



Republic of the Philippines

CITY OF BACOR

Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. CO 25-2014
Series of 2014

AN ORDINANCE FURTHER REGULATING THE DIGGING/EXCAVATION RESTORATION OF ROADS WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF BACOR AND PRESCRIBING THE FEES AND PENALTIES THEREFOR.

Sponsored by : Hon. Rowena Bautista-Mendiola, Hon. Miguel N. Bautista, Hon. Venus D. De Castro,, Hon. Bayani M. De Leon, Hon Leandro A. De Leon, Hon. Reynaldo M. Fabian, Hon. Edwin G. Gawaran, Hon. Victorio L. Guerrero, Jr., Hon. Hernando C. Gutierrez, Hon. Roberto R. Javier, Hon. Gaudencio P. Nolasco, Hon. Reynaldo D. Palabrica and Hon. Avelino B. Solis.

WHEREAS, Rule XVII, Sections 134 to 137, inclusive of City Ordinance No. 2013-047, otherwise known as the "Revised Traffic Code of the City of Bacoor" provides the rules and regulations to all digging/excavation works for the purposes of installing pipes, telecommunication lines, drainage pipes, and other underground facilities within roads, streets, thoroughfares and alleys within the territorial jurisdiction of the City Bacoor;

WHEREAS, despite the subject provisions, it has been observed that the conduct of public utility agencies, companies or corporations, whether public or private (the "Utility Agency"), in undertaking excavations and/or haphazard restoration works on the roads within the territorial jurisdiction of the City of Bacoor have caused their deplorable and dangerous condition. More often than not, the restoration/reconstruction takes place several months later, making the motoring and commuting public suffer inconveniences.

WHEREAS, the local government of Bacoor deems it necessary and proper to provide for the additional rules terms and conditions, increase the fees, charges, deposits, fines and penalties to ensure that future undertakings on road excavations and its restoration and/or reconstruction works are done properly, to maintain order and discipline in road construction activities; and to protect and ensure public safety in the area;

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HON. ROBERTO R. JAVIER
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor - ABC Pres.

Attested by:
Sub-Admin. Officer

Certified by:
HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:
HON. STRIKE BI REVILLA
City Mayor



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NOW THEREFORE, upon motion of Hon. Leandro A. De Leon duly seconded by Hon. Reynaldo D. Palabrica hereby adopts and promulgates the following rules on the digging/excavation and restoration of roads within the territorial jurisdiction of the City of Bacoor and providing the fees and penalties therefore.

Section 1. Title. - Notwithstanding the incorporation of certain amendments, this Ordinance shall still be known and cited as the "**Digging/Excavation and Restoration Ordinance of the City of Bacoor.**"

Section 2. Scope of Application.- This Ordinance provides the rules and regulations on the digging/excavation and restoration in all roads within the territorial jurisdiction of the City of Bacoor and prescribing the fees, charges and penalties therefore purposely to promote the safe and productive use of the road network in the City of Bacoor.

Section 3. Administration and Enforcement. - This Ordinance shall be enforced by the Office of the City Engineering and Bacoor Traffic Management Department.

Section 4. Digging/Excavation defined. - As interchangeably used in this Ordinance, digging and excavation is the unearthing in the streets/roads/ alleys and thoroughfares including the passageways and sidewalks within the territorial jurisdiction of the City of Bacoor for the installation, repair, or improvement of water pipes, gas pipes, telephone wires or cable conduit, sewer and drainage systems undertaken by the government/public/private utility companies;

Section 5. Filing of Application - All application for permit to undertake digging/excavation in all roads within the territorial jurisdiction of the City of Bacoor shall be filed with the City Engineering Office;

Section 6. Requirements to be submitted upon filing of Application- All applications for the issuance of Digging/Excavation Permit on all roads within the territorial jurisdiction of the City of Bacoor shall be processed only upon submission of the following documents and information and compliance by the Utility Agency or its agent or contractor (collectively, the "Applicant"):

- a. Sketch plan/Map signed by the Project Engineer showing the exact location of the project, the type of underground or aerial facility/structure to be installed and other related appurtenances;

Attested by:
Sub-Admin. Officer

Certified by:
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City Vice Mayor/Presiding Officer

