



JUL 07 2014

Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
Manila

097.130.024
07-08-2014

DEPARTMENT ORDER)
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)
)
NO. **73**)
Series of 2014 07.08.14

**SUBJECT : PROHIBITED USES WITHIN THE
RIGHT-OF-WAY OF NATIONAL
ROADS**

The presence of fallen electrical and other utility poles, tangled/twisted transmission/distribution and other lines of cable, communications and utility service providers; and felled trees along national roads as a result of natural and man-made calamities create imminent danger to lives and properties and hamper speedy relief operations, prompt delivery of basic goods and services and the immediate restoration of damaged public infrastructure facilities.

In view hereof, and pursuant to the provisions of Section 23 of Presidential Decree (PD) No. 17, also known as the Revised Philippine Highway Act, as amended, declaring as unlawful for any person to usurp any portion of a right-of-way, to convert any part of any public highway, bridge, wharf or trail to his own private use or to obstruct the same in any manner; and the provisions of the National Building Code of the Philippines (PD No. 1096) and its Implementing Rules and Regulations, and in the interest of public safety and convenience and of the common good, all Regional/District Engineering Offices are hereby directed to immediately remove or cause the removal of all obstructions and prohibited uses within the right-of-way (ROW) of all national roads within their respective jurisdictions and henceforth prohibit the presence/occurrence of the following structures, objects and such other similar items and activities along our national roads as well as strictly disallow the building, erection, construction, planting, and fabrication of the same, thus:

1. All kinds of temporary and permanent structures, such as buildings, houses, shanties, stores, shops, stalls, sheds, canopies, billboards, signages, advertisements, fences, walls, railings, basketball courts, barangay halls, garbage receptacles, and the like;
2. Posts and towers of Electric Cooperatives and Major Electric Power Distributors; distribution lines; posts for cables of phones and mobile service providers;
3. Driveways and ramps occupying or protruding to the sidewalk;
4. Trees, shrubs, and plant boxes;
5. Humps, whether permanent or temporary;
6. Dumping and storage of construction materials, such as sand, gravel, cement, lumber and steel bars, earth spoils, waste materials, debris, embankment, heaps, and the like;
7. Vehicles and equipment, including junked items that are parked, occupying or protruding to the sidewalk or shoulder;
8. Vending, repair of vehicles, and other businesses within the sidewalk and other parts of ROW;

9. Disposal of household/commercial/industrial wastewater and sewage into the sidewalk, curb and gutter, and carriageway;
10. Raising of animals or allowing them to roam within the ROW;
11. Washing and drying of clothes, crops, and similar items;

Should clearing operations for road widening; improvement and/or rehabilitation are to be conducted, no compensation shall therefore be paid and allowed on the removal of these obstructions.


It is further directed that in cases where Applicants from Utility Agencies (collectively, Electric Cooperatives and Major Electric Power Distributors, Phones, Mobile, and Cable Service providers and the like) and its respective contractors shall request the construction, building and/or erection of posts and towers for their distribution lines, subject Applicants should therefore be advised that they should now commence the acquisition of their own right-of-way to fulfill their specific mandate. Note further that in the context of this Order, the ROW shall include the carriageway, curb and gutter, sidewalks, shoulders, canals and other portions within the defined road right-of-way.

On obstructions, the following tabulated formats under Annexes "A"; "B"; and "C" hereof shall be used by the Regional/District Engineering Offices with these duly filled-up formats to be submitted to this Office (copy furnished the Bureau of Maintenance, this Department) every end of the 1st and 2nd semester of the year.

- 1) Annex "A": Inventory of Obstructions within the Right-of-way of National Roads;
- 2) Annex "B": Due notices to the concerned persons and entities of the noted obstructions and prohibited uses and directing the voluntary removal of the same;
- 3) Annex "C": Status Report on the Removal of Obstructions.

