



Republic of the Philippines
 MUNICIPALITY OF PINAMALAYAN
 Oriental Mindoro

Office of the Sangguniang Bayan

Page Two (2) of Resolution No. 42-98 :

Section 4. The grant of digging and/or excavation permit shall conform with the following procedures :

A. Application for permit to undertake digging/excavation on provincial, national or municipal streets shall be filed with the Municipal 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/excavations
- d. Third Party Liability Insurance coverage to answer for any death, injury, damages in the sum of twenty-five thousand pesos (P25,000.00) and ten thousand pesos (P10,000.00) per death, 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 Municipal 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 house connections | ₱ 50.00 |
| b. for all other major excavation | 200.00 |

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 |
| c. over and above 0.50 linear meter | 20.00 |
| d. for pole installation | 50.00/pole |
| e. for anchor log/book | 50.00/set |
| f. for cabinet installation | 500.00/cabinet |

3. Restoration Deposit (per square meter)

- | | |
|---|----------|
| a. concrete pavement | ₱ 900.00 |
| b. asphalt pavement | 600.00 |
| c. macadam surfaced street | 200.00 |
| d. concrete sidewalk | 500.00 |
| e. earth sidewalk | 50.00 |
| f. concrete curb and gutter combination | 400.00 |

[Handwritten signatures and initials on the left margin, including names like 'Off. of Gen. Sec. Affairs', 'Engr. J. B. ...', 'Engr. ...', 'Engr. ...', and 'Engr. ...']

[Handwritten signature at the bottom center of the page.]



Republic of the Philippines
MUNICIPALITY OF PINAMALAYAN
Oriental Mindoro

Office of the Sangguniang Bayan

RESOLUTION NO. 42-98

RESOLUTION ENACTING AN ORDINANCE REGULATING STREET DIGGINGS AND/OR EXCAVATION IN THE MUNICIPALITY OF PINAMALAYAN, PROVINCE OF ORIENTAL MINDORO, BY PRIVATE PERSON, ENTITIES OR CORPORATION 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.

WHEREAS, Paragraph 5.VIII of Article 100 of the Local Government Code provides that the Sangguniang Bayan has the function of regulating the drilling and excavation of the ground for laying of water, gas, sewer and other pipes, and the construction, repair and maintenance of public drains, sewers, cesspools, tunnels and similar structures, curbs and gutters, adopt measures to ensure public safety against open canals, manholes, live wires and other similar hazards to life and property, and regulate the construction and use of private water closets, privies and other similar structures in building and homes;

WHEREAS, it has been the sad experience in the past that without an ordinance regulating said drillings, diggings and excavations, the municipal government is left with no available remedies and remained at the mercy of corporation entities on how these streets which has been destroyed will be restored to its original conditions;

WHEREAS, these persons, entities or corporation who are digging our streets are engaged in business and they should pay fees;

WHEREAS, diggings and excavations in municipal, provincial or national roads will result to inconvenience and affect the flow of traffic;

NOW THEREFORE :

On motion of Honorable SB Member Dennis A. Hintay and seconded by all

RESOLVED as it is HEREBY RESOLVED to enact this ordinance.

ORDINANCE NO. 02-98

AN ORDINANCE REGULATING STREET DIGGINGS AND/OR EXCAVATION IN THE MUNICIPALITY OF PINAMALAYAN, PROVINCE OF ORIENTAL MINDORO, BY PRIVATE PERSON, ENTITIES OR CORPORATION 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 Sangguniang Bayan that -

Section 1. Declaration of Policy. It is hereby declared the policy of the municipality of Pinamalayan to protect, enhance and ensure the health, welfare, safety and convenience of sound environmental management.

Section 2. Pursuant to this policy, no person, corporation or entities shall dig and/or excavate or cause the digging and/or excavation or if they have already commenced such digging, excavation or destruction of any streets or portion thereof without a contract signed by the Municipal Mayor ratified by the Sangguniang Bayan a permit from the Office of Municipal Engineer and after payment of the fees assessed therefor.

