

AN ORDINANCE REGULATING STREET DIGGINGS AND/OR EXCAVATION IN THE CITY OF MANILA; PRESCRIBING THE MECHANICS FOR THE ISSUANCE OF PERMITS AND THE RATE OF FEES TO BE ASSESSED THEREFOR; PROVIDING PENALTY FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

Be it ordained by the City Council of Manila, THAT:

SECTION 1. Declaration of Policy. It is hereby declared the policy of the City of Manila to protect, enhance and ensure the health, welfare, safety and convenience of its residents with the principles of sound environmental management.

SEC. 2. Pursuant to this policy, no person shall dig and/or excavate or cause the digging and/or excavation of, any street or portion thereof without first securing a permit from the Office of the City Engineer and after payment of the fees assessed therefor.

SEC. 3. The grant of digging and/or excavation permit shall conform with the following procedures:

A. Application for permit to undertake digging/ excavation on national or City streets, except private roads not yet turned over to the City government, shall be filed with the City Engineer's Office at least seven (7) days prior to the scheduled date of excavation accompanied by the following documents:

1. Excavation and Installation Plans.
2. Clearance from the Punong Barangay having jurisdiction over the area.
3. Sworn Letter of undertaking signed by applicant to provide the following:
 - a. Appropriate Markers and other safety devices;
 - b. Appropriate steel plates to cover excavated portions during day time;
 - c. Appropriate notice of schedule of digging/excavation;
 - d. Third Party Liability Insurance Coverage to answer for any death, injury or damages in the sum of Fifty Thousand Pesos (P50,000.00) and Twenty Thousand Pesos (P20,000.00) per death or injury, respectively caused by non-completion of the work or failure to adopt/provide measures for the safety of the general public.
4. Certification signed by the agency head that the project will be undertaken by administration (for government entity or instrumentality only).

B. The City Engineer shall, within twenty four (24) hours from receipt, act on said application for permit and assess the corresponding fees and charges to be paid by the applicant, based on the following schedule of rates:

1. Processing Fee
 - a. For poles and home connections P 100.00
 - b. For all other major excavation 250.00
2. Excavation Permit Fee
 - a. For fifty (50) linear meter or less but not over the maximum width of trench of 0.50 meter 250.00

b. Over and above 50 linear meter	20.00/1 m.
c. Over and above 0.50 linear meter	20.00
d. For pole installation	100.00/pole
e. For anchor Log/Book	100.00/set
f. For Cabinet installation	1,000.00/cabinet

3. Restoration Deposit

a. Concrete Pavement	850.00/sq. m.
b. Asphalt Pavement	530.00/sq. m.
c. Macadam Surfaced Street	190.00/sq. m.
d. Concrete Sidewalk	480.00/sq. m.
e. Earth Sidewalk	43.00/sq. m.
f. Concrete Curb and Gutter Combination	400.00/1 m.

PROVIDED, That applications for permit filed by any government entity or instrumentality for projects undertaken by administration, shall be exempt from payment of excavation permit fee.

C. After ascertaining that the application for permit have complied with all applicable provisions of laws and this Ordinance the City Engineer shall, within twenty four (24) hours, issue the corresponding permit for ordinary digging/excavation works.

D. In case of major digging/excavation works lasting fifteen (15) days or more, including restoration works, the City Engineer shall, within the period prescribed in Paragraph B hereof, forward to the City Council the Excavation and Installation Plan together with said Official's action, comment and recommendation for review, ratification and/or affirmation before issuance of any permit.

E. The City Council shall within fifteen (15) days from receipt of the Excavation and Installation Plans act on the same. In case of failure of the City Council to act on the plans within the said period, the action and/or recommendations of the City Engineer on said plans shall be deemed favorable reviewed, ratified or confirmed.

SEC. 4. In addition to the fees and charges prescribed in Section 3-B of the Ordinance, there is likewise levied and assessed on holder of excavation/digging permit on Engineering Supervision Fee equivalent to thirty percentum (30%) of the total restoration cost.

SEC. 5. All excavations/diggings undertaken shall be under the supervision of the project engineer of the permittee or the contractor and the duly authorized representative of the utility company/government agency undertaking the project.

SEC. 6. The City Engineer or his duly authorized representative is empowered to conduct inspection on the work site to determine compliance with the terms and conditions stipulated in the permit.

SEC. 7. Extension of the validity of the excavation/digging permit granted maybe allowed by the City Engineer for meritorious and justifiable reasons and upon payment of additional engineering supervision fee equivalent to three per centum (3%) per month of the total restoration cost.

SEC. 8. Any permit granted by virtue of this ordinance may be suspended, revoked or cancelled in case of emergency, when public safety and interest demand or for non-compliance with or violation of the terms and conditions of the permit.

SEC. 9. The permittee is under obligation to restore the excavated portion of street to its original condition and specifications and to shoulder any and all costs for its maintenance for a period of one (1) year from the date of the completion of restoration works. The corresponding Performance Bond in favor of the City shall be secured by the permittee at an amount to be determined by the City Engineer and which bond shall be forfeited in favor of the City for failure to comply with the provisions of this section.

SECTION 10. All diggings/excavations left unattended for five (5) consecutive days shall be restored by the City Engineer and all expenses incurred shall be charged against the restoration deposit of the permittee.

SEC. 11. No excavation shall be allowed on any newly cemented City or national road within a period of three (3) years except in emergency cases as may be determined by the City Engineer and approved by the City Mayor.

SEC. 12. Insertion and interconnection shall not be allowed unless the same is specifically included in the approved excavation and installation plans.

SEC. 13. The City Engineer or his duly authorized representative, is authorized to inspect diggings/excavations on private roads, streets, thoroughfares including passageways and sidewalks and to require that restoration of the excavated area be done in accordance with the specifications prescribed by the City Engineer.

SEC. 14. The fees and charges to be collected by virtue of this Ordinance shall accrue to the general fund of the City.

SEC. 15. Any person found violating any provision of this Ordinance shall, upon conviction, be punished by a fine of Five Thousand Pesos (P5,000.00) or imprisonment of not less than one (1) month or more than six (6) months or both at the discretion of the Court.

In case of juridical person, the President or General Manager shall be held responsible thereby.

In case of public officer, penal sanction shall be in accordance with the pertinent provisions of R.A. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees".


SEC. 16. All ordinances, rules and regulations or parts thereof in conflict herewith are hereby modified, amended, revised or rescinded, accordingly.

SEC. 17. This Ordinance shall take effect upon its approval.

Enacted by the City Council of Manila at its regular session today, March 26, 1998.


Deemed Approved by His Honor, the Mayor, on *May 17, 1998* pursuant
APPROVED: *To Section 17, RA 409, as amended.*

JOSE L. ATIENZA, JR.
Mayor
City of Manila


DANILO V. ROLEDA
Member and Acting Presiding Officer
City Council, Manila

ATTESTED:

~~EMMANUEL R. SISON~~
Secretary to the Mayor


EMMANUEL R. SISON
Secretary to the City Council
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PRINCIPAL AUTHOR: HON. ROGER G. GERNALE
