

Enhanced

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
Cotabato City

BTA PARLIAMENT
2nd Regular Session

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
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Proposed Bill No. 232

Authored by MPs **HUSSEIN P. MUNOZ**
SUHARTO ESMAEL, ABDULLAH HASHIM, MATARUL ESTINO, MARY ANN
ARNADO, TAWAKAL MIDTIMBANG, BASSIR UTTO, SUWAIB ORANON,
MUDJIB ABU, MOHAMMAD KELIE ANTAO, ABDULAZIZ AMENODIN, SAID
SHIEK

**AN ACT PROHIBITING THE UNAUTHORIZED CONSTRUCTION OR
ALTERATION OF ANY PART OF THE PUBLIC ROADS AND BRIDGES OR
PLACING ANY OBJECT THEREAT THAT POSES DANGER TO THE PUBLIC OR
CAUSES INCONVENIENCE, PROVIDING FUNDS THEREOF, AND PENALTY
FOR VIOLATION**

EXPLANATORY NOTE

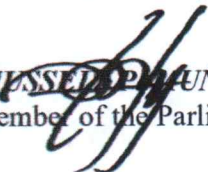
No less than the Constitution provides that: "The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy". On the other hand, the Bangsamoro Organic Law provide also that: "The Bangsamoro Government shall 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 general welfare. Within its territorial jurisdiction, the Bangsamoro Government shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among its residents, maintain peace and order, and preserve the comfort and convenience of its inhabitants".

Public roads and bridges are supposed to be enjoyed equally by the masses. Only the authorized government agencies may regulate their uses. Unfortunately, private persons are usurping parts of public roads and bridges by building humps or obstacles across roads, dredging new canals or waterways, putting stones, serving the roads as solar driers for grains and other goods, or even appropriating them for their exclusive commercial uses by reserving parts of the public roads as parking spaces for the customers. This practice should be stopped because it is not only prejudicial to the public but poses danger or risk to the public especially motorists. Hence, enactment of law to address this problem is urgently needed. In the words of the supreme court,

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public roads being public properties cannot be sold nor leased. Doing so is void. Moreover, it is violative of the Constitution, the BOL, and other laws.

More than safety to motorists, unlawful constructions or obstructions in public roads and bridges also delays emergency responses like transportation of patients, military and police operations, fire protection or prevention response, disasters and many more. This is a high time to inculcate discipline to the people and reform their mind-setting that there is a government authorize to study and implement regulation of roads and bridges.


HENSEL P. MUÑOZ
Member of the Parliament

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Be it enacted by the Bangsamoro Transition Authority Parliament of the BARMM:

SECTION 1. *Short Title.* - This Act shall be known as the "*Anti-unlawful Construction, Alteration, and Obstruction of Public Roads and Bridges Act*".

SECTION 2. *Policy.* - It is the policy of the Bangsamoro Government to maintain peace, public order, and safety, protect life, and property, and promote the general welfare of all the people of the region. It shall ensure and support, the promotion of health, enhance economic prosperity and social justice, and preserve the comfort and convenience of its inhabitants

SECTION 3. *Definition of Terms.* - When used in this Act, the following term shall have the following meaning assigned to them:

- (a) "Public Roads" includes all roads and bridges funded, maintained, or under the control of the government such as the national highways, local roads composing of provincial, city, municipal, and barangay roads including the road shouldering, sidewalks, drainage, and the air space above them.
- (b) "Bridges" includes all public bridges funded, maintained or under the control of the government including foot bridges and other big bridges. For purposes of this Act, parts of the bridge such as railings, braces, posts, and the airspace above them, and all the spaces under are considered bridge.

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- (c) "Unauthorized act" is any act of construction or alteration on public roads and bridges or putting or placing obstruction or any object thereat by any person without proper authority from the sanggunian having jurisdiction of the place, Ministry of Public Order (MPW), or Department of Public Works and Highways (DPWH) as the case may be.
- (d) "Construction" includes building using any material, humps or speed bumps, fence or railings, posts, lamp posts, arcs, tents, signages, bill boards and obstacles;
- (e) "Alteration" any act such as but not limited to dredging, drilling, piling of cement or earth to lay pipes or change the direction of the flow of water;
- (f) "Placing" is any act of putting, placing, stocking, or piling freely and voluntarily any object to public roads and bridges which includes but not limited to sand, gravel, cement, woods, sticks, corn, rice, coffee beans, copra, animal cages, stalls, rocks, obstacles, tires, goods, signage, tarpaulins, streamers, and posters;

SECTION 4. *Prohibited Act* – In addition to acts and omissions punishable under other existing laws, the following shall constitute prohibited acts and hereby declared to be unlawful:

- (a) Unauthorized construction or alteration of any public roads or bridges. Unauthorized placing of any object deemed to pose danger or cause inconvenience to public roads or bridges as defined by this act shall also constitute a prohibited act punishable under this law.
- (b) Consenting, or acquiescing by concerned public officers or employees mandated to implement this act to any unauthorized building or alteration of public roads or bridges or to the unauthorized placing of objects thereat: *Provided*, that the Barangay Chairman of the place to which the prohibited act is committed is *prima facie* presumed to have consented or acquiesced to said prohibited act if he fails to order the removal of the construction or object within forty eight (48) hours from the commission of the prohibited act, or order its restoration in the case of alteration within the said period.

