



Republic of the Philippines
Province of Cebu

MUNICIPALITY OF SAN FRANCISCO

OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 2020-164

AN ORDINANCE REGULATING DIGGINGS AND EXCAVATIONS ON EXISTING ROADS WITHIN THE MUNICIPALITY OF SAN FRANCISCO

Be it ordained by the Sangguniang Bayan of San Francisco, Cebu in Session assembled:

Section 1. Short Title. - This Ordinance shall be known as the "**Road Digging and Excavation Regulation Ordinance 2020 of the Municipality of San Francisco**".

Section 2. Coverage. - This Ordinance shall govern diggings and excavations on any road, street, passage way, pathway, and similar places within the Municipality of San Francisco. It shall also apply to all public utility agencies, companies or corporation, both public and private, that supply water, light, power, gas, telephone and other services to the public.

Section 3. Definition of terms – As used in this Ordinance the following terms mean:

“bond” the amount of money posted equivalent to one–hundred–fifty (150%) percentum of the cost to restore the road.

“Digging” - refers to break-up or turning over of the ground or any surface on roads and streets.

“Excavation” - refers to making a hole or hollow in roads and streets.

Section 4. Administrative Provisions:

- a) It shall be unlawful for any person or entities, whether on their own or as contractors to any government agency, local or national, to excavate or dig for the purposes of installing water pipes, telecommunication lines, poles, drainage pipes, and other underground facilities, within roads, streets, thoroughfares and alleys without first securing an excavation permit from the Municipal Treasurer’s Office except in cases of emergency in which case the permit should be secured within three (3) working days.
- b) The application for temporary closure of a road or part of the road, due to diggings and/or excavation shall be evaluated first by the Municipal Engineering Office so that timetable, remedial steps, and other precautions can be undertaken to minimize adverse effect on traffic flow.
- c) Excavators/diggers must at all times put up road signs for precautionary measures to motorists and pedestrians alike/or safety signs warning of excavation works ahead.
- d) All areas dug or excavated must be properly restored to its original form under the standard specification for road construction. To ensure restoration, the party undertaking the digging or excavation shall post a bond equivalent to one–hundred–fifty (150%) percentum of the cost to restore the same, the amount to be determined by the Municipal Engineer. The bond shall be received by the Municipal Treasurer and shall be forfeited in favor of the Municipal Government if restoration work is not commenced within ten (10) days of completion of the excavation and to be completed within the same number of days for which the excavation had been authorized. Deposit shall be released within five (5) days after determination by the Municipal Engineer or his authorized representative that the road has been restored satisfactorily.
- e) It shall be unlawful for any person, utility company or agency to leave or abandon any debris of digging or excavation project on any road, street, passageway, pathway, and similar places

Section 5. Requirement. -- There shall be a permit to dig or excavate for all digging and excavations on any road, street, passage way, pathway, and similar places in the Municipality of San Francisco to be issued by the Office of the Municipal Engineer. Before a permit to dig or excavate is issued, the requesting entity, utility agency or company shall be required among others to submit all the requirements stated in Section 9 of this Ordinance with the timetable/schedule of the digging or excavation project which shall include the period for completion of restoration work approved by the Office of the Municipal Engineer. A barangay clearance from the barangay concerned, payment of the required fees including the surety bond equivalent to one–hundred–fifty (150%) percentum of the cost to restore the road, street, passage way, and similar places to their original condition.

Section 6. Emergency Repair Work. -- For unprogrammed diggings involving emergency works for the repairs of leaking pipes, malfunctioning connections, and similar emergency works on damaged facilities, excavation or diggings may be commenced by the entity, utility agency or company without the permit first issued as required by Section 5 of this Ordinance; Provided, however, that notice is served to the Office of the Municipal Engineer within the next working day after the work commenced.

