



Republic of the Philippines
SANGGUNIANG PANLUNGSOD

City of Mandaluyong

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<http://www.mandaluyong.gov.ph/>

ORDINANCE NO. 344, S-2005

AN ORDINANCE PROHIBITING OWNERS AND/OR OPERATORS OF CERTAIN ESTABLISHMENTS FROM USING OR OTHERWISE CONVERTING PORTIONS OF STREETS, SIDEWALKS, ALLEYS, DRIVEWAYS AND/OR SPACES RESERVED FOR VEHICLE PARKING OR INTENDED AS PEDESTRIAN WALKWAYS AS EXTENSION OF THEIR RESPECTIVE ESTABLISHMENTS AND FOR OTHER PURPOSES

BE IT ORDAINED by the Sangguniang Panlungsod of Mandaluyong, Metro Manila, in session assembled:

- SECTION 1. **SCOPE AND COVERAGE.** The provisions of this Ordinance shall apply to owners and/or operators of restaurants, night clubs, disco pubs, beer houses, sing-a-longs, sari-sari stores, carinderias, and other similar establishments catering to the general public including their employees.
- SECTION 2. No owner and/or operator of any of the establishments enumerated in Section 1 hereof shall use or otherwise convert a portion of any street, sidewalk, alley, driveway and/or space or spaces, reserved for vehicle parking or intended as pedestrian walkway as an extension of his establishment, whereby food and or drinks are being sold or served to its customers or patrons.
- SECTION 3. No employee of a restaurant, night club, disco pub, beer house, sing-a-long, sari-sari stores, carinderias and other similar establishments shall sell, serve or otherwise dispense food and/or beverages to any of its customers or patrons on a part or portion of the said establishments situated on a street, sidewalk, alley, driveway and/or spaces reserved for vehicle parking or intended as pedestrian walkway or portion thereof.
- SECTION 4. An owner and/or operator of any of the establishments enumerated in Section 1 of this ordinance found using or otherwise converting any street, sidewalk, alley, driveway and/or spaces reserved for vehicle parking or intended as pedestrian walkway or part or portion thereof, as an extension of his establishment for the purpose of serving food, and/or drinks to his customer or patrons shall be punished with a fine of not less than Five Hundred Pesos (P500.00) but not more than One Thousand Pesos (P1,000.00) or imprisonment of not less than three (3) months but not more than six (6) months or both, at the discretion of the court.
- SECTION 5. If the owner and/or operator of the establishment found violating the provisions of this Ordinance is a corporation or a partnership, the penalty prescribed in Section 4 hereof shall be imposed upon its President and/or General Manager, or Managing partner and/or General Manager as the case may be.
- SECTION 6. Any employee of the establishment found serving or dispensing food and/or drinks to customers or patrons on the part or portion of said establishment situated on the street, sidewalk, alley, driveway and/or spaces reserved for vehicle parking or intended as pedestrian walkway or on a part or portion thereof, shall be punished with a fine of not less than Two Hundred Pesos (P200.00) but not more than Five Hundred Pesos (P500.00) or imprisonment of not less than one (1) month but not more than three (3) months or both at the discretion of the court.
- SECTION 7. In addition to the penalties provided for in Section 4 of this Ordinance, all structures, including any instrument, tool and other equipment, found on the extension located on the street, sidewalk, alley, driveway or intended as pedestrian walkway shall be demolished and confiscated in favor of the City Government to be disposed of in the manner provided for by existing laws.
- SECTION 8. **NO CONTEST PROVISION.** Any person, individual or entity who is apprehended or cited for violation and who does not wish to contest the violation and is willing to pay voluntarily the minimum fine imposed upon him/her prior to the filing of formal charges with the proper court shall be allowed to pay said fine with the City Treasurer to avoid being criminally prosecuted within six (6) hours from apprehension otherwise the case shall be prosecuted.

The City Treasurer, subject to Civil Service Laws, Rules and Regulation, is hereby directed to provide personnel or to deputize personnel who will accept payment of fines twenty four (24) hours a day so as not to jeopardize the right of the offender to avail of the six-hour period within which to pay under this Ordinance.

SECTION 9. This Ordinance shall take effect upon approval.

ENACTED on this 5th day of December, 2005 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE
WAS ENACTED AND APPROVED BY THE SANGGUNIANG
PANLUNGSOD OF MANDALUYONG IN REGULAR SESSION
HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


JIMMY D. LACEBAL
Sanggunian Secretary

ATTESTED:


JESUS C. CRUZ
City Vice Mayor &
Presiding Officer

APPROVED:


NEPTALI M. GONZALES II
City Mayor
December 12, 2005

NOTA BENE: This Ordinance amends Ordinance No. 59, S-1989 in form and style only.