

ORDINANCE NO. 8234

AN ORDINANCE INSTITUTIONALIZING SOCIAL AND ECONOMIC PROJECTS, PROGRAMS AND INFRASTRUCTURES IN THE CITY OF MANILA AND PROVIDING FOR THE APPROPRIATE PENALTY THEREFOR

PREAMBLE

WHEREAS, the General Welfare clause of Republic Act No. 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. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants";

WHEREAS, pursuant to the aforementioned provision, mid-term and long term projects and programs have been crafted and implemented and infrastructures built and developed by previous city administrations with the end-goal of meeting the social and economic needs of the inhabitants of the City;

WHEREAS, it has become public knowledge that the said projects and programs including the infrastructures thereto are cancelled, discontinued, destroyed, altered or modified by the current city administration, without said projects, programs and infrastructures attaining their envisioned goal or produced the optimum benefit for which they were originally crafted, implemented and built;

WHEREAS, this practice results to unnecessary and massive wastage of the City's funds and resources and further, deprives the inhabitants of the City of Manila of basic social and economic support;

WHEREAS, under Section (4) of Republic Act 6713 otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, it is mandated that "Public officials and employees shall always uphold the public interest over and above personal interest. All government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in public funds and revenues": NOW, THEREFORE,

Be it ordained by the City Council of Manila, in session, assembled, **THAT:**

SECTION 1. Declaration of Policy. – It shall be the policy of the City Government to institutionalize social and economic projects and programs including the infrastructures appurtenant thereto and for said projects, programs and infrastructures to remain in effect and standing until such time that they shall have attained their envisioned goal or produced their optimum benefit.



SEC. 2. Definition of Terms. – As used in this Ordinance, the following terms are defined as follows:

1. **Social Benefit** – the total increase in the welfare of society from a political or economic action.
2. **Economic Benefit** – are gains that can be expressed in financial terms as the result of an improvement in facilities provided by a government, local authority, etc.

SEC. 3. Implementation. – It is hereby mandated that the City Council is empowered, by a majority vote of all the members of the City Council, to declare projects, programs and infrastructures previously and currently implemented by the City Government to be of "Social and Economic Benefit" to the city and its inhabitants.

SEC. 4. Upon such declaration by the City Council, the concerned projects, programs and infrastructures shall be accordingly maintained or restored, as the case maybe, and shall not be cancelled, discontinued, destroyed, altered or modified from the original purpose for which they were crafted, implemented and built, unless a prior authorization is secured from the City Council, by a three-fourths (3/4) vote of all the members of the City Council.

SEC. 5. Penalties. –

a) Any person found violating or infringing of the provisions of this Ordinance or any rules and regulations issued thereto shall be punished by imprisonment of not less than six months but not more than one year or a fine of not less than Three Thousand Pesos (PhP 3,000.00) but not more than Five Thousand Pesos (PhP 5,000.00), or both at the discretion of the court.

b) In addition to the aforementioned, any public official or employee, regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, elected, appointed or designated, committing any violation of this Act shall be punished with suspension not exceeding one year, or removal depending on the gravity of the offense and disqualification to hold public office.

c) Violators of these provisions shall also be liable to the City Government, for the total damages caused in the destruction, cancellation, alteration or modification of concerned projects, programs and infrastructures.

SEC. 6. This Ordinance or any provision thereof can only be amended, revised or repealed by another ordinance obtained through a three-fourths (3/4) vote of all the members of the City Council.

SEC. 7. Separability Clause. – The provisions of this Ordinance are hereby declared to be separable and in the event one or more of such provisions are held unconstitutional, the validity of the other provisions shall not be affected thereby.



SEC. 8. Repealing Clause. – All ordinances or parts thereof, which are inconsistent with this Ordinance are hereby repealed, amended or modified accordingly.

SEC. 9. Effectivity Clause. – This Ordinance shall take effect fifteen (15) days upon its approval and publication in a newspaper of general circulation.

Enacted by the City Council of Manila at its regular session today, May 26, 2011.

Approved by His Honor, the Mayor, on
*I veto this Ordinance for being ultra vires and
prejudicial to public welfare as explained in
the attached veto message.*

AL
ALFREDO S. LIM
Mayor
City of Manila

FRANCISCO
FRANCISCO "Isko Moreno" DOMAGOSO
Vice Mayor and Presiding Officer
City Council, Manila

ATTESTED:

Rafaelito M. Garayblas
RAFAELITO M. GARAYBLAS
Secretary to the Mayor

LUCH R. GEMPIS, JR.
LUCH R. GEMPIS, JR.
Secretary to the City Council

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OMR: rnf/avt/alt/mbi/gdc/vmf