This Department Order shall take effect immediately and shall supersede the following Departmental issuances:

- 1) DO No. 29 s. 2012: *Removal of Illegal Structures and Obstructions within Right-of-Way of National Roads;*
- 2) DO No. 15 s. 2000: *Tree Planting along National Roads;*
- 3) DO No. 38 s. 2006: *Amendment to Department Order No. 15, series of 2000, Re: Tree Planting along National Roads;*
- 4) DO No. 52 s. 2003: *Removal of Obstructions and Prohibited Uses within the Right-of-Way of National Roads*


ROGELIO L. SINGSON
Secretary

Department of Public Works and Highways
Office of the Secretary



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INVENTORY OF OBSTRUCTIONS WITHIN THE RIGHT-OF-WAY
OF NATIONAL ROADS

DISTRICT ENGINEERING OFFICE _____

REGION: _____

NAME OF ROAD	LOCATION OF OBSTRUCTION	DESCRIPTION OF OBSTRUCTION

DATE PREPARED:

SUBMITTED BY:

District Engineer

NOTED:

Regional Director

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE DISTRICT ENGINEER

TO : Mr./Ms. _____
Address: _____

FROM : District Engineer _____

DATE : _____

SUBJECT : **NOTICE OF OBSTRUCTIONS AND PROHIBITED USES WITHIN
THE RIGHT-OF-WAY OF NATIONAL ROADS**

☐ First Notice ☐ Second Notice ☐ Third Notice

Pursuant to the provisions of Section 23 of Presidential Decree (PD) No. 17 (Revised Philippine Highway Act), as amended, which states that:

“It shall be unlawful for any person to usurp any portion of a right-of-way, to convert any part of any public highway, bridge, wharf or trail to his own private use or to obstruct the same in any manner x x x ”

and the provisions of the National Building Code of the Philippines (PD NO. 1096) and its Implementing Rules and Regulations, as well as other relevant laws and rules of the government, and in the interest of public safety and the common good, you are notified of the following obstructions and prohibited uses, which are marked x, within the right-of-way (ROW) of the national road in the vicinity of your premises.

- ☐ Private temporary or permanent structures, such as buildings, houses, shanties, stores, shops, stalls, sheds, posts, canopies, billboards, signages, advertisements, fences, walls, railings, basketball courts, garbage receptacles, or the like.
- ☐ Construction materials, such as sand, gravel, cement, lumber and steel bars, earth spoils, waste materials, debris, embankment, heaps, or the like.
- ☐ Plants or plant boxes.
- ☐ Driveways or ramps occupying or protruding to the sidewalk.
- ☐ Humps, whether permanent or temporary.

- ☐ Vehicles or equipment, including junked items, that are parked, occupying or protruding to the sidewalk or shoulder.
- ☐ Vending, repair of vehicles, or and other businesses within the sidewalk or other parts of the ROW.
- ☐ Disposal of domestic/commercial/industrial wastewater or sewage into the sidewalk, curb and gutter, or travelway.
- ☐ Raising of animals or allowing them to roam within the ROW.
- ☐ Washing or drying of clothes, crops and similar items.
- ☐ Sports or related activities.

You are hereby given seven (7) days ¹/₁ from receipt of this notice within which to voluntarily remove the abovestated obstructions and prohibited uses within the road right-of-way. If you fail to do so, we will take appropriate measures to remove the said obstructions and prohibited uses and charge to you the corresponding costs we would incur, and we will also resort to proper sanctions provided for by existing laws and rules of the government.

We will highly appreciate your utmost cooperation on this matter.

District Engineer

Note: ¹/₁ Should be thirty (30) days in case underprivileged and homeless citizens are affected, pursuant to Section 8 of Republic Act No. 7279.

This Notice was received by:

Date received: _____

Voluntary Removal

I take note of the obstructions and prohibited uses within the road right-of-way as marked above, and I will voluntarily remove the same within a period of _____ () days starting on _____.

Name of Recipient
Date received: _____

