



Office of the Sangguniang Panlungsod

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DISTRICT I
HON. CATHERINE SARINO-EVARISTO
City Councilor

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HON. MICHAEL E. SOLIS
City Councilor

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City Councilor

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City Councilor / President Pro-Tempore

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HON. SIMPLICIO G. DOMINGUEZ
City Councilor

[Signature]
HON. RAMON N. BAUTISTA
Liga ng mga Barangay President

[Signature]
HON. MAC RAVEN ESPIRITU
SK Federation President

[Signature]
Attested by:
ATTN. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

[Signature]
Certified by:
HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor

[Signature]
Approved by:
HON. STRIKE B. REVILLA
City Mayor

CITY ORDINANCE NO. 271-2023
Series of 2023

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CITY ORDINANCE NO. 25-2014 AND ENHANCING THE CAPABILITY OF THE CITY GOVERNMENT IN PREVENTING ACCIDENTS DUE TO THE IMPROPER OR UNSAFE DIGGING, EXCAVATION, OR RESTORATION OF ROADS WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF BACOR, AND IMPOSING PENALTIES FOR VIOLATIONS HEREOF.

Sponsored by:

HON. LEVY M. TELA

Co-sponsored by:

Hon. Roberto L. Advincula, Hon. Ramon N. Bautista, Hon. Simplicio G. Dominguez, Hon. Mac Raven Espiritu, Hon. Reynaldo M. Fabian, Hon. Adrielito G. Gawaran, Hon. Victorio L. Guerrero, Jr. Hon. Catherine Sarino-Evaristo, Hon. Alejandro F. Gutierrez, Hon. Rogelio M. Nolasco, Hon. Alde Joselito F. Pagulayan, Hon. Reynaldo D. Palabrica, and Hon. Michael E. Solis

WHEREAS, despite the approval of City Ordinance No. 25-2014 in 2014 (otherwise known as the **Digging/Excavation and Restoration Ordinance of the City of Bacoor**), the number of persons who gets injured or dies because of improperly conducted excavations, digging, and restoration work on various public places within the City of Bacoor continues to rise.

WHEREAS, one of the latest victims of the reprehensible practice mentioned above is Jason Rieta Miranda who died on the night of November 10, 2022 along Aguinaldo Highway at Barangay P.F. Espiritu VII when the motorcycle he was driving accidentally hit the edge of a manhole that was left sticking out of the ground by a contractor who failed to install any early warning device near or around the said construction site.

WHEREAS, the following data provided by the Bacoor Disaster Risk Reduction and Management Office (BDRRMO) on the number of deaths and injuries caused by accidents related to road improvement projects within the City of Bacoor from July 2022 up the present are alarming:

1. Number of deaths	3
2. Number of injured	930



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3. Vehicles used - motorcycle, truck, SUV, PUJ, bicycle, e-bike, FB, sedan, tricycle, van, bus, minibus & pedicab
4. Accident prone areas and number of persons injured from vehicular accidents that took place within the City of Bacoor from July, 2022 up to the present:

Accident prone area	No. of persons injured
a. Molino Road	175
b. Aguinaldo Highway	196
c. Bacoor Boulevard	179
d. Evangelista Road	91
e. Daang Hari Road	67
f. Tirona Highway	64
g. Coastal Road	40
h. Non-main Road	34
i. Diversion Road	24
j. Marcos Alvarez Road	19
k. Niog Road	13
l. Bayanan-Mambog Road	10
m. Longos	14
n. Zapote 2	2
o. Salinas Road	3
total no. of persons injured	930

WHEREAS, the city government has the duty to promote public safety while maintaining peace and order within the City of Bacoor.

NOW THEREFORE, upon motion of Hon. Levy M. Tela unanimously seconded by members of council duly assembled, **BE IT ORDAINED** that:

Section 1. The following underscored provisions of City Ordinance No. 25-2014 are hereby amended and shall henceforth read as follows:

"Section 2. Scope of Application. – This ordinance provides the rules and regulations on the digging/excavation and restoration of all roads and other public places such as bridges, parks, and sidewalks 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 City Engineering



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Department and by the Bacoor Traffic Management Department of the City of Bacoor.

Section 4. Digging/Excavation/Restoration defined. –

As interchangeably used in this Ordinance, digging and excavation is any act of unearthing or restoration work on all 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. The word "restoration" pertains to the covering or filling up of excavations and dig sites with soil or concrete.

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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"):

- 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;
- 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);
- 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;
- Typical Sections & Specifications, type and extent of work to be undertaken, and name and address of contractor (if by contract);
- Accomplished Affidavit of Undertaking signed by the duly authorized representative of the Utility Agency or



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Applicant;

- f. If the project will take more than seven days to complete, the Applicant must post a cash bond (by the one who will undertake the excavation restoration) collectible on demand, equivalent to 1% of the full restoration/reconstruction cost of the affected area, taking into consideration the type and class of pavement structure. If the project will take less than seven (7) days to complete, the Applicant no longer need to post a bond equivalent to 1% of the project cost. Any member of the public who suffers an injury or who dies due to the neglect or fault of the Applicant, its agents, contractors/sub-contractors, employees, or personnel shall be compensated through the said bonds pursuant to applicable laws, government regulations, and doctrines laid down by the Supreme Court;
- 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.

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Section 8. Other conditions of the Permit – (1) Road Sections affected by an excavation shall be temporarily paved and patched with asphalt until it can be fully restored to its original condition. In case there is no fund available for the said asphaltting work, the City Engineer shall revoke the permit granted to the project contractor and shall deliver an Ordinance Violation Receipt against the latter for violating this Ordinance. The City Engineer shall also cause the installation of the necessary safety devices around the excavation, dig, or restoration site the cost of which shall be charged against the account of the contractor/s who violated this Ordinance. On the other hand, the BTMD shall provide traffic law enforcers near the vicinity of the excavation, dig, or restoration site/s to protect public safety. Final restoration works shall commence immediately once the utility contractor under



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the close supervision of the respective authorized representatives of the BTMD and the City Engineering Office.

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

(3) In the event that there will be a road expansion or improvement to be introduced on any national road within the City 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 or restoration work, 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 design strength, signs with 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 media, print media, and/or social media shall be made indicating the nature and coverage of the project, detours and/or possible alternate routes, the name of the Utility Agency embarking on the project and the rationale behind and/or benefit of the proposed work. The working area shall be kept clear of debris, safe and clean at all times. All traffic safety devices will only be removed once the restoration works for the said section have been accepted by the City Engineering Office.

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

(7) Provided that: in case of emergency works intended to promote public safety and convenience, excavation works can commence while the permit is being processed. xxx"



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Section 2. 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 3. Repealing Clause. All ordinances, rules and regulations or portions thereof which are contrary to or inconsistent with this Ordinance are hereby repealed.

Section 4. 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 20th day of March 2023 by the 5th Sangguniang Panlungsod of Bacoor.

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

Certified by:

HON. ROWENA BAUTISTA-MENDIOLA
Presiding Officer/City Vice Mayor

Attested by:

ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary

Approved by:

HON. STRIKE B. REVILLA
City Mayor

Date Approved: 11 APR 2023