



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Pasig City

Ordinance No. 13
Series of 2011

ORDINANCE PROMOTING BIKING AS HEALTHFUL AND ENVIRONMENTALLY SOUND MODE OF TRANSPORTATION IN PASIG CITY BY PROVIDING INSTITUTIONAL MECHANISMS, INCENTIVES, PEOPLE'S PARTICIPATION, PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

Sponsored By: Councilor Augustin Alexee C. Santiago
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WHEREAS, consistent with Constitutional Provisions and with that of RA 7160, otherwise known as the Local Government Code of 1991, specially Section 16 (General Welfare Clause), the city Government has given the health of its constituents, its top most priority concern;

WHEREAS, recent report on air quality in Metro Manila has indicated that air pollution is further deteriorating which calls for creative and appropriate ways to halt the emission of carbon dioxide;

WHEREAS, said deteriorating air quality is mainly caused by burning of fossil fuel from stationary and mobile sources;

WHEREAS, about 70% of air pollution of Metro Manila comes from smoke belching vehicles which cause harmful effects on health, productivity and resource use; moreover, it is the precursor of climate change;

WHEREAS, 60% of air pollution in Pasig City can be attributed to mobile sources, specially smoke belching vehicles;

WHEREAS, the ever increasing numbers of vehicles on the road has contributed immensely in the worsening of air quality in the Philippines, particularly in Metro Manila;

WHEREAS, it is expected that carbon footprints will further increase since more vehicles that pollute the air will be on the road as a result of aggressive and creative marketing of vehicle assemblers and importers resulting into creation of mindset of consumerism unmindful of carbon footprints;

WHEREAS, there is a need to promote the use of non-motorized transportation, specially biking as an alternative healthy and environmentally sound mode of transportation which could reinforce the Pasig Green City initiatives, conserve foreign exchange and promote small and medium scale enterprises.

BE IT ORDAINED by the Sangguniang Panlungsod in session duly assembled that:

Section 1. TITLE - This Ordinance shall be known as the Bicycle Transportation Promotion Ordinance of 2011.



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Section. 2. SCOPE – This Ordinance shall take effect within the territorial jurisdiction of Pasig City.

Section 3. INSTITUTIONAL MECHANISMS -

- a. **Bicycle Lanes** – Bicycle Lanes shall be designated in major streets within Pasig City using the Bike Map Guide developed by Metro Manila Development Authority for use in Metro Manila which shall be for the exclusive use of bicycle riding commuters after evaluation jointly conducted by CENRO, TPMO and the City Engineering Office. Said designated major streets shall be declared as such through road signs provided by the City Engineering Office;
- b. **Bicycle Promotion Committee** – The Bicycle Promotion Committee is hereby created to be composed of CENRO Chief as its Chair, with the TPMO Chief and the Chair of the Environmental Protection Committee and two (2) NGO representatives as members to be designated by CENRO Chief. Its main responsibility is to oversee the thorough implementation of this Ordinance and shall provide its own rules and regulations with CENRO acting as its Secretariat;
- c. **Protection of Bicycle Riders** – Bicycle Riders must always use head protective gears and use at night rear/tail lighting;
- d. **Bicycle Parking Racks** – The City Engineering Office shall construct Bicycle Parking Racks and install it at all public schools and City Government owned facilities, while private establishments such as business centers, malls, universities and schools among others, shall also install such within their premises;
- e. **Carless Day** – A Carless Day shall be declared in Pasig City every April and November to coincide with the celebration of Earth Day and Clean Air Month, the specific areas chosen by the Bicycle Promotion Committee shall be subject to the approval of the City Mayor;
- f. **Bicycles for Rent** – The City Government through CENRO shall procure bicycles to promote not only non-motorized transportation but also for recreational and cultural activities, which it shall rent it out in strategic locations such as Rainforest Park, Ortigas Center, Bitukang Manok and Linear Parks, among others;



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- g. **Bike Patrol** – The City Government shall set up Bike Patrols in Tandem within the City Ordinance Cop (BCEO) using bicycles to regularly patrol alleys and narrow streets in the different barangays of Pasig City. Likewise, the Barangay security Force shall also set up Bike Patrols in Tandem to cover areas that City Ordinance Police cannot patrol or secure;
- h. **Implementing Rules and Regulations** – The Bicycle Promotion Committee shall prepare within thirty (30) days after the approval of this Ordinance, the corresponding Implementing Rules and Regulations including the designation of major streets as bicycle lanes, subject to the approval of the City Mayor;
- i. **Araw ng Siklista** – CENRO shall undertake the Araw ng Siklista activities during the observance of Clean Air Month every month of November with the view of promoting bicycles as an alternative healthful and environmentally sound mode of transportation;
- j. **Budget** – The Budget to support the implementation of this Ordinance shall be sourced out from unprogrammed budget of the City Governance or the City Mayor may suspend non-priority items in the said budget;
- k. **Impact Evaluation** – Every two (2) years after the approval of this Ordinance, the Bicycle Promotion committee and Committee on Environmental Protection shall conduct an impact evaluation on the said Ordinance and submit a corresponding report and recommendations for executive and legislative actions.

