Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City of Mandaluyong

ORDINANCE NO. 305, S-2005

AN ORDINANCE GRANTING AUTHORITY TO THE CITY GOVERNMENT
OF MANDALUYONG TO EXTRAJUDICALLY ABATE LEGAL
EASEMENTS AND NUISANCES AND IMPOSE FEES TO
SERVICE PROVIDERS MAKING USE OF SUCH
EASEMENT AND/OR SERVITUDE OF
PUBLIC PROPERTY

BE IT ORDAINED by the Sangguniang Panlungsod, in session assembled:

SECTION 1. TITLE. This Ordinance shall be known as the "Extrajudicial Abatement of Legal
Easements and Nuisances in the City of Mandaluyong".

SECTION 2. DECLARATION OF POLICY. It is the declared policy of the City Government of
Mandaluyong that in order to forestall the unabashed appropriations of legal
easements by unscrupulous individuals, public officials, and other entities, and
the abatement of public nuisances, and to restore these legal easements to
protect the rights, interests and the general welfare of the public, all
encroachments, utilization and construction of any sort shall be extrajudicially
abated.

SECTION 3. SCOPE AND COVERAGES. This Ordinance shall apply to all legal easements
and public nuisances.

SECTION 4. DEFINITIONS OF TERMS. As used in this Ordinance, the following words,
and/or terms shall mean:

a. ABATE – to bring entirely down to lower status; to reduce or lessen in
degree or intensity; to beat down, cut-away, or otherwise, lower, so as to
leave a figure in relief.

b. EASEMENT – is an encumbrance imposed upon an immovable for the
benefit of another immovable belonging to a different owner.

c. LEGAL EASEMENTS – are easements established by law in the interest of
private persons or for private use and for the general welfare of the City
constituents in particular.

d. NUISANCE – is any act, omission, establishment, business, condition of
property or anything else which injures or endangers the health or safety of
others, or annoys; or offends the senses; or shocks, defies; or disregards
decency or morality; or obstructs or interferes with the free passage of any
public highway or street; or any body of water; or hinders; or impairs the
use of property.

e. PUBLIC NUISANCE – affects a community or neighborhood or any
considerable number of persons.

f. NUISANCE PER SE – that which is a nuisance at all times and can so affect
the immediate safety of persons and property as to warrant summary
abatement.

g. ABATEMENT – the act or process of abating or the state of being abated.

SECTION 5. THE CITY GOVERNMENT RIGHTS TO IMPOSE LEVIES OR FEES FROM THOSE
ESTABLISHMENTS, CORPORATION OR ENTITIES EXEMPTED BY THE
ORDINANCE. The City Government shall in the exercise of its police and
regulatory powers is authorized to exact levies and/or to impose fees to those
who had made use of the legal easements in the pursuit of their business and in
the interest of public service and general welfare, such levied and/or imposed
fees shall be assessed equitably depending on how the easement was established
and/or acquired and its effects to foot and vehicular traffic and its sustained
maintenance and serviceability.
SECTION 6. DEPARTMENT AND/OR OFFICE AUTHORIZED TO EXTRAJUDICIAILY IMPLEMENT THE ABATEMENT OF LEGAL EASEMENTS AND NUISANCES. The City Engineering Department and/or in coordination with the City Planning and Development Department and the concerned Sangguniang Pambarangay are hereby empowered and authorized to implement the extrajudicial abatement of legal easements and also in some cases where nuisances to be abated are considered health hazards, then and there, the City Engineering and the City Health Department shall implement expeditiously the same.

SECTION 7. ESTABLISHMENT AND/OR CREATION OF IMPLEMENTING RULES, POLICY AND/OR GUIDELINES IN THE IMPLEMENTATION AND ENFORCEMENT OF THE ORDINANCE. Within thirty (30) days after the adoption and/or approval of this Ordinance, the City Engineer, the City Development and Planning Officer, the City Legal Officer and the City Health Officer are hereby mandated to establish and/or create an implementing rules, regulations, policy and guidelines in the smooth enforcement and implementation of this Ordinance, copy furnished the Sangguniang Panlungsod for the same to adopt a Resolution confirming, affirming and approving the adoption of such Rules, Regulations and policy guidelines implementing this Ordinance.

SECTION 8. SEPARABILITY CLAUSE. If for any reason or reasons, any part of this Ordinance shall be held 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 9. EFFECTIVITY. This Ordinance shall take effect thirty (30) days after its approval and publication for three (3) consecutive weeks in a newspaper of general circulation in the Metropolitan Manila.

ENACTED on this 30th day of May 2005 in the City of Mandaluyong:

ATTESTED:

[Signature]
DANilo L. De GUZMAN
City Counselor
Acting Presiding Officer

APPROVED:

[Signature]
JESUS C. CRUZ
Acting City Mayor

Date: MAY 3 1 2005
JONATHAN DC. ABALOS (Vacation Leave) Councilor

LUISITO E. ESPINOSA Councilor

TERESITA C. PILLAS Councilor

EPIFANIO C. DE GUZMAN Councilor

GERARDO B. PE Councilor

NOEL E. BERNARDO (Absent) Councilor

ROBERTO J. FRANCISCO Councilor

MICHAEL R. OCAMPO Councilor

JUAN A. AMON ABC President

THOMASIN KAE I. DOMINGUEZ SK Federation President