



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 90-082

AN ORDINANCE REQUIRING CONTRACTORS AND GOVERNMENT ENGINEERS TO COMPLETELY CLEAR ROADS, STREETS, HIGHWAYS AND BUILDING CONSTRUCTION SITES OF ALL DEBRIS AND EXCESS PILES OF CONSTRUCTION MATERIALS BEFORE THE PROJECT IS CERTIFIED AS FULLY FINISHED AND PRESCRIBING PENALTIES THEREOF: -

Motioned by: Hon. Rodolfo Z. Fortuno
Sponsored by: Hon. Jose L. Grageda

Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

SECTION 1. - TITLE. - An ordinance requiring Contractors and Government Engineers to clear completely Roads, Streets, Highways and Building Construction Sites of all Debris and excess piles of construction Materials before the project is certified as fully finished and prescribing penalties thereof;

SECTION 2. - DEFINITIONS. -

- a. ROAD is any public way usually very much longer than street with or without pavement used for the passage of vehicles, persons or animals.
- b. STREET is any public way, with or without pavement located within a barangay, city or municipalities whose width is more than 3 meters used primarily for vehicular traffic usually shorter in length than roads or highways;
- c. HIGHWAY is a national road declared as such by the Department of Public Works and Highways carrying heavy volume of fast traffic;
- d. BUILDING is any man made structure sprouting from the ground constructed for a purpose per standard plans and specifications usually with foundation.
- e. CONTRACTOR is a person, firm or corporation duly licensed as such by the Philippine Contractors Accreditation Board or PCAB in short;
- f. CITY ENGINEER is a technical person duly appointed by the City Mayor or by the President of the Philippines as such;
- g. CITY BUILDING OFFICIAL is a technical person duly designated by the Secretary of DPWH as Building Official in a city whose main function is to implement properly PD 1096, otherwise known as the National Building Code of the Philippines;
- h. EXCESS CONSTRUCTION MATERIALS are those materials supposedly to be used in the process of construction of a project but found and/or repair from one reason or another and were left at the construction sites.

SECTION 3. – PROHIBITIONS. - Unless the construction site where the finished project is located shall be cleared of construction debris and excess stockpiles of construction materials of any kind including excavated materials at the site, it shall be unlawful for the:

- a) City Engineer and/or Building Official to certify 100% finish on any construction or repair of projects;
- b) Contractor to collect 100% payment of his/ her contract price on any construction and/or repair of projects under his/her contract;
- c) City Engineer and/or Building Official to certify or recommend for final payment of a finished project whether under contract or under taken by the administration.

SECTION 4. - PENALTIES. - Any person, contractor, firm or corporation including any agency or instrumentality of the government who shall violate any provision of this Ordinance and/or commit any act hereby declared to be unlawful should upon conviction by a court of competent jurisdiction be penalized by:

- a) Fine of not less than P500.00 nor more than P 1,000.00;
- b) Imprisonment of not less than Ten (10) days no more than one month (30 days);
- c) Both such fine and imprisonment at the discretion of any court of justice of competent authority.

SECTION 5. - SEPARABILITY CLAUSE. - If for any reason, any provision of this Ordinance shall be declared unconstitutional or not valid by any court for competent jurisdiction such judgment shall not affect or impair the other provisions or parts thereof which shall continue to be in force and in effect;

SECTION 6. - REPEALING CLAUSE. - All Ordinances, rules and regulations or any part thereof which are in conflict with or inconsistent to the provisions of this Ordinance are hereby repealed, superceded and/or modified accordingly;

SECTION 7. - EFFECTIVELY CLAUSE. - This ordinance shall take effect immediately upon its approval.

ENACTED: November 21, 1990

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

J. ANTONIO A. AMPARADO
Secretary to the
Sangguniang Panlungsod

LOURDES V. ASENCE
Vice Mayor & Presiding Officer

APPROVED:

JESSE M. ROBREDO
City Mayor