CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the special session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on March 26, 2021 at Lingayen, Pangasinan, the following resolution was approved:

Sponsored by SP Members Vici M. Ventanilla and Angel M. Baniqued, Jr. and co-sponsored by SP Members Sheila Marie S. Perez-Galicia, Jerome Vic O. Espino and Jeanne Jinky C. Zaplan

RESOLUTION NO. 345-2021

DECLARING MUNICIPAL ORDINANCE NO. 06, S-2021 OF THE SANGGUNIANG BAYAN OF BAYAMBANG, PANGASINAN, ENTITLED "AN ORDINANCE REQUIRING INSTALLATION OF ROAD WARNING AND SAFETY DEVICES (RWSDS) BY ALL CONTRACTORS AND PUBLIC UTILITY COMPANIES ON ALL ON-GOING ROAD AND BRIDGE CONSTRUCTIONS/MAINTENANCE ALONG THE MUNICIPAL AND BARANGAY ROADS WITHIN THE JURISDICTION OF THE MUNICIPALITY OF BAYAMBANG, PANGASINAN AND PROVIDING PENALTIES THEREOF" AS WITHIN THE CONFERRED POWERS OF THE SANGGUNIANG BAYAN TO ENACT

WHEREAS, the Sangguniang Bayan of Bayambang, Pangasinan submitted its Municipal Ordinance No. 06, Series of 2021 to the Sangguniang Panlalawigan for review and evaluation pursuant to Section 56 of R.A. No. 7160, otherwise known as the Local Government Code of 1991;

WHEREAS, the Committee on Laws and Ordinances of the Sangguniang Panlalawigan, with the technical assistance of the Provincial Legal Officer, have conducted initial review and study on said municipal ordinance and found out that the same was enacted pursuant to Section 447 (a) (1) (iii), (5) (v) of RA 7160; DILG Memorandum Circular Nos. 2019-121 dated July 29, 2019 and No. 2020-027;

WHEREAS, subject ordinance shall take effect after the legal requirements on posting and publication pursuant to Sections 59 (c) and 511 (a) of RA 7160 are complied with;

WHEREFORE, in view of the foregoing, on motion of SP Members Vici M. Ventanilla and Angel M. Baniqued, Jr. and co-sponsored by SP Members Sheila Marie S. Perez-Galicia, Jerome Vic O. Espino and Jeanne Jinky C. Zaplan, duly seconded, it was –

RESOLVED, by the Sangguniang Panlalawigan in session assembled, to declare Municipal Ordinance No. 06, S-2021 of the Sangguniang Bayan of **Bayambang,** Pangasinan, entitled "An Ordinance requiring installation of Road Warning and Safety Devices (RWSDS) by all contractors and public utility companies on all on-going road and bridge constructions/maintenance along the municipal and barangay roads within the jurisdiction of the Municipality of Bayambang, Pangasinan and providing penalties thereof" as within the conferred powers of the Sangguniang Bayan to enact;

RESOLVED FURTHER, that a copy of this resolution be furnished the Office of the Sangguniang Bayan of Bayambang, Pangasinan, for its information and guidance.

CERTIFIED BY:

VERNA T. NAVA-PEREZ
Secretary to the Sanggunian

ATTESTED:

MARK RONALD DG. LAMBINO
Vice Governor
(Presiding Officer)

Republic of the Philippines
PROVINCE OF PANGASINAN
MUNICIPALITY OF BAYAMBANG
OFFICE OF THE SANGGUNIANG BAYAN
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RECEIVED
DATE 3/15-21
BY:

MUNICIPAL ORDINANCE NO. 06,
SERIES OF 2021

AN ORDINANCE REQUIRING INSTALLATION OF ROAD WARNING AND SAFETY DEVICES (RWSDs) BY ALL CONTRACTORS AND PUBLIC UTILITY COMPANIES ON ALL ON-GOING ROAD AND BRIDGE CONSTRUCTIONS/MAINTENANCE ALONG THE MUNICIPAL AND BARANGAY ROADS WITHIN THE JURISDICTION OF THE MUNICIPALITY OF BAYAMBANG, PANGASINAN AND PROVIDING PENALTIES THEREOF;

EXPLANATORY NOTE:

WHEREAS, Section 5, Article II of the 1987 Philippine 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;

WHEREAS, under Article 2189 of the Civil Code of the Philippines, provinces, cities, and municipalities shall be liable for damages for the death of, or injuries suffered by, any person by reason of defective condition of roads, streets, bridges, public buildings and under public works under their control or supervision;

WHEREAS, in 2010, the United Nation General Assembly proclaimed 2011 to 2020 as the Decade of Action for Road Safety. The goal is to stabilize and reduce the road traffic fatalities around the world;

WHEREAS , local as well as national data show that one of the major causes of fatal or serious accident in land transportation is the lack of warning and safety devices appropriately installed before the actual road construction and/or maintenance operations on or near a roadway;