Section 4. INCENTIVES –

- A. **COST PRICE** – The City Government shall offer for sale bicycles to City Employees through salary deductions at cost price, the mechanics to be provided by the Bicycle Promotion Committee subject to the approval of the City Mayor and to the usual accounting and auditing rules and regulations;
- B. **PROMOTION** – The City Government shall offer to sale bicycles to members of Pasig City Band Cooperatives through its Board of Directors and to public elementary and high school students through the Parents Teachers Associations of their respective schools at cost price, the mechanics to be provided by the Bicycle Promotion Committee subject to the approval of the City Mayor and the usual accounting and auditing rules and regulations;



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Section 5. PEOPLE'S PARTICIPATION – To succeed in promoting bicycle as an alternative mode of transportation, people's participation must be secured by the Bicycle Promotion Committee through information, education and communication (IEC) activities with the support of the Public Information Office. Additionally, it shall support the setting up and strengthening of biking/cycling clubs in Pasig City.

Section 6. PENALTIES - The following penalties shall be imposed on the violations of the following, to wit:

A. Obstruction of Bicycle Lanes –

- First Offense - A fine of Two Hundred Pesos (Php200.00)
- Second Offense - A fine of Three Hundred Pesos (Php300.00)
- Third Offense - A fine of Five Hundred Pesos (Php500.00) and community service of five hundred (500) hours under the supervision of CENRO

B. Non-Use of Protective Gear –

- First Offense - Warning with issuance of Citation Ticket
- Second Offense - A fine of One Hundred Fifty Pesos (Php150.00)
- Third Offense - A fine of Three Hundred Pesos (Php300.00)

C. Non-Use of Rear/Tail Lights at Night Time –

- First Offense - A fine of Two Hundred Pesos (Php200.00)
- Second Offense - A fine of Three Hundred Fifty Pesos (Php350.00)
- Third Offense - A fine of Five Hundred Pesos (Php500.00) and community service of five hundred (500) hours under the supervision of CENRO

D. Failure of Private Establishments to Provide Bicycle Parking Racks -

- First Offense - A fine of Two Thousand Pesos (Php2,000.00)
- Second Offense - A fine of Three Thousand Pesos (Php3,000.00)
- Third Offense - A fine of Five Thousand Pesos (Php5,000.00)

Section 7. INTERFERENCE – Any person who shall interfere, hinder or oppose any officials or member of the CENRO or any other duly deputized person in the performance of their duties in the implementation of this Ordinance, or shall tear down, mutilate, deface or alter any billboard, tarpaulin, streamer, poster or similar notices affixed in any premises in the enforcement of this Ordinance shall be penalized with fifteen (15) days imprisonment.



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Section 8. CITIZENS SUITS – for the purpose of enforcing the provisions of this Ordinance, any bona fide Pasig City resident may file an appropriate civil, criminal or administrative action in proper courts/bodies against:

1. Any person who violates or fails to comply with any of the provisions of this Ordinance.
2. Any Pasig City Officials, employees or deputized person, who willfully or grossly neglects the performance of an act specially enjoined as a duty by this Ordinance or abuses his/her authority in the performance of his/her duties; or in any manner, improperly performs his/her duties under this Ordinance. Provided, however, that no suit can be filed until after thirty (30) day notice has been given to the said public officer and the alleged violator concerned and no appropriate action has been taken thereon.

The Court shall exempt such action from the payment of filing fees and shall likewise, upon prima facie showing of non-enforcement or violation complied of, exempt the plaintiff from the filing of an injunction bond for the issuance of a preliminary injunction.

In the event the said bona fide Pasig City resident should prevail, the Court shall award reasonable attorney's fees, moral damages and litigation costs as appropriate.

Section 9. SUITS AND STRATEGIC ACTIONS, PUBLIC PARTICIPATION AND ENFORCEMENT OF THIS ORDINANCE – Where a suit is brought against a person who filed an action as provided for in Section 8 of this Ordinance, or against any person, office or department that implements this Ordinance, its shall be the duty of the City Prosecutor to immediately make a determination not exceeding thirty (30) days, whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourse of the person complaining of or enforcing the provisions of this Ordinance. Upon determination thereof, evidence warranting the same, the City Prosecutor shall dismiss the same.

This provision shall also apply and benefit Pasig City Officials and Employees who were sued for acts committed in their official capacity, there being no grave abuse of authority and done in the course of enforcing this Ordinance.



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Section 10. MISCELLANEOUS PROVISIONS –

1. **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;
2. **REPEALING CLAUSE** – All previous ordinances and executive orders inconsistent with this Ordinance shall be deemed repealed or modified accordingly;
3. **EFFECTIVITY** – It shall be effective immediately upon publication of this Ordinance in a generally circulated publication in Metro Manila.

APPROVED, this 16th day of June 2011 at Pasig City.

IYO CHRISTIAN C. BERNARDO
Councilor

RICHARD C. EUSEBIO
Councilor

REYNALDO R. SAN BUENAVENTURA III
Councilor

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LORNA A. BERNARDO
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SK Federation President



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[Signature]
CHRISTIAN G. SIA
Councilor
Minority Floor Leader

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VIRGILIO I. DEL ROSARIO
Councilor
Majority Floor Leader

Attested by:

[Signature]
ROSALIO D. MARTIRES
City Vice-Mayor
Presiding Officer

APPROVED:

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ROBERT C. EUSEBIO
City Mayor

Attested by:

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ROBERTO A. BARRETTO
Acting City Council Secretary