate blood to the Marikina Blood Bank. In case the violator is medically unfit to donate blood, he may bring and submit, in hi/her individual who can donate blood.

SECTION 10. *Disposal.* The following sanctions shall be imposed for the disposal of:

(A) Non-perishable goods, materials, items or articles - If after the lapse of Fifteen (15) Days, the violator still failed or intentionally refuse to pay the prescribed fines or failed to submit to the options provided hereof, the ownership of the said confiscated/impounded goods, materials, items, articles, shall be forfeited in favor of the City Government of Marikina.

(B) Perishable Goods and Food Items – Before their expiry date, all confiscated food items or perishable goods shall be donated to the Bureau of Jail Management & Penology (BJMP) of Marikina for consumption of the inmates thereof.

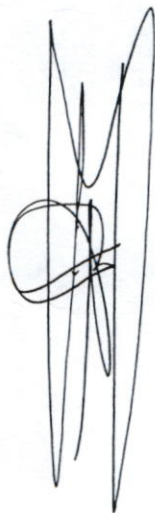
An inventory or listing of all confiscated goods, materials, items, articles, or food items shall be recorded and the manner how they are disposed.

SECTION 11. **Repealing Clause.** Ordinance No. 59, Series of 1993 and all ordinances amending the same are hereby repealed. All other ordinances, resolutions, executive orders, proclamations or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 12. **Separability Clause.** If for any reason or reasons, any part or provision of this Ordinance shall be held or declared to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby, shall continue to be in full force and effect.

SECTION 13. This Ordinance shall take effect upon approval.

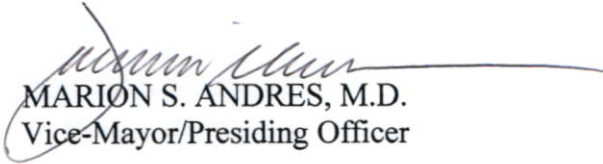
APPROVED by the CITY COUNCIL of MARIKINA, this 19th day of October, 2007.



I hereby certify to the passage of the foregoing Ordinance, which was duly approved by the City Council of Marikina during its 16<sup>th</sup> Regular Session held on October 19, 2007.

  
LOLITA E. DE LEON  
City Council Secretary

ATTESTED & CERTIFIED  
TO BE DULY APPROVED:

  
MARION S. ANDRES, M.D.  
Vice-Mayor/Presiding Officer

APPROVED on \_\_\_\_\_

MA. LOURDES C. FERNANDO  
City Mayor