WHEREAS, the Department of Public Works and Highways (DPWH) through the issuance of Department Order No. 135, Series of 2015 and other department issuances, i.e. Department Order 12, Series of 2016, Department Order No. 13, Series of 2008, Department Order No. 41, Series of 2012 and Department Order No. 56, Series of 2005 requires the implementation of requirements on road works safety, traffic management and construction safety and health during project construction and maintenance works;

WHEREAS, the Local Government Units as provided by the Local Government Code of 1991 particularly under the General Welfare Clause are mandated to institutionalize policies that will ensure the safety and security of its constituents specially on road related activities, thus this legislative measure;

NOW THEREFORE, on motion of **SB Member Gerardo DC. Flores,** duly seconded;

BE IT ENACTED, by the Sangguniang Bayan of Bayambang in session assembled that:

SECTION 1. SHORT TITLE. This Ordinance shall be known as "RWSD Ordinance of the Municipality of Bayambang, Pangasinan".

SECTION 2. DECLARATION OF POLICY: It shall be the policy of the municipality of Bayambang to ensure the safety of the motorist, the commuting public, tourist – local and foreign on our roads, by improving conditions of road and making vehicular traffic as safe as possible by providing drivers with appropriate information through signs and accident-prevention devices, thus requiring mandatory installation of Road Warning and Safety Devices (RWSDs) in all on-going road/bridge works implements by contractors and public utility companies in all public roads in the Municipality of Bayambang to warn road users/drivers of risk and danger up ahead on the road thereby reducing road related accidents and casualties and avert vehicular accidents resulting to damages .

SECTION 3. DEFINITION OF TERMS: as used in this ordinance, the following

a) **Bridges-** structure carrying a pathway or roadway over a depression or obstacle (such as river).

b) **Contractor-** refers to the owner of contracting firm which a road-related project had been awarded to; responsible for the day-to-day oversight of a road/bridge-related construction work and manages the overall operation throughout the course of the project.

c) **National Highway-** any public road, classified as primary or secondary, declared as national road by the President of the Philippines upon recommendation of the Secretary of Public Works and Highways, satisfying the conditions set forth under Executive Order No. 113, establishing the Classification of Roads.

d) **Public Utility Companies-** refer to companies that operate as a public-service corporation and provides essential services to the public such as electricity, telephone, gasoline stations, water and the likes.

e) **Road** – refers to the passageway intended principally for vehicles for the movement, circulation or transportation of people and goods. May also be referred to as street, highway or thoroughfare. Could be paved with concrete, asphalt, finger corrals, soil, sand, gravel or any similar material.

f) **Road Warning and Safety Devices (RWSDs)** – are temporary traffic warning signage's or devices using the accepted international standards used to alert or notify road-users/drivers to hazards created by construction or maintenance operation on or near a roadway. Aside from warning, these devices are also meant to guide and direct a road-users/drivers safety pass a hazard along the road.

SECTION 4. THE POLICY. Temporary Traffic Road Warning and Safety Devices (RWSDs) are required to be mandatorily installed 300m, 200m, 100m, and 50m before the actual area of an ongoing road construction project or maintenance operation by any government entity or private person, company or firm.

Said RWDs should appropriately be installed at the onset of the road construction in accordance to the approved traffic management plan of the said ongoing construction.

Aside from barriers, guide or channeling devices, such as traffic cones or tabular markers, shall be installed on the ongoing road work. Theses shall be installed using the mandated standard height from the ground, colors and lightings under the guidelines promulgated by the DPWH for the purpose to generally alert or notify drivers to hazards created by construction or maintenance operation on or near a roadway. Aside from warning, the devices are also meant to guide and direct a driver safely past a hazard along the road.

The Traffic Management Plan indicating the RWSDs undertaken by a contractor during its application for permit and which was submitted to the DPWH shall be forwarded to the Sangguniang Bayan in order to determine the adequacy of installed Road Safety and Warning Devices in a particular road/bridge works. RWSDs of road/bridge projects of companies/firms and even of the government must be properly inspected by concerned offices/agencies in accordance to its approved traffic of the Sangguniang Bayan for the issuance of resolution of endorsement/permit of said road/bridge project.

SECTION 5. PROHIBITED ACTS. No person, firm or corporation, government or private shall:

a) Fail to install and maintain appropriate DPWH standard safety requirements such as the provision of Road Warning and Safety Devices (RWSDs) or signage's and/or guide or channeling devices such as barricades, traffic cones, tabular markers, blinkers, appropriate illumination or lighting on the road and/or bridge under construction and/or maintenance operation area within the entire duration of the project; and
b) Fail to employ services of flagmen should the road has become one-lane road due to the on-going road/bridge work.

