



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod Mandaluyong

ORDINANCE NO. 728, S-2019

ORDINANCE REGULATING EXCAVATION WORKS AND
OTHER DIGGINGS ON STREETS, ROADS,
THOROUGHFARES AND OTHER PUBLIC PLACES

BE IT ENACTED, by the Sangguniang Panlungsod ng Mandaluyong,
in session assembled:

- SECTION 1. No person shall conduct any excavation and other diggings in any of the streets, roads, thoroughfares, or part or portion thereof, or other public places in the City of Mandaluyong, without first obtaining an excavation permit issued by the Office of the City Mayor.
- SECTION 2. **COVERAGE.** The provisions of this Ordinance shall apply to any digging or unearthing in any of the streets, thoroughfares, or part or portion thereof, or other public places, including passageways and sidewalks for the installation, repair or improvement of water pipes, gas pipes, telephone or telegraph wires or cable conduit, sewer and draining pipes, communication and power lines undertaken by any person, natural or juridical, whether on their own or as local or national to government agencies.
- SECTION 3. **PERMIT.** Application for a permit to conduct excavation or other diggings in any of the streets, roads, thoroughfares, or part or portion thereof, or in any other public places in the City of Mandaluyong, shall be filed with the Office of the City Engineer. All applications for the issuance of Excavation Permit shall be processed only upon **submission/compliance** by the Utility Agency or its agent or contractor (collectively, the "Applicant"), of the following:
- Sketch Plan/Map showing the exact location of the project, including the name of the road section, type of underground or aerial facility/structure to be installed, and other relative appurtenances;
 - Program of Works (POWs) with corresponding detailed estimates for the cost of materials, cost of excavations, including the cost of restoration, shall be submitted by the "Applicant";
 - Timetable of the proposed work in the form of Bar/Gantt Chart or PERT-CPM Chart showing the duration of excavation and restoration work activities;
 - Typical Section and Specifications, type and total area of pavement to be excavated, type and extent of work to be undertaken, and name and address of contractor (if by contract);
 - Contractor's tax (if by contract);
 - Posting of a cash deposit for restoration cost based on the schedule of restoration rates stated in this Ordinance;
 - Payment of necessary fees based on the schedule of fees and charges stated in this Ordinance;

- h. Payment of a non-refundable amount to cover the Engineering and Administrative Overhead (the "Supervision Fee") of issuing office since said undertaking is not considered in the programmed budget allocation of the issuing office. Engineering Department only charge "PROCESSING FEE" and Mayor's Permit fee for the National roads. Provided that the applicant will secure permits from DPWH and MMDA. The Supervision Fee shall be computed as follows:

COST OF RESTORATION	SUPERVISION FEE
P 50,000.00 and below	3% of the cost of restoration
Above P 50,000.00	1.5% of the cost of restoration

- i. Traffic Clearance or Receiving copy of the request letter for Traffic Clearance from the City Traffic and Parking Management Department (CTPMD).

SECTION 4. FEES. No permit for the conduct of excavation or other diggings in any of the streets, roads, thoroughfares, or part or portion thereof or in any other public places in City of Mandaluyong shall be issued by the Office of the Mayor unless the applicant shall pay:

PAYMENT OF FEES AND CHARGES			
1.	PROCESSING FEE		
	1.1 For Water House Connections	P 1,200.00	
	1.2 For all other excavations	1,500.00	
2.	EXCAVATION PERMIT FEE		
	2.1 Underground Utility Lines		
	a. For a maximum width trench of 0.50m		
	a.1. First 50 linear meter length of excavation and below	1,200.00	
	a.2. Over 50 linear meter length of Excavation	40.00	per linear meter
	b. Excess over 0.50 but not to exceed 1.00 meter width of trench	40.00	per linear meter
	c. For trenchless excavation (per pipe)		
	c.1 First 50 linear meter length of excavation and below	1,200.00	
	c.2 Over 50 linear meter length of Excavation	30.00	per linear meter
	2.2 Foundation of Structures	50.00	per square meter
	2.3 Concrete and asphalt pavements	20.00	per square meter
	2.4 Installation of utility poles	2,000.00	per pole
3.	RESTORATION DEPOSIT		
	3.1 Concrete Pavement for reblocking		
	a. 0.23m thickness (± 8 inches)	2,369.00	per square meter
	b. 0.15m thickness (6 inches)	1,805.00	per square meter
	3.2 Concrete Sidewalk	1,687.00	per square meter
	3.3 Macadam Pavement	540.00	per square meter
	3.4 Asphalt Pavement (0.05m thickness)	1,115.00	per square meter
	3.5 Curb and gutter	648.00	per linear meter

4.	MAINTENANCE FEE		
	4.1 Concrete Pavement		
	a. 0.23m thickness (± 8 inches)	864.00	per square meter
	b. 0.15m thickness (6 inches)	712.00	per square meter
	4.2 Concrete Sidewalk	448.00	per square meter
	4.3 Macadam Pavement	200.00	per square meter
	4.4 Asphalt Pavement (0.05m thickness)	520.00	per square meter
	4.5 Curb and gutter	400.00	per linear meter
5.	MAYOR'S PERMIT FEE	25.00	

The restoration deposit shall be classified as Trust Fund refundable to the depositor upon his request after completion of the work. The amount so deposited shall be refunded to the applicant upon completion of the restoration work, as duly certified by the City Engineer. The amount deposited shall be forfeited in favor of the City should the applicant fail to claim for refund within six (6) months from the date of work is completed, as certified by the City Treasurer.

