



Republic of the Philippines
 Province of Cavite
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
 Trece Martires City



EXCERPTS FROM THE MINUTES OF THE 24th REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF CAVITE HELD ON DECEMBER 16, 2013 AT VICE GOVERNOR REVILLA'S RESIDENCE, BACOR CITY, CAVITE

PRESENT:

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| Hon. Ramon Jolo B. Revilla III | Vice Governor/Presiding Officer |
| Hon. Edralin G. Gawaran | Majority Floor Leader |
| Hon. Raul Rex D. Mangubat | Pro-Tempore |
| Hon. Ryan R. Enriquez | Board Member, 1 st District |
| Hon. Dino Carlo R. Chua | Board Member, 1 st District |
| Hon. Rolando S. Remulla | Board Member, 2 nd District |
| Hon. Arnel M. Cantimbuhan | Board Member, 3 rd District |
| Hon. Larry Boy S. Nato | Board Member, 3 rd District |
| Hon. Teofilo B. Lara | Board Member, 4 th District |
| Hon. Marcos C. Amutan | Board Member, 5 th District |
| Hon. Ives Jayne A. Reyes | Board Member, 5 th District |
| Hon. Eileen R. Berato | Board Member, 7 th District |
| Hon. Irene P. Bencito | Board Member, 7 th District |
| Hon. Felix A. Grepo | Board Member, 8 th District |
| Hon. Mark Joseph T. Mupas | CCL President |

ABSENT:

| | |
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| Hon. Hermogenes C. Arayata III | Board Member, 6 th District |
| Hon. Conrado A. Viado | Liga ng mga Brgy. Prov'l. Chapter Interim President |

PROVINCIAL ORDINANCE NO. 2013-050

AN ORDINANCE PROHIBITING ANY PERSON, NATURAL OR JURIDICAL, FROM RESERVING A PORTION OF PUBLIC ROADS, STREETS, AVENUES, SIDEWALKS, ALLEYS AND OTHER PUBLIC OPEN SPACES FOR HIS/HER/ITS EXCLUSIVE USE AS PARKING SPACE AND PROVIDING PENALTIES FOR VIOLATION THEREOF

Introduced by: Hon. Teofilo B. Lara. Sponsored by: Hon. Mark Joseph T. Mupas

WHEREAS, Section 468 of the Local Government Code of 1991 states that - the Sangguniang Panlalawigan, as the legislative body of the province, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the province and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the province as provided for under Section 22 of this Code.

WHEREAS, there are thousands of business establishments within the territorial jurisdiction of the Province of Cavite;

WHEREAS, most of these establishments are located along public roads, streets, avenues, sidewalks, alleys and other public open spaces;

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Page 2: EXCERPTS, 24th Regular Session
Dec. 16, 2013 Prov'l. Ord.#2013-050

WHEREAS, these establishments often reserved or place markings indicating "Reserved" or "Exclusively" to the portion of public roads, streets, avenues, sidewalks, alleys or other public open spaces within the vicinity of their establishment and use these spaces as their own or their clients parking space;

WHEREAS, the use of these roads, streets, avenues, sidewalks, alleys or other public open spaces as parking spaces exclusively for the use of certain establishments or a certain individual defeats the purpose of its construction for the use and enjoyment of public traffic or other public use (in cases of public open spaces);

NOW THEREFORE, on motion of Hon. Teofilo B. Lara, duly seconded by Hon. Edralin G. Gawaran and all the Members present, be it enacted by the Sangguniang Panlalawigan in session duly assembled that:

Section 1. Title: This Ordinance shall be known as "An Ordinance Prohibiting Any Person, Natural Or Juridical, From Reserving A Portion Of Public Roads, Streets, Avenues, Sidewalks, Alleys And Other Public Open Spaces For His/Her/Its Exclusive Use As Parking Space And Providing Penalties For Violation Thereof"

Section 2. Coverage: This Ordinance shall apply to all persons, natural or juridical, residing or conducting business within the territorial jurisdiction of the Province of Cavite.

Section 3. Definition of Terms: As used in this Ordinance, the following words and phrases shall mean and be construed as indicated:

- Parking**- is an area used for the parking of motor vehicles.
- Parking Space**- spaces intended for or restricted to the use of a particular person, group or class.
- Natural Person** - means an individual.
- Juridical Person**- An entity established for business and other legal purposes such as but not limited to partnership, corporation, cooperatives and associations.

Section 4. General Provisions:

- Individuals, owners or operator of establishment, business, banks, and residential dwellers are prohibited in reserving public roads, streets, avenues, sidewalks, alleys including boulevards and rotundas and other similar public open spaces as their exclusive parking spaces.
- The use of markings/signages such as "RESERVED" or "EXCLUSIVELY FOR THE....." to reserve even a portion of public roads, streets, avenues, sidewalks, alleys and other public open spaces is also prohibited.



