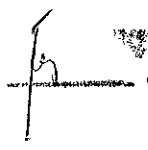


FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
*First Regular Session* )

7 JUL -3 P2:23

SENATE  
S.B. No. 788

RECEIVED BY 

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**Introduced by Senator Ramon Bong Revilla, Jr.**

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**EXPLANATORY NOTE**

This bill proposes to require public utility companies (power, water and telephone) to reconstruct the roads, streets, passageways or path ways that they dig and excavate during construction or repair maintenance work, within 48 hours after completion of their work. This bills aims to avoid public inconvenience like traffic jams and even accidents that causes injuries brought about by such diggings and excavations.

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.

Further, 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.

  
**RAMON BONG REVILLA, JR.**

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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:*

**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.** 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 hollow 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 is 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 places 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, 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 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 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 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.** -- The Department of Public Works and Highways 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 that fifty thousand pesos (Php 50,000) 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 wilfully 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 wilfully 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 provision 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. Effectivity.** -- This Act shall take effect fifteen (15) days after its publication in two (2) newspaper of general circulation.

*Approved,*