



REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS  
OFFICE OF THE SECRETARY  
MANILA

FEB 03 2003

DEPARTMENT ORDER)

SUBJECT: **Removal of Obstructions and  
Prohibited Uses within the  
Right-of-Way of National Roads**

No. **52**)

Series of 2003 *2-3-03*)

X-X-X-X-X-X-X-X-X-X-X-X-X-X-X

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 convenience and of the common good, all District Engineers 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 your respective jurisdictions. The ROW shall include the travelway, curb and gutter, sidewalks, shoulders, canals and other portions of the defined road ROW.

These obstructions and prohibited uses within the ROW include, but are not limited to, the following:

1. All kinds of private temporary and permanent structures, such as buildings, houses, shanties, stores, shops, stalls, sheds, posts, canopies, billboards, signages, advertisements, fences, walls, railings, basketball courts, garbage receptacles, and the like.
2. Plants and plant boxes.
3. Driveways and ramps occupying or protruding to the sidewalk.
4. Humps, whether permanent or temporary.
5. Construction materials, such as sand, gravel, cement, lumber and steel bars, earth spoils, waste materials, debris, embankment, heaps, and the like.
6. Vehicles and equipment, including junked items, that are parked, occupying or protruding to the sidewalk or shoulder.
7. Vending, repair of vehicles, and other businesses within the sidewalk and other parts of the ROW.

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

The District Engineers shall issue due notices, using the format in Annex "A," to the concerned persons to remove the observed obstructions and prohibited uses within the ROW, and shall follow through prompt compliance with these notices and full implementation of this Order.

In executing this Order, the District Engineers shall coordinate closely with the concerned officials of the local government units – viz., province/city/municipality/barangay.

The District Engineers shall submit to the Secretary, through their Regional Directors quarterly status reports on their implementation of this Order, using the format in Annex "B," within five (5) days after the end of each quarter.

The Regional Directors shall see to it that their respective District Engineers carry out the instructions in this Order properly.

Appropriate sanctions will be taken against those who fail to comply with the provisions of this Order.

This Order shall take effect immediately



**BAYANI F. FERNANDO**  
Secretary

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

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

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This Notice was received by:

\_\_\_\_\_  
Date received: \_\_\_\_\_

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#### 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: \_\_\_\_\_

**QUARTERLY STATUS REPORT ON REMOVAL OF OBSTRUCTIONS AND PROHIBITED USES WITHIN THE RIGHT-OF-WAY  
OF NATIONAL ROADS (PER D.O. NO. \_\_\_\_\_, SERIES OF 2003)**

For the \_\_\_\_\_ Quarter of Year \_\_\_\_\_

DISTRICT ENGINEERING OFFICE: Example: Bulacan First

REGION: III

DATE PREPARED: 5 July 2003

NAME OF ROAD	KM STATION/ADDRESS/ LOCATION OF OBSTRUCTION/ PROHIBITED USES WITHIN ROW	DESCRIPTION OF OBSTRUCTION/ PROHIBITED USES	STATUS OF REMOVAL OF OBSTRUCTIONS/USES AS OF LAST REPORT	STATUS OF REMOVAL OF OBSTRUCTIONS/USES AS OF THIS REPORT
<u>Example:</u> Juan de la Cruz National Road	Km 45.000, Malolos	Fruits stall on east sidewalk	Issued First Notice on 30 March 2003.	Voluntary removed by owner on 6 April 2003.

SUBMITTED BY: \_\_\_\_\_  
DISTRICT ENGINEER