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**REPUBLIC OF THE PHILIPPINES**  
**MINISTRY OF PUBLIC WORKS AND HIGHWAYS**  
**OFFICE OF THE MINISTER**  
**MANILA**

20 March 1987

DEPARTMENT ORDER )  
NO. 4 )  
Series of 1987 )

SUBJECT: Strict Implementation and Enforcement of the Provision of Sec. 30, R.A. 917, as Amended by Sec. 23, P.D. 17, Prohibiting Encroachments/Usurpations of Any Portion of Right-of-Way

It has been observed that many sections of the right-of-way of national roads have been encroached upon or obstructed with illegally constructed structures in violation of the provision of Sec. 30, R.A. 917, as amended by Sec. 23, P.D. 17, which is quoted hereunder:

"SEC. 23. Penalties.--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 or to use any highway beach for irrigation or other private purposes, and any person so offending shall be punished by a fine of not more than one thousand pesos or by imprisonment not exceeding six months.

Any person altering boundaries or location monuments or road right-of-ways shall be punished under Article three hundred thirteen of the Revised Penal Code.

Any person who shall remove any tool or any road-making material from any highway, or mutilate, damage, destroy, or in any manner interfere with any public bridge, culvert, drainage, canal, road marker, sign, or other road or road-sign development facilities shall be punished under Article Three hundred twenty-eight of the Revised Penal Code.

If the obstruction or damage shall result in any road or motor vehicle accident, the penalty provided in the second paragraph of Article Three hundred thirty of the Revised Penal Code, shall be imposed."

Considering that encroachments on right-of-way of national roads inevitably constrict the road and therefore not only cause traffic congestions but also pose grave danger to the traveling public, it is imperative that the provision of this law must be strictly implemented and enforced.

To minimize, if not totally stop, encroachments or illegal constructions on the right-of-way of national roads, it is hereby directed that all District and City Engineers must conduct periodic inspections of all roads within their respective jurisdictions. If any encroachment or illegal structure is noted in any section of the right-of-way of national roads within their jurisdiction, they should immediately issue a written notice for the owner to vacate the premises or demolish the illegal structure within a reasonable period not exceeding thirty (30) days.

Should the persons concerned fail or refuse to vacate or demolish the illegally constructed structures within this period, then corresponding complaints shall be filed with the Fiscal's Office for prosecution of the offenders.

Report of action taken in this regard shall be submitted monthly for the information and guidance of the Secretary.

  
VICENTE R. JAYME  
Secretary