

**[ MMDA RESOLUTION NO. 28-02, July 25, 2002 ]**

**AUTHORIZING THE METROPOLITAN MANILA DEVELOPMENT  
AUTHORITY AND THE LOCAL GOVERNMENT UNITS TO CLEAR THE  
SIDEWALKS, STREETS, AVENUES, ALLEYS, BRIDGES, PARKS AND  
OTHER PUBLIC PLACES IN METRO MANILA OF ALL ILLEGAL  
STRUCTURES AND OBSTRUCTIONS**

WHEREAS, it has been observed that some of the city/municipal streets, avenues, alleys, sidewalks, bridges, parks and other public places in Metro Manila are not properly utilized by the road users/public due to malpractices of some unscrupulous individuals who wantonly utilize these areas for displaying and vending their goods as well as utilizing the same in erecting some structures for commercial and advertising purposes;

WHEREAS, in the case of "*Umali vs. Aquino* 1 C.A. Rep 339, the Supreme Court rules that "the occupation and use by private individuals of sidewalks and other public places devoted to public use constitute both public nuisances and nuisances per se";

WHEREAS, the same ruling states that such use of sidewalk "applies even to cases involving the use or lease of public places under permits or licenses issued by competent authority upon the theory that such holders could not take advantage of their unlawful permits and licenses and claim that the land in question is a part of a public street or a public place devoted to public use hence beyond the commerce of man";

WHEREAS, the Office of the President in its memorandum dated November 6, 1992 directed all Metro Manila Mayors and the Director General of the Philippine National Police (PNP) to strictly enforce traffic laws and remove all street and sidewalk obstructions, including among others, "makeshift stalls, basketball courts, and other illegal structures x x x...." in order to effect the smooth flow of traffic in Metro Manila";

WHEREAS, the Metro Manila Development Authority (MMDA) is mandated under Republic Act No. 7924 to set policies, coordinate and regulate the implementation of all programs and projects concerning traffic management and formulate and implement programs, policies and procedures to achieve public safety;

WHEREAS, in consonance with the aforementioned Supreme Court decision, memorandum, and mandate respectively, the Metro Manila Council (Council) deems it necessary and urgent to clear all illegal structures/obstructions on or along the aforesaid places in order to ensure a smooth flow of traffic and provide a safe and convenient movement of goods and persons in Metro Manila.

NOW THEREFORE, be it resolved as it is hereby resolved, pursuant to Section 6 of RA 7924, that the Council hereby authorizes the MMDA and the LGUs to clear the