Approved by:
HON. STRIKE B. REVILLA
City Mayor



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- b. Programs of work (POWs), signed by the Project Engineer with corresponding Detailed Estimates for the cost of Excavations including the cost of Restoration shall be submitted by the Utility Agency, to be approved by DPWH (for national roads);
- c. Timetable of the proposed work in the form of Bar/Gantt or PERT/CMP Chart signed by the Project Engineer showing the duration of excavation including the restoration activities;
- d. Typical Sections & Specifications, type and extent of work to be undertaken, and name and address of contractor (if by contract);
- e. Accomplished Affidavit of Undertaking signed by the duly authorized representative of the Utility Agency or Applicant;
- f. Posting of cash bond (by the one who will undertake the excavation restoration) callable on demand, equivalent to 200% of the full restoration/reconstruction cost of the affected area, taking into consideration the type and class of pavement structure;
- g. Payment of a non-refundable amount to cover the Engineering and Administrative Overhead (the "Supervision Fee") of the issuing office since said undertaking is not considered in the programmed budget allocation of the issuing office. The Supervision Fee shall be equivalent to 3% of the cost of restoration;
- h. Barangay Clearance &/or Homeowners Association's Clearance
- i. The excavator/permittee shall purchase at least TPL Insurance coverage to answer for third party liability.

Attested by:

Sub-Admin. Officer

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA
City Mayor

Section 7. Issuance of Permit– The digging/excavation permit shall be issued by the City Engineering Office subject to a prior clearance from the BTMD and Office of the Mayor. Upon receipt of the application and determining that complete requirements have been complied with, the City Engineering Office shall notify the applicant of the schedule of joint field inspection by the Regional and District Representatives together with the contractor, to determine the extent and actual location of the proposed work. The Permit shall then be



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released within fifteen (15) working days after submission of complete documents and issuance of clearances;

Section 8. Other Conditions of the Permit –(1) Road sections affected by an excavation shall be temporarily paved and patched with bituminous concrete surface course until it can be fully restored to its original condition. Final restoration works shall commence immediately once the utilities installed are made operational, i.e., for water pipes, after it has passed pipe testing (pipe leakage test). Such work shall be done by the utility contractor under the close supervision of the respective authorized representative of the BTMD and City Engineering Office.

(2) The digging or excavation for the construction and/or installation of public utility facilities shall be done in harmony with the guidelines on tree planting along national roads, to avoid any overlap.

(3) In the event that there will be a road expansion or improvement to be introduced in the national road which will affect existing utility facilities or structures located thereon, such utility facilities or structures shall be removed and/or relocated, and the cost for its relocation and removal shall be borne by the Utility Agency concerned.

(4) Before the implementation of any excavation activity, all necessary traffic safety devices, including informative signs and billboards, appropriate lighting, notices and other relevant safety devices shall be installed in the vicinity of the work area. For the duration of the excavation and/or until the trench is satisfactorily backfilled, and the pavement is restored to its original configuration and design strength, signs with the names of the Utility Agency and its contractor (if any) shall be conspicuously displayed on the site. The signs shall be reflectorized and arranged in accordance with the DPWH Road Safety Standard.

(5) When the project covers an extensive area or when considerable traffic disruption will be expected in the excavation of the project, advance notices in the mass or print media shall be made indicating the nature and coverage of the project, detours and/or possible alternate routes, the name of the Utility Agency and rationale behind and/or benefit of the proposed work. The working area shall be kept neat, safe and clean at all times. All traffic safety devices will only be removed once the restoration works of the said road section have been accepted by the City Engineering Office.

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City Councilor - ABC Pres.

Attested by:
Sup. Admin. Officer

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HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:
HON. STRIKE B. REVILLA
City Mayor



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(6) Likewise, the applicant shall coordinate closely with other utility agencies whose lines may be affected by the excavation/diggings.

(7) "In case of emergency works that will entail public safety and convenience, excavation works can commence while the permit is being processed".

Section 9. Excavation Affecting Adjoining Properties

A. Temporary Support of Adjoining Property - The person causing any digging/excavation to be made shall provide such sheet piling and bracing as they may be necessary to prevent materials or structures of adjoining property from caving in before permanent support shall have been provided for the sides of an excavation.