All diggings or excavation, including restoration or construction works, shall be allowed in two (2) shifts (day and night), if practicable, in highly urbanized areas or traffic congested areas for early completion of restoration work provided that the activities creating excessive noise like concrete breaking and hauling of debris using an equipment that will cause disturbance especially on residential areas will be done during daytime and activities creating tolerable sound like pipe laying can be done during nighttime. Excavated parts of the busy roads must be passable during daytime.

The excavation or digging shall be started within three (3) days from the time the permit is granted and shall be terminated based on the timetable submitted by the applicant. Permit extension may be granted upon payment of processing and Mayor's Permit fee, with the approval of the Mayor upon recommendation of the City Engineer. Applicant shall be charged a non-refundable amount equivalent to 1% of the remaining restoration cost, based on the remaining restoration works, for every day of delay beyond the original or extended period, which in no case shall exceed 15% of the total restoration deposit, as liquidated damages. Non-payment of the liquidated damages shall be a ground for the blacklisting of the Applicant. The excavation or digging and its restoration shall be made under the supervision of the City Engineer.

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The completed restoration works shall be monitored during the warranty period. A corresponding warranty bond equivalent to ten percent (10%) of the actual restoration deposit, callable on demand, shall be held in trust for a period of one (1) year from the date of issuance of a Certificate of Completion and can only be released upon the issuance of a Certificate of Acceptance by the issuing Office.

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The fees stated herein are without prejudice to other fees that may be imposed by the City and as may be covered by other Ordinances for the use of the City roads.

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SECTION 5. **LOCATION.** The permit issued under this Ordinance shall be conspicuously displayed at the site where the work is being conducted and must always be available on the site of excavation.

Anytime the owner (City Government of Mandaluyong) needs the area/s occupied by the utility (aerial or underground), it shall be removed/relocated by the utility agency concerned at their own expense within one (1) month upon due notice.

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SECTION 6. **ADMINISTRATIVE PROVISION.** Should there be an increase in the cost of labor and/or materials, including the increase in the cost of operation and maintenance of equipment, upon the **recommendation** of the City Engineer and subsequent approval of the City Mayor, a corresponding increase shall be adjusted in the fees listed herein but not to exceed 50% of the increase in the cost of items and not more often than once a year.

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SECTION 7. **ADMINISTRATIVE SANCTIONS.**

7.1 The imposition of an administrative warning due to violations on this Ordinance with corresponding administrative fines.

7.2 SCHEDULE OF FINES:

a.	Excavating without Excavation Permit	P 5,000.00
b.	Failure to post Excavation Permit in conspicuous place	5,000.00
c.	Failure to install road/highway safety construction devices	5,000.00
d.	Failure to install road signs and billboards	5,000.00
e.	Failure to clear roadway/sidewalk of construction materials/debris from the site after excavation	5,000.00

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SECTION 8. PENALTY. A person who conducts any excavation and other diggings in any of the streets, roads, thoroughfares, or part or portion thereof, and of other public places in the City of Mandaluyong without the permit required or violation of any provision of this Ordinance shall be punished with a fine of not less than Two Thousand Pesos (P2,000.00) but not more than Five Thousand Pesos (P5,000.00) or imprisonment of not less than three (3) months but not more than six (6) months or both at the discretion of the Court.

A person who conducts any excavation and other diggings in any of the streets, roads, thoroughfares, or part or portion thereof, and of other public places in the City of Mandaluyong with the necessary permit but who exceeds the scope of work specified in the Excavation Permit granted by the Office of the Mayor shall be punished with the same fine ~~above-mentioned~~.

In addition, in case of non-completion of the work and restoration within the period herein provided, the deposit shall be forfeited in favor of the City which shall undertake the restoration.

SECTION 9. ADDITIONAL PENALTY. The penalty provided in Section 8 of this Ordinance shall also be imposed upon the person who caused or ordered the excavation or diggings to be done.

SECTION 10. REPEALING CLAUSE. Ordinances No. 46, S-1989; No. 71, S-1989, No. 74, S-1989, No. 85, S-1990, No. 560, S-2014 and any Ordinance not consistent with the provisions of this Ordinance are hereby repealed.

SECTION 11. EFFECTIVITY. This Ordinance shall take effect upon approval and after publication in a newspaper of general circulation in the City of Mandaluyong.

ENACTED on this 6th day of March, 2019 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED AND APPROVED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN A SPECIAL SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.

MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:

LUISITO E. ESPINOSA
Councillor &
Acting Presiding Officer

APPROVED:

CARMELITA A. ABALOS
City Mayor

Date: 15 MAR 2019

VACATION LEAVE
ANTONIO DLS. SUVA
Vice Mayor



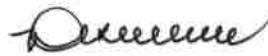
CHARISSE MARIE ABALOS-VARGAS
Councilor



ALEXANDER C. STA. MARIA
Councilor



AYLA ALIM-BALDUEZA
Councilor



FRANCISCO O. ESTEBAN
Councilor

SICK LEAVE
GRACE MARIE V. ANTONIO
Councilor



JESUS C. CRUZ
Councilor



RODOLFO M. POSADAS
Councilor



ROEHL B. BACAR
Councilor

ABSENT
BRANDO P. DOMINGUEZ
Councilor



CHERRY LYNN P. SANTOS
Councilor



FERNANDO S. OCAMPO
Councilor



DARWIN A. FERNANDEZ
LnB President



AEROL SEDRICK A. MANGALIAG
SK President