SECTION 5. *Penalty* – (a) Any person committing any of the unlawful acts for the first time shall be fined *five hundred pesos* for the first offense, *one thousand pesos* for the second offense, and *two thousand pesos and imprisonment of not more than one day* for third and succeeding offenses: *Provided*, that public officers or employees mandated to implement or supervise the implementation of this act when found to have committed any of the unlawful acts shall also suffer the same penalty but without prejudice to other disciplinary actions as the case may be.

(b) The penalty for barangay chairmen consenting or acquiescing to any unlawful acts provided herein shall be the same with those of the person committing the unlawful act without prejudice however, to other disciplinary actions against them under the local government code.

SECTION 6. *Liability for Damages*. – any person committing any of the unlawful acts or any public officer or employee consenting or acquiescing to said unlawful act shall, in addition to

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the penalty of fine, are also liable for all damages resulting from the commission of unlawful acts.

Unauthorized construction shall be removed at the expenses of the person constructing the same. In the same way, restoration of altered roads or bridges or removal of objects unlawfully placed therein shall also be done at his expense.

SECTION 7. *Authorized Construction, Alteration, and Obstruction.* – In addition to authorized constructions, alterations, and obstructions under present laws, Construction, Alteration, and placing obstruction to public roads and bridges shall be lawful when the same is done pursuant to a valid local ordinance. For roads and bridges under the control and maintenance of the provincial government, authority shall be granted by the Sangguniang Panlalawigan. For city, it shall be granted by the Sangguniang Panlungsod. For Municipality, the Sangguniang Bayan shall authorize the Construction, Alteration, or Obstruction.

SECTION 8. *Removal of Constructions and Obstructions.* – Upon violation of this Act, the barangay chairman having jurisdiction over which the unlawful act was committed, shall order immediately the violator to remove the prohibited construction or obstruction on a public road or bridge, or restore the same in case of alteration. In case the violator/offender failed or refused, the barangay chairman concerned shall order him again in writing to remove the construction or obstruction referred in this section or restore the condition of the public road or bridge as the case may be. Failure or refusal to comply with such order within 24 hours shall constitute violation of Section 4 of this Act.

SECTION 9. *The Board* – (a) Within ninety (90) days upon effectivity of this Act, the Ministry of Public Works (MPW) together with the Ministry of Interior and Local Government, and Ministry of Public Order and Safety (MPOS) shall create a Board chaired by MPW and shall conduct inspection and inventory of unauthorized constructions or alterations on roads and bridges including obstacles or objects unlawfully placed in those roads and bridges. All of the unauthorized constructions, alterations, buildings, or objects shall be removed by the barangay officials having jurisdiction over the area with the support of its City or Municipality.

(b) Identify, delineate and mark public roads and bridges with permanent markers to prevent encroachment on them.

(c) Formulate Implementing Rules and Regulation for the effective and efficient implementation of this Act.

SECTION 10. *Transitory Provision* - Upon approval of this Act, all Barangay Local Government Units shall educate their constituents of the provisions of this law and cause its publication in at least three (3) conspicuous places in the Barangay for at least two (2) consecutive weeks.

SECTION 10. *Appropriation Clause.* - The sum of five (5) million pesos (Php5,000,000.00) is hereby authorized to be appropriated, to carry out the functions of the Board under this Act. Thereafter, the sum needed for the operation of the Board shall be included in the annual budget of the MPW?

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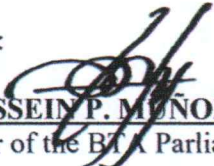
SECTION 11. *Separability Clause.* – If any part of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall continue to be in full force and effect.

SECTION 12. *Repealing Clause.* - Any law, issuances, orders, letter of instruction, administrative order, rules or regulations contrary to or is inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

SECTION 13. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation in the Region.

Approved,

Authors:


HUSSEIN P. MUÑOZ
Member of the BTA Parliament

SUWAIB ORANON
Member of the BTA Parliament

SUHARTO ESMAEL
Member of the BTA Parliament

MUDJIB ABU
Member of the BTA Parliament

ABDULLAH HASHIM
Member of the BTA Parliament

MOHAMMAD KELIE ANTAO
Member of the BTA Parliament

MATARUL ESTINO
Member of the BTA Parliament

ABDULAZIZ AMENODIN
Member of the BTA Parliament

MARY ANN ARNADO
Member of the BTA Parliament

SAID SHIEK
Member of the BTA Parliament

TAWAKAL MIDTIMBANG
Member of the BTA Parliament

BASSIR UTTO
Member of the BTA Parliament