Section 7. Diggings on Main Roads and Busy Streets. -- In main thoroughfares, digging and excavation works on busy main roads and streets shall be undertaken as much as practicable during night time up to dawn and during Saturdays and holidays except during Sundays in order to minimize traffic problems. Proper identification of the agencies undertaking the repair should be indicated in the signboard. Excess materials and debris as a result of the digging/ excavation site, proper barricades, signboards and other warning devices should be installed in the excavation site. Proper housekeeping shall also be observed within the site.

Section 8. Restoration Works. -- The entity, utility agency or company which was issued a permit to dig or excavate shall undertake the restoration works on any roads, streets, passageway, pathway and similar places where digging or excavation project have been completed within the schedule provided for under Section 4 (d) of this Ordinance. Failure to complete the restoration work as scheduled shall render the entity, utility agency and the contractor for such project to pay the imposed penalty as provided for in Section 10 of this Ordinance, and likewise jointly and severally liable to any person who may suffer injury as a result of such un-restored digging or excavation.

The Municipal Engineer in close coordination with local government officials shall be given the authority to issue the certificate of work or completion of certain excavation or diggings.

Section 9. Payment of Excavation/Digging Permit Fee. – *Excavation permits issued to individual/entity, private firms, and government agencies applying for waterline connection to Water Service Cooperatives, drainage line, sidewalk alteration and pole erection for telecommunication lines, Electric Power and Light lines.*

Requirements	Fees
a.) Water Line (Water Service Cooperatives) <ul style="list-style-type: none"> • Inspector’s Report from Water Service Cooperatives • CEDULA/TIN/I.D (Photocopy) • Authenticated copy of Lot Title or Tax Declaration/Deed of Sale (Photocopy) and Authorization from Lot/ Bldg. Owner duly notarized • Affidavit of Undertaking (If Public Land) 	Gravel Shoulder - P 172.00 Concrete Sidewalk/Pavement - P542.00/sq.m. at 0.15m depth Concrete Pavement - P571.00/sq.m. at 0.20m depth Asphalt Pavement - P653.00/sq.m. at 0.35m depth Asphalt (Direct Application) - P291.00/sq.m.

	Inspection Fee - P90.00/day Clearance Fee - P75.00
b.) Drainage Line <ul style="list-style-type: none"> • Engineering Detailed Plan/Hydraulic Profile • Barangay Clearance • Location Plan • CEDULA/TIN 	Gravel Shoulder - P173.00/sq.m. Concrete Sidewalk - P542.00/sq.m. Concrete Pavement - P571.00/sq.m. Asphalt Pavement - P653.00/sq.m. Inspection Fee - P90.00/day Clearance Fee - P75.00
c.) Sidewalk Alteration/Paver Blocks Installation <ul style="list-style-type: none"> • Location Plan • CEDULA/TIN • Barangay Clearance/ Detailed Plan/Location 	Gravel Shoulder - P173.00/sq.m. Concrete Sidewalk - P542.00/sq.m. Concrete Pavement - P571.00/sq.m. Asphalt Pavement - P653.00/sq.m. Inspection Fee - P90.00/day Clearance Fee - P75.00
d.) Pole Erection: Telecommunications/Electric Power Lines <ul style="list-style-type: none"> • Location Plan • CEDULA/TIN • Barangay Clearance/ Detailed Plan/Location/Joint Pole Agreement 	Pole - P20.00/pole; P500.00/year/pole Fiber Optic - P2.00/four core/km. Copper - P1.00/pair/km.

Section 10. Penal Clause. – Anybody who violates any provision of this Ordinance shall be penalized of not less than P2,000.00, but not more than P2,500.00 and forfeiting of the bond, and/or filing of appropriate case in court as the case may be.

Section 11. Effectivity Clause. - This Ordinance shall take effect immediately after approval.

PASSED BY A DULY CONSTITUTED QUORUM OF THE
11TH SANGGUNIANG BAYAN OF SAN FRANCISCO, CEBU THIS 10TH DAY OF MARCH 2020.