Section 3. Before the start of their operation and upon ratification of the contract by the Sangguniang Bayan said private persons, entities or corporations shall obtain a Mayor's Permit Fee in the amount of One Thousand Pesos (P1,000.00) TO Be paid to the Office of the Municipal Treasurer.

[Handwritten signature]

[Handwritten signature]
was received

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]



Republic of the Philippines
MUNICIPALITY OF PINAMALAYAN
Oriental Mindoro

Office of the Sangguniang Bayan

Page Three (3) of Resolution No. 42-98 :

PROVIDED, that application for permit filed by any government entity or instrumentality for project 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 Municipal 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 Municipal Engineer shall within the period prescribed in Paragraph B hereof, forward to the Sangguniang Bayan 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 Sangguniang Bayan shall within fifteen (15) days from receipt of the Excavation and Installation Plans act on the same. In case of failure of the Sangguniang Bayan to act on the plans within the said period, the action and/or recommendations of the Municipal Engineer on said plans shall be deemed favorable reviewed, ratified or confirmed.

Section 5. In addition to the fees and charges prescribed in Section 4-B of the ordinance, there is likewise levied and assessed on holder of excavation digging permit on Engineering Supervision Fee equivalent to thirty per centum (30%) of the total restoration cost.

Section 6. 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.

Section 7. The Municipal Engineer or his/her duly authorized representative is empowered to conduct inspection on the work site to determine compliance with the terms and conditions stipulated in the permit.

Section 8. Extension of the validity of the excavation/digging permit granted maybe allowed by the Municipal 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.

Section 9. 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.

Section 10. 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 Municipal shall be secured by the permittee at an amount equivalent to 3% of the total restoration cost and which bond shall be forfeited in favor of the Municipal for failure to comply with the provisions of this section.

Section 11. All diggings/excavations left unattended for five (5) consecutive days shall be restored by the Municipal Engineer and all expenses incurred shall be charged against the restoration deposit of the permittee.

[Handwritten signature]

[Vertical handwritten notes and signatures on the left margin]

[Vertical handwritten notes and signatures on the bottom left margin]



Republic of the Philippines
MUNICIPALITY OF PINAMALAN
Oriental Mindoro

Office of the Sangguniang Bayan

Page Four (4) of Resolution No. 42-98 :

Section 12. No excavation shall be allowed on any newly cemented municipal or national roads within a period of three (3) years except in emergency cases as may be determined by the Municipal Engineer and approved by the Municipal Mayor.

Section 13. Insertion and interconnection shall not be allowed unless the same is specifically included in the approved excavation and installation plans.

Section 14. The Municipal Engineer or his/her 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 Municipal Engineer.

Section 15. The fees and charges to be collected by virtue of this ordinance shall accrue to the general fund of the municipality.

Section 16. Any person found violating any provisions of this ordinance shall, upon conviction, be punished by a fine of Two Thousand Five Hundred Pesos (P2,500.00) 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".

Section 17. All ordinances, rules and regulations or parts thereof in conflict herewith are hereby modified, amended, revised or rescinded, accordingly.

Section 18. This ordinance shall take effect upon its approval.

APPROVED : June 22, 1998.

HON. MICHAEL V. KING
Member

HON. VIRGILIO C. YUMANG
Member

HON. FORTUNATO P. LOZANO
Member

HON. QUINCY S. MARICOT, JR.
Member

HON. DENHILL MARCELO M. DELMO V
SK President, Member

HON. MARCELITO W. TAPACPAC
Member

HON. DENNIS A. HINAY
Member

HON. WILHELMO L. ABUSTINO
Member

HON. SEVERINO J. NARITO
ABC President, Member

Attested :
CELSO M. JAMIG, JR.
Secretary to the Sanggunian

Certified Correct :
HON. ROBERTO A. MORENTE
Vice Mayor, Presiding Officer

W. Hernandez
HON. WILFREDO L. HERNANDEZ, SR.
Municipal Mayor

APPROVED :