SECTION 6. PENALTIES.

a) Any individual, registered owner, proprietor or manager, or responsible officers/employees of a contracting firm, business or commercial establishment, or industrial facility, who actually perform the act/s prohibited under Section 5 hereof shall be penalized through the imposition of the following penalties:

i. ***First Offense : Fine of One Thousand Pesos (Php 1,000.00) or imprisonment of ten (10) days or both such fine and imprisonment at the discretion of the court;***

ii. ***Second Offense : Fine of One Thousand Five Hundred Pesos (Php 1, 500.00) or imprisonment of twenty (20) days or both such fine and imprisonment at the discretion of the court;***

iii. ***Third and Succeeding Offenses : Fine of Two Thousand Five Hundred Pesos (Php 2,500.00) and imprisonment of not more than one (1) month or both such fine and imprisonment at the discretion of the court.***

b) Heads of agencies/departments of a government instrumentality (national, regional or provincial office), as well as heads/chiefs of a local government unit/or employees shall likewise be liable with the same penalties for any violation set forth under the next preceding section.
c) The foregoing penalties are without prejudice to other penalties imposed in the contract pursuant to the government procurement act and other related law, rules and regulations.
d) For violation who fall to settle penalties for the third and succeeding infractions, aside from filing of legal case by the appropriate agency/office, the Office the Municipal Mayor, through the appropriate department and coordinator with the DPWH Pangasinan 3rd District Engineering Office, shall issue the suspension of outgoing road contraction/maintenance operation/work until such time that RSWDs shall have been properly and appropriately installed and that appropriate penalties shall have been settled.
e) For contractor and/or Public Utility Company which have incurred third and succeeding infraction of this ordinance, the Sanguniang Bayan shall consider the same in this issuance of project.

SECTION 10. NO CONTEST PROVISION. Any person who violates this Ordinance and does not wish to contest the violation but is willing to pay voluntarily the fine imposed upon him/her prior to the filling of formal charges with the proper court shall be allowed to pay the imposed fine with the Municipal Treasurer's Office to avoid being prosecuted within FIVE (5) calendar days from the day he/she was cited for violating any provision of this Ordinance, otherwise, a case shall be filed against the violator.

Juridical person – If committed by a juridical person, the President, General Manager, Corporate Secretary or person with related interest in the Corporation or Partnership or Association shall be held liable or penalized accordingly.

SECTION 10. SHARING OF FINES. Fines paid by violators shall be shared through the following:

a) Municipal Police Station 25%
b) Barangay where the violation was committed 25%

The remaining percentage (50%) shall be the share of the Municipal Government of Bayambang and shall inure to the General Fund.

The Municipal Treasurer is hereby directed to directly remit to the PNP Municipal Station, Municipal Treasurer and Barangay Treasurer.

SECTION 11. ENFORCEMENT. The Bayambang Municipal Police Station and Public Order and Safety Office deputized personnel are the implementors of this ordinance specifically in the apprehension and issuance of the citation ticket to violators. However, Sangguniang Barangay members or Barangay Tanods and even the public may report violations/violators to concerned authorities.

For constructions of roads and bridges along the national roads, provincial roads and all public roads within the territorial jurisdiction of the Municipality of Bayambang, the Municipal Engineering Office shall be enjoined to monitor and report to the Office of the Municipal Mayor, copy furnished the Sangguniang Bayan, the implementation of this ordinance.

SECTION 10. PUBLIC INFORMATION CAMPAIGN. The Public Information Office (PIO) shall disseminate information on the requirements of this Ordinance to the public immediately upon effectivity of this Ordinance.

SECTION 11. SEPARABILITY CLAUSE- If for reason or reasons, any part or provision of this ordinance shall be held to be unconstitutional or invalid, the other parts or provisions hereof which are not affected shall continue to be in full force or effect.

SECTION 12. EFFECTIVITY - This Ordinance shall take effect upon approval and compliance with the posting and publication requirements.

***ENACTED** this 1st of March 2021.*

Certified to be duly adopted and approved:

JOEL V. CAMACHO
Secretary to the Sanggunian

ATTESTED:

HON. RAUL R. SABANGAN
Municipal Vice Mayor &
Presiding Officer

AN ORDINANCE REQUIRING INSTALLATION OF ROAD WARNING AND SAFETY DEVICES (RWSDS) BY ALL CONTRACTORS AND PUBLIC UTILITY COMPANIES ON ALL ON-GOING ROAD AND BRIDGE CONSTRUCTIONS/MAINTENANCE ALONG THE MUNICIPAL AND BARANGAY ROADS WITHIN THE JURISDICTION OF THE MUNICIPALITY OF BAYAMBANG, PANGASINAN AND PROVIDING PENALTIES THEREOF;

WE CONCUR:
SANGGUNIANG BAYAN MEMBERS

HON. MYLWIN T. JUNIO

HON. PHILIP R. DUMALANTA

HON. JOSEPH VINCENT E. RAMOS

HON. BENJAMIN FRANCISCO S. DE VERA

HON. GERARDO DC. FLORES

HON. MARTIN E. TERRADO II

HON. AMORY M. JUNIO

HON. LEVINSON NESSUS M. UY

HON. RODELITO F. BAUTISTA
President, Liga ng mga Barangay

HON. GABRIEL TRISTAN P. FERNANDEZ
President, SK Federation

APPROVED:

HON. CEZAR Q. QUIAMBAO
Municipal Mayor

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