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SENATE

S. No. 942

RECEIVED BY 

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

The public in general experience the deplorable conduct of public utility agencies, companies or corporations, both public and private, that supply water, light, power, gas, telephone and other services of leaving the road, street, passage way or pathway where an installation, maintenance or repair work was done in a very deplorable and dangerous condition. The poor residence of the areas suffer inconvenience of using the road, street or passage way, traffic congestions resulted, and their health affected.

This bill seeks to relieve the suffering public by requiring the utility agency, company or corporation to repair or reconstruct the place within forty-eight (48) hours from completion of the work. To ensure compliance thereof, the Act requires the barangay captain or the barangay secretary to issue a repair work completion. The Act grants authority to any bona-fide resident of the barangay to institute the necessary criminal prosecution against those liable.

Additionally, the imposition of the penalty of disqualification to hold public office, aside from imprisonment and fine, imposed upon government officers in the case of government utility agency, company or corporation would be more than sufficient to move them to strictly follow the mandate of the law. Furthermore, the Act specifically makes the barangay official criminally liable of falsification of public document in case of issuance of a false certificate of work completion.

Hence, the immediate passage is earnestly requested.


MANUEL "LITO" M. LAPID
Senator 

10 JUL -8 10:45

SENATE

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AN ACT
TO REGULATE THE WANTON DIGGINGS AND EXCAVATIONS ON
NATIONAL ARTERIALROADS, NATIONAL SECONDARY ROADS
AND LOCAL ROADS AND FOR OTHER PURPOSES

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

SECTION 1. This Act shall govern diggings and excavations on any road, street, passage way, pathway, and similar places. 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.

SEC. 2. Definition of Terms. - For the purpose of this Act, the following terms shall mean:

- a. Digging – refers to break-up or turning over of the ground or any surface on roads and streets.
- b. Excavation – refers to making a hole or hallow on roads and streets.

SEC. 3. 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 cities or urban centers to be issued by the department of Public Works and Highways. Before a permit to dig or excavate be issued the requesting utility agency or company shall be required among others to submit the plan together with the timetable / schedule of the digging or excavation project which shall include the period for completion of restoration work approved by the DPWH. A clearance from the local traffic authority, payment of the required permit fee including the surety bond equal to the cost of restoring the road, street, passage way, and similar placer to their original condition.

SEC. 4. *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 utility agency or company without the permit first issued as required by Section 3 thereof: *Provided, however,* That notice is served to the DPWH or the local engineers' office within the next working day after the work commenced.

SEC. 5. *Diggings on Main Roads and Busy Streets.* – In highly urbanized cities, diggings and excavation works on busy main roads and streets shall be undertaken as much as practicable during night time up to dawn and during Sundays and holidays 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.

SEC. 6. *Restoration Works.* – The utility agency or company which was issued a permit to dig or excavate shall undertake the restoration works on any roads, street, passageway, pathway and similar places where digging or excavation project have been completed within the schedule provided for under Section 3 of this Act. Failure to complete the restoration work as scheduled shall render the utility agency and the contractor for such project jointly and severally liable to any person who may suffer injury as a result of such unrestored digging or excavation. The provincial or district engineer of the area 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.

SEC. 7. *Implementing Rules and Regulations (IRR).* – The Department of Public Works and Highways (DPWH) shall, within ninety (90) days from the date of effectivity of this Act, promulgate the implementing rules, regulations and guidelines which shall include a system to effectively and efficiently coordinates plan of government service agencies and utility companies involving digging and excavation works.

SEC. 8. Prohibited Acts. –

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

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

SEC. 9. Penalties. – Any person or official of any utility agency or company who have direct supervision in the digging or excavation work violating any provisions of this Act shall suffer the penalty of a fine of not less than Fifty Thousand Pesos (Php 50,000.00) and/or imprisonment of not less than two (2) years or both at the discretion of the court: *Provided*, That should the offender be a government employee or public official who shall willfully violate any provisions of this Act shall suffer perpetual disqualification to hold any public office in addition to the same penalties as provided herein: *Provided, further*, That if the offender is a private contractor who shall willfully cause the violations of this Act, each shall suffer the same penalties provided herein in addition to the cancellation and/or suspension of his license as a private contractor.

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

SEC. 11. Separability Clause. – If any provision or part of this Act, or the application thereof to any person or circumstance, is held unconstitutional or invalid, the remainder of this Act shall not be affected thereby.

SEC. 12. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in two (2) newspaper of general circulation.

Approved.