

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

OFFICE OF THE SECRETARY

10 JUL 30 P5:21

S E N A T E

S. No. 420

APPROVED BY: Osmeña

Introduced by Senator S. R. Osmeña III


EXPLANATORY NOTE

In their effort to maintain and further improve their services, public utility companies, i.e. power, water, telephone, are periodically doing construction and/or repair maintenance jobs. Oftentimes, these maintenance jobs require digging of the road, pathway, street or passageway.

Unfortunately, these activities have caused the public inconvenience like traffic jams and even accidents that causes injuries.

To avoid similar problems in the future, this measure is hereby proposed to require the public utility companies or corporations to reconstruct the roads, streets, passage ways or pathways that they dug within forty-eight (48) hours after completion of their job. To ensure their compliance, the barangay captain or the barangay secretary must issue a repair work completion. This measure also gives authority to any bona fide resident who is greatly affected by the inconvenience. In addition, this measure has deemed it necessary to include penalties against those liable. It will also impose stiff penalties against barangay officials who issues false certificate of work completion.

The passage of this bill is hereby sought.


SERGIO OSMEÑA III
Senator

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**AN ACT
TO REGULATE DIGGINGS AND EXCAVATIONS ON ROADS AND STREETS
AND FOR OTHER PURPOSES**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. This Act shall govern diggings and excavations on any road,
2 street, passage way, pathway, and similar places. It shall also apply to all
3 public utility agencies, companies or corporation, both public and private, that
4 supply water, light, power, gas, telephone and other services to the public.

5 SEC. 2. For the purpose of this Act, the following terms shall mean:

6 A.) Digging – refers to break-up or turning over of the ground or any
7 surface on roads and streets.

8 B.) Excavation – refers to making a hole or hollow on roads and
9 streets.

10 SEC. 3. Requirement. -- There shall be a permit to dig or excavate for all
11 digging and excavations on any road, street, passage way, pathway, and similar
12 places in cities or urban centers to be issued by the Department Of Public
13 Works and Highways. Before a permit to dig or excavate is issued, the
14 requesting utility agency or company shall be required among others to submit
15 the plan together with the timetable/ schedule of the digging or excavation
16 project which shall include the period for completion of restoration work
17 approved by the DPWH. A clearance from the local traffic authority, payment of

1 the required permit fee including the surety bond equal to the cost of restoring
2 the road, street, passage way, and similar places to their original condition.

3 SEC. 4. Emergency Repair Work. -- For unprogrammed diggings involving
4 emergency works for the repairs of leaking pipes, malfunctioning connections,
5 and similar emergency works on damaged facilities, excavation or diggings may
6 be commenced by utility agency or company without the permit first issued as
7 required by Section 3 thereof; Provided, however, that notice is served to the
8 DPWH or the local engineers' office within the next working day after the work
9 commenced.

10 SEC. 5. Diggings on Main Roads and Busy Streets. -- In highly
11 urbanized cities, digging and excavation works on busy main roads and streets
12 shall be undertaken as much as practicable during nighttime up to dawn and
13 during Sundays and holidays in order to minimize traffic problems. Proper
14 identification of the agencies undertaking the repair should be indicated in the
15 signboard. Excess materials and debris as a result of the digging/ excavation
16 site, proper barricades, signboards and other warning devices should be
17 installed in the excavation site. Proper housekeeping shall also be observed
18 within the site.

19 SEC. 6. Restoration Works. -- The utility agency or company which
20 was issued a permit to dig or excavate shall undertake the restoration works on
21 any roads, streets, passageway, pathway and similar places where digging or
22 excavation project have been completed within the schedule provided for under
23 Section 3 of this Act. Failure to complete the restoration work as scheduled
24 shall render the utility agency and the contractor for such project jointly and
25 severally liable to any person who may suffer injury as a result of such
26 unrestored digging or excavation. The provincial or district engineer of the area
27 in close coordination with local government officials shall be given the authority
28 to issue the certificate of work or completion of certain excavation or diggings.

1 SEC. 7. Implementing Rules. -- The Department of Public Works and
2 Highways shall within ninety (90) days from the date of effectivity of this Act;
3 promulgate the implementing rules, regulations and guidelines which shall
4 include a system to effectively and efficiently coordinates plan of government
5 service agencies and utility companies involving digging amd excavation works.

6 SEC. 8. Prohibited Acts.

7 1.) It shall be unlawful for any person, utility company or agency to leave
8 or abandon any unfinished digging or excavation on any road, street,
9 passageway, pathway, and similar places.

10 2.) It shall likewise be unlawful to dig or excavate without proper permit.

11 SEC. 9. Penalties. -- Any person or official of any utility agency or
12 company who have direct supervision in the digging or excavation work violating
13 any provisions of this Act shall suffer the penalty of a fine of not less that fifty
14 thousand pesos (Php 50,000) and/or imprisonment of not less than two (2)
15 years or both at the discretion of the court: Provided, that should the offender
16 be a government employee or public official who shall willfully violate any
17 provisions of this Act shall suffer perpetual disqualification to hold any public
18 office in addition to the same penalties as provided herein: Provided, further,
19 that if the offender is a private contractor who shall willfully cause the violations
20 of this Act, each shall suffer the same penalties provided herein in addition to
21 the cancellation and/or suspension of his license as a private contractor.

22 SEC. 10. Repealing Clause. -- Any provision of law, decree, order or rules
23 and regulations as or inconsistent with the provisions of this Act are hereby
24 deemed repealed or modified accordingly.

25 SEC. 11. Effectivity. -- This Act shall take effect fifteen (15) days after its
26 publication in two (2) newspaper of general circulation.

27 Approved,