



## OFFICE OF THE MUNICIPAL MAYOR

### EXECUTIVE ORDER NO. 42

*Series of 2023*

**“AN ORDER AUTHORIZING THE DEMOLITION OF THE COMMERCIAL ANNEX BUILDING ALSO KNOWN AS THE YELLOW BUILDING SITUATED AT THE BAYAMBANG PUBLIC MARKET THROUGH THE MUNICIPAL ENGINEERING OFFICE/BUILDING OFFICIAL OR OTHER DEPUTIZED MUNICIPAL OFFICIAL.”**

**WHEREAS**, *Section 16 of RA 7160, otherwise known as the Local Government Code of 1991* provides that “Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare.”;

**WHEREAS**, *Section 18 of RA 7160* provides further that “Local government units shall have the power and authority to establish an organization that shall be responsible for the efficient and effective implementation of their development plans, program objectives and priorities; **XXX**; to acquire, develop, lease, encumber, alienate, or otherwise dispose of real or personal property held by them in their proprietary capacity and to apply their resources and assets for productive, developmental, or welfare purposes, in the exercise or furtherance of their governmental or proprietary powers and functions and thereby ensure their development into self-reliant communities and active participants in the attainment of national goals;

**WHEREAS**, *Section 22 (d) of RA 7160*, provides furthermore that “local government units shall enjoy full autonomy in the exercise of their proprietary functions and in the management of their economic enterprises, subject to the limitations provided in this Code and other applicable laws”;

**WHEREAS**, *Section 444 (b)(3)(vi)* provides moreover that the Municipal Mayor shall have the power to:

X X X X

(3) Initiate and maximize the generation of resources and revenues, and apply the same to the implementation of development plans, program objectives and priorities as provided for under Section 18 of this Code, particularly those resources and revenues programmed for agro- industrial development and countryside growth and progress and, relative thereto, shall:

X X X X

(vi) Require owners of illegally constructed houses, buildings or other structures to obtain the necessary permit, subject to such fines and penalties as may be imposed by law or ordinance, or to make necessary changes in the construction of the same when said construction violates any law or ordinance, or to order the demolition or removal of said house, building or structure within the period prescribed by law or ordinance”;

*“Baley ko, Pawilen ko, Aroen ko, tan Tubungan ko”*



THE LONGEST BARBEQUE  
**8.016 KILOMETERS**  
April 4, 2014  
Bayambang, Pangasinan, Philippines



THE TALLEST BAMBOO SCULPTURE (Supported)  
**50.23M**  
April 5, 2019  
St. Vincent Ferrer Prayer Park  
Barangay Beni, Bayambang  
Pangasinan, Philippines

OFFICE OF THE MAYOR  
Municipal Hall, Roxas St. Zone II,  
Bayambang, 2423 Pangasinan  
(075) 633-1000 Loc. 100

**WHEREAS, DILG Opinion No.16, series of 2006** that clarifies that **“even without a court order, the Mayor may order the demolition of structures** when the same are:

- 1) **Constructed without the necessary Mayor’s permit;**
- 2) **The structures were constructed in violation of any law or ordinance.”**

**WHEREAS,** the Commercial Annex Building which was constructed in the lot owned by the Municipality of Bayambang situated particularly at Rizal Avenue, Zone I, Bayambang, Pangasinan is without the required building permit, clearance, and exemption as mandated by *PD 1096* or the *National Building Code of the Philippines (PD1096)* and its *Implementing Rules and Regulations (IRR)* as well as the necessary Mayor’s or Business Permit for its operation at the Bayambang Public Market, and thus is treated as an illegal structure;

**WHEREAS,** the revenue generated and collected annually from the same Commercial Annex Building have been way below the targeted income and thus the land where the building is situated can be considered as an underutilized asset of the Municipality;

**WHEREAS,** the Municipality of Bayambang aims to clear both public and private lands, including those held by it in its proprietary capacity, of all obstructions and illegal structures so as to ensure that property rights are accordingly protected and all its assets and resources are fully utilized in line with its development plans, program objectives and priorities.

**WHEREAS,** this Order is duly and unanimously supported by the members of the Sangguniang Bayan of Bayambang as expressed in *SB Resolution No. 128, Series of 2023* dated 6 March 2023.

**NOW THEREFORE, I, MARY CLARE JUDITH PHYLLIS JOSE-QUIAMBAO,** Municipal Mayor of the Municipality of Bayambang, Pangasinan, by virtue of the power vested in me by law, do hereby promulgate this Order authorizing the demolition of the Commercial Annex Building also known as the Yellow Building situated at Rizal Avenue, Zone I, Bayambang through the municipal engineering office/building official or to such other responsible municipal official as may be deputized subject to the observance of the following guidelines/provisions:

**Section 1. Issuance of and Period of Demolition Notice.** Prior to the actual demolition of the Commercial Annex Building and upon effectivity of this Order, a final demolition notice shall first be issued and served to the occupants of the Commercial Annex Building either personally or through posting or via publication at the option of the municipal engineering office/building official or the deputized municipal official. The demolition notice shall extend for thirty (30) days from service.

Actual demolition works on the Commercial Annex Building shall only commence upon the lapse of the thirty (30)- day notice. Within the thirty (30)- day notice period, the occupants, at their own expense, shall voluntarily remove/demolish their respective improvements, structures, materials, equipment, or goods as installed or found in the Commercial Annex Building.

Section 2. **Relocation as a Matter of Privilege.** Subject to availability of market stalls/spaces, displaced bonafide or actual occupants by reason of the demolition who have previous or current Mayor/Business Permits and are payees in good faith of rental fees shall be considered or preferred for relocation as a matter of privilege on a first come, first served basis or by draw lots as the case may be. All acts executed by the concerned municipal official germane to the relocation of displaced occupants prior to the issuance and effectivity of this Order are hereto ratified.

Section 3. **Suppletory Application of Relevant Laws.** The relevant provisions of PD 1096 and its IRR and such other pertinent provisions in the Civil Code and other laws, ordinances, rules and regulations shall have suppletory application to this Order whenever practicable.

Section 4. **Separability Clause.** If, for any reason, any provision of this Order is declared unconstitutional or contrary to law, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 5. **Repealing Clause.** All other orders, rules, regulations and issuances which are inconsistent with this Order shall be deemed amended, superseded, modified or revised accordingly.

Section 6. **Effectivity.** This Order shall take effect immediately and will continue until amended, revised or repealed.

Let copies of this Order be furnished to the Office of the Governor and all the concerned departments/ offices and agencies for their guidance and information.

Done in the Municipality of Bayambang, Pangasinan, this 4<sup>th</sup> day of May, 2023.

**HON. MARY CLARE JUDITH PHYLLIS JOSE-QUIAMBAO**  
*Municipal Mayor*