B. Permanent Support of Adjoining Property - Whenever provision are not made for the permanent support of the sides of an excavation, the person causing such excavation to be made shall construct an appropriate retaining wall which shall lie carried to height sufficient to retain the soil of the adjoining area.

C. Entrance to Adjoining Premises - For the purpose of providing temporary support it adjoining premises, the person causing an excavation to be made shall get the consent of the owner of the adjoining premises to enter and construct the temporary supports. However, if such consent and entrance are not granted, the owner of adjoining premises shall be responsible for providing the necessary support as the case may be to his premises at his own expense and for that purpose, he shall be given authority to enter the premises where the excavation is to be made.

Section 10. Excavation Affecting Adjoining Structures Excavation More Than Four (4) Feet Deep - Whenever an excavation is carried to the depth more than four (4) feet below the curb, the person causing the excavation to be made shall at all times, if granted the consent of the owner of the adjoining structures to enter, preserve and protect from damage all existing structures at his own expense, if the safety of said structures will be affected by that part of the excavation which extend snore than four (4) feet below the curb line. He shall support such structures by proper foundation.

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City Councilor - ABC Pres.

Attested by:

Shirley B. Lezo
Sup. Admin. Officer

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

HON. STIRKE B. REVILLA
City Mayor



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If the owner's consent to enter is not granted to the person causing the excavation to be made, It shall be the duty of said owner to make and provide the necessary foundation, and when necessary for that purpose, such owner shall be given authority to enter the premises where such excavation is to be made.

Section 11. Appropriate Markers and Guards:

1. The diggings and excavations shall be provided with appropriate markers and safety devices for the travelling vehicles and pedestrians.
2. In case of death, injury and/or damages caused by the non-completion of such works and/or failure of the one undertaking the work to adopt the required precautionary measures for the protection of the general public or violation of any of the terms or conditions of the permit, the permittee/excavator shall assume all liabilities for such death, injury or damage arising therefrom.

Section 12. Insertion Prohibited - All excavations and diggings passing thru canals and insertion through drainage or sewer pipes are strictly prohibited.

Section 13. Public/Private Roads, Streets, Thoroughfares and Passageways

The representative of the City Engineering Office(in case of public roads) and the Office of the Building Official (in case of private roads) shall have the authority to inspect all diggings and excavation being undertaken on all private roads, streets, thoroughfares including passageways and sidewalks and to require that restoration of the excavated area meets the standard specifications as formulates by the LGUs/DPWH.

Section 14. Payment of Fees and charges - The following fees and charges shall be collected from all applicant whether private or government agencies except those exempted by law, who shall make or cause to be made any digging/excavation on any roads, streets, and thoroughfares, including passageways and sidewalks and sidewalks within the territorial jurisdiction of the City of Bacoor.

- | | |
|--------------------|---------|
| 1. Filing Fee | P200.00 |
| 2. Inspection Fee | P300.00 |
| 3. Processing Fee: | |

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Attested by:
Shirley S. Pardo
Sup. Admin. Officer

Certified by:
HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:
HON. STRIKE B. REVILLA
City Mayor



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City Councilor - ABC Pres.

- a) For water house connections - P300.00
b) For all other excavations - P500.00
4. Excavation Permit Fee:
- 4.1 Excavation of Underground Utility Lines
a) For a maximum width of trench of 0.50 m.
a.1) First 50 linear meter length and below- P1,000.00
a.2) Over 50 linear meter length of - P30.00/l.m.
- b) Excess over 0.50 meter width of Trench-50.00/sq.mn.
- 4.2 For foundations of structures - P 50.00/sq. m.
- 4.3 For road concreting/blocking and Asphalt pavement - P10.00/sq. m.
if government project, this is free of charge
- 4.4 For installation of utility poles - P300.00/pole
5. Restoration works and other consequential responsibilities or obligations over digging /excavations after the completion of the underground works shall be done by the implementing agency (IA).
- 5.1 The utility company/IA shall post a cash deposit for restoration of the works. The said cash deposit shall be refundable. For restoration works to be undertaken by contract, the IA/contractor shall post a guaranty bond equivalent to the computed restoration cost.
- 5.2 Restoration Deposit - the restoration deposit shall be based on the following schedule:
- a. Concrete Pavement Per square m. or fraction thereof
a.1) 4" thickness - P600.00
a.2) 6" thickness - P750.00
a.3) 7" thickness - P800.00
(*Additional P100.00 per succeeding inch)
a.4) Concrete Sidewalk - P600.00
a.5) Macadam Pavement - P400.00