Republic of the Philippines
Province of Cavite
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
Trece Martires City



Page 3: EXCERPTS, 24th Regular Session
Dec. 18, 2013 Prov'l. Ord. #2013-050

Section 5. Exception:

1. Privately owned parking spaces as well as those private parking spaces adjacent to public roads, streets, avenues, sidewalks, alleys and other public open spaces are exempted from the provisions of Section 4 of this Ordinance as long as the area being occupied as private parking space is within the perimeter of their private property.
2. Any person, natural or juridical, may request for temporary use of public roads, streets, avenues, sidewalks, alleys and other public open spaces from the Office of the Mayor. The request/application should clearly indicate the purpose and the duration of the usage. The requestor, under the strict guidance of the Office of the Mayor, shall be liable in informing the public of such temporary use. Notices should be posted conspicuously in the area at least a week before the actual date to adequately inform the public.

Section 6. Monitoring and Implementation

1. The Office of the Provincial Governor thru the Cavite Office of Public Safety ^{in coordination} with the office of the local building official shall monitor the effective implementation of this Ordinance.
2. The Office of the Mayor and the local Business and Licensing Unit, shall assist in the monitoring and effective implementation of this Ordinance.
3. Non-compliance of any of the provisions of this Ordinance may be considered as a ground for revocation or non-renewal of business permit, in cases of business establishments.
4. The Provincial Governor may issue implementing rules and regulations for this Ordinance, should the need arises.

Section 7. Transitory Provisions:

1. After the approval of this Ordinance, the Provincial Information Officer and all other concerned provincial and local government agencies are given two (2) months from the publication of this Ordinance to properly disseminate the information contained in this legislation.

Section 8. Penalty Clause:

Any person, establishment, institution, agencies and entities found guilty of violating any of the provision of this Ordinance shall be punished based on the following schedule:

- First Offense : Fine of Three Thousand Pesos (Php3000.00)
- Second Offense : Fine of Four Thousand Pesos (Php4000.00)
- Third Offense : Fine of Five Thousand Pesos (Php5000.00)

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 Trece Martires City



Page 4: EXCERPTS, 24th Regular Session
Dec. 16, 2013 Prov'l. Ord.#2013-050

Each offense may have penalty of fine, or both fine and imprisonment of one (1) year/revocation of business permit or cancellation of permit to operate upon the discretion of the court.

All fines that will be collected shall be shared by the Provincial Government and City/Municipal Government concerned. Sixty percent (60%) shall accrue to the Provincial General Fund to be allocated for provincial infrastructure programs and expenditures. The remaining forty percent (40%) shall accrue to the general fund of the City/Municipal government concerned.

Section 9. Separability Clause. If any part of this Ordinance is declared as unconstitutional or unlawful, such declaration shall not affect the other parts or sections hereof that are not declared unlawful or unconstitutional.

Section 10. Repealing Clause. All previous ordinances inconsistent with this Ordinance shall be deemed or modified accordingly.

Section 11. Effectivity. This Ordinance shall take effect after the lapse of (10) days from the date of publication in a newspaper of local circulation or after posting of the same in three (3) conspicuous places in the Province.

UNANIMOUSLY APPROVED.

I hereby certify to the correctness of the foregoing ordinance duly enacted by the Sangguniang Panlalawigan of Cavite during its 24th Regular Session on December 16, 2013.

Michelle P. Alcid
MICHELLE P. ALCID
 Provincial Board Secretary

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OFFICE OF THE SANGGUNIANG PANLALAWIGAN
Trece Martires City



Page 5: EXCERPTS, 24th Regular Session
Dec. 16, 2013 Prov'l Ord.#2013-050

EDRALIN G. GAWARAN
Majority Floor Leader

DINO CARLO R. CHUA
Provincial Board Member

ROLANDO S. REMULLA
Provincial Board Member

LARRY BOY S. NATO
Provincial Board Member

MARCOS C. AMUTAN
Provincial Board Member

HERMOGENES C. ARAYATA III (Absent)
Provincial Board Member

EILEEN R. BERATIO
Provincial Board Member

MARK JOSEPH T. MUPAS
CCL President

RAUL B. D. MANGUBAT
Pro-Tempore

RYAN R. ENRIQUEZ
Provincial Board Member

ARNEL M. CANTIMBUHAN
Provincial Board Member

TEOFILO B. LARA
Provincial Board Member

IVES JAYNE A. REYES
Provincial Board Member

FELIX A. GREPO
Provincial Board Member

IRENE P. BENCITO
Provincial Board Member

CONRADO A. VIADO (Absent)
Liga ng mga Barangay Interim President

ATTESTED BY:

RAMON JOSE B. REVILLA III
Vice Governor/ Presiding Officer
Date Signed: 1-9-14

APPROVED:

JUANITO VICTOR C. REMULLA, JR.
Provincial Governor