



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 93-088

AN ORDINANCE AUTHORIZING ANY MEMBER OF THE PHILIPPINE NATIONAL POLICE STATIONED IN NAGA CITY AND THE BARANGAY CAPTAINS OF THE 27 BARANGAYS OF THE CITY APPREHEND AT SITE AND DETAIN FOR SIX HOURS IN THE CITY JAIL ANY PERSON CAUGHT IN THE ACT OF SUPERVISING AND/OR PERFORMING CONSTRUCTION WORKS OF ANY TYPE OF STRUCTURE INCLUDING THE OWNER AND CONTRACTOR ON BOTH PUBLIC AND PRIVATE PROPERTIES WITHOUT ANY APPROVED BUILDING PERMIT SPECIFICALLY ON SHOULDERS OF STREETS WITHIN THE ROAD AND RAILROAD RIGHT OF WAYS, OVER DRAINAGE CANALS, UNDER BRIDGES, BASEMENTS OF RIVERS AND SUBDIVISIONS OPEN SPACES AND ALL OTHER PUBLIC LANDS WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF NAGA AND PRESCRIBING PENALTIES THEREOF: -

Author: Hon. Jorge de Guzman

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

SECTION 1. - TITLE OF ORDINANCE. - This ordinance shall be known as the illegal Construction Control Ordinance. This authorizes any member of the Philippine National Police stationed in Naga City and the Barangay Captains of 27 Barangays of the City to apprehend at site and detain for six hours in the City Jail to any person caught in the act of supervising and/or performing construction works of any type of structure including the owner and contractor on both public and private properties without an approved building permit specifically on shoulders of streets within the road and railroad right of ways, over drainage canals, under bridges and subdivisions open spaces, easements of rivers and on all other public lands within the territorial jurisdiction of the City of Naga and prescribing penalties thereof;

SECTION 2. - BASIS OF ORDINANCE. - This Ordinance has been enacted on the following legal basis:

GENERAL WELFARE. - The Local Government Units shall promote Health and safety; preserve the comfort and convenience of our constituents by the strict and proper implementation of the National Building Code of the Philippines otherwise known as PD 1096.

SECTION 3. - DEFINITION OF TERMS. -

- a) Road Right of Way is that area between the property lines of roads or streets;
- b) Railroad Right of Way is that area between property lines of railroad 30 meters wide;
- c) Shoulder of Streets is that area immediately beyond the roadway between property lines;
- d) Subdivision Open Space is that area within the subdivisions equivalent to more or less 5% of the total subdivision land area mandated by law to be reserved as open space for playgrounds/parks;
- e) Drainage Canal is that portion of the street intended for the passage of drainage water.

SECTION 4. - COVERAGE OF THE ORDINANCE. -

- a) All structures constructed within the territorial jurisdiction of the City of Naga;
- b) All owners of existing illegal structures constructed on the above-stated prohibited sites shall be given at least one month to demolish said structures and vacate the site otherwise the City Building Official will order the demolition of said structures with the expenses incurred in the demolition charged to the account of the owners.

SECTION 5. - PENALTIES. - Any member of the PNP stationed in the Naga City who refuses to apprehend illegal construction workers within this jurisdiction during his tour of duty for the day shall be:

- a) Reprimanded only for the first offense and be required to apprehend the violators;
- b) Charged administratively for dereliction of duty for the second offense;
- c) Fined not less than P100.00 nor more than P1, 000.00 at the discretion of the court of competent jurisdiction for the third offense and the succeeding ones.

SECTION 6. - SEPARABILITY CLAUSE. - If for any reason, any provisions of this ordinance shall be held unconstitutional or not valid by nay court of competent jurisdiction, such judgment shall not affect or impair the other provision or parts thereof which shall continue to be in force and in effect;

SECTION 7. - REPEALING AND AMENDATORY 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 and/or modified accordingly.

SECTION 8. - EFFECTIVITY. - This ordinance shall take effect immediately upon its approval.

ENACTED: October 13, 1993.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

J. ANTONIO A. AMPARADO
City Secretary

JULIAN C. LAVADIA, JR.
City Councilor & Acting Presiding Officer

APPROVED:

LOURDES V. ASENCE, M.D.
City Vice Mayor & Acting City Mayor