4. Maintenance Deposit

The utility company shall maintain for a period of one (1) year from date or acceptance the restored excavated portion of the road right-of-way. It shall deposit the equivalent amount based on the following schedule of rates that shall be utilized by the concerned agency in case of failure of the utility company/IA/contractor to repair the damaged portion of the road right-of-way. This maintenance deposit shall be refunded within one (1) month after the expiration, of one (1) year period.

- a. Concrete Pavement Cost per sq.m. or fraction thereof

Attested by:

Shielma Liza
Sup. Admin. Officer

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA
City Mayor



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a.1	4" thickness	150.00/sq.m.
a.2	6" thickness	200.00/sq.m.
a.3	7" thickness	200.00/sq.m.
<u>(*Additional P50.00 per succeeding sq. inch)</u>		
b.	asphalt	150.00/sq.m.
c.	Macadam	50.00/sq.m.
d.	Curb and Gutter	100.00/sq.m.

Section 15. Time of Payment -The fees imposed under this Ordinance shall be paid to the City Treasurer's Office before the permit to dig or excavate is issued. Such permit is valid only when the official receipt covering the payment is indicated therein

Section 16. Administrative Fines:

The City Engineering and BTMD Office are hereby authorized to carry out and enforce the Administrative sanctions within its area of jurisdiction in the amount not exceeding PESOS: TEN THOUSAND (P10,000.00) in the following cases, subject to the terms and procedures as hereunder provided:

1. Excavating without an excavation permit - P5,000.00
*plus imprisonment of not more than one (1) month, but not less than ten (10) days
2. Non-compliance with the every work stoppage order - P5,000.00
3. Failure to post or display the Excavation Permit in a conspicuous place - P1,000.00
4. Failure to install road/highway safety construction devices - P5,000.00
5. Failure to install road signs and billboards -P1,000.00

Section 17. Revocation of Permit - Permits issued under this Ordinance may be revoked or cancelled in cases of emergency, when interest so demands or for non-compliance with the conditions of the permit.

Section 18. Separability Clause - If any of the provisions, part or parts of this Ordinance is declared unconstitutional, such declaration shall not invalidate the other provisions hereof.

Section 19. Repealing Clause - All ordinances, rules and regulations or portions thereof which are contrary to or inconsistent with this Ordinance are hereby repealed.

Attested by:

Shirley S. Azco
Sup. Admin. Officer

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA
City Mayor



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Section 20. Effectivity. - This Ordinance shall take effect immediately after its publication in a newspaper of general/local circulation and posting in conspicuous places in the barangays.

APPROVED UNANIMOUSLY, this 4th day of September 2014 by the Sangguniang Panlungsod of Bacoor.

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VOTING RECORD	
IN FAVOR	<i>Hon. Miguel N. Bautista, Hon. Rowena M. Bautista-Mendiola, Hon. Venus D. De Castro, Hon. Bayani M. De Leon, Hon. Leandro A. De Leon, Hon. Reynaldo M. Fabian, Hon. Edwin G. Gawaran, Hon. Victorio L. Guerrero Jr., Hon. Hernando C. Gutierrez, Hon. Roberto R. Javier, Hon. Gaudencio P. Nolasco, Hon. Reynaldo D. Palabrica and Hon. Avelino B. Solis</i>
DISSENTING	<i>None</i>
ABSTAINED	<i>None</i>
ATTENDANCE RECORD	
PRESENT	<i>14</i>
ON LEAVE	<i>None</i>
ABSENT	<i>None</i>

I hereby certify to the truth and correctness of the above-quoted Ordinance.

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Attested by:

SHIELA S. LAZO
Supervising Administrative Officer

Approved by:

HON. STRIKE B. REVILLA
City Mayor