



Republic of the Philippines  
Tanggapan ng Sangguniang Panlungsod  
City of Naga



**ORDINANCE NO. 97-011**

**AN ORDINANCE PROHIBITING ANY PERSON OR ENTITY TO CLOSE, HINDER, OBSTRUCT, SUSPEND OR CAUSE THE DELAY OF THE FREE FLOW OF RAIN OR FLOOD WATERS IN ANY CANAL, CREEK OR ANY EXISTING WATERWAY BY WHATEVER MANNER INCLUDING THE CONSTRUCTION OF ANY STRUCTURE OR PUTTING ANY MATERIALS THEREIN AND ON ITS BANKS WHETHER THE SAID WATERWAY IS WITHIN OR OUTSIDE HIS PROPERTY, AND PROVIDING PENALTIES FOR VIOLATION THEREFORE:-**

Author: Hon. Jose Tuason

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

**SECTION 1. - SCOPE OF THE ORDINANCE.** - This ordinance shall cover the unhampered proper utilization of all creeks, canals, and waterways whether man-made or natural within the jurisdiction of the City of Naga in order to assure the free flow of rain or flood waters thereat.

**SECTION 2. - DEFINITION OF TERMS.** - As used in this ordinance:

- a) Creeks - any natural streams or waterways that actually exist and/or are indicated in the Cadastral map of the City of Naga.
- b) Canals - any man-made waterways along roadsides or property lines intended for the free flow or passage of rain or flood waters which are generally part of drainage system.
- c) Entity - group, association, organization, company, corporation, partnership or aggrupation with juridical personality
- d) Manhole - the opening of a covered canal with movable cover used to facilitate cleaning of same canal.

**SECTION 3. - PROHIBITIONS.** - It is hereby prohibited for any person or entity:

- (a) to close, hinder, obstruct, suspend or cause the delay of, the free flow of rain or floodwaters in any canal, creek or any existing waterway by whatever manner, whether the said waterway is within or outside his property;
- (b) to construct any structure or to place or dump any material on any creek, canal or waterway including its banks;
- (c) to park, impede the movement or lay abandon any vehicle (motorized or non-motorized) on any of a covered sidewalk, creek or canal; and
- (d) for contractor, to construct drainage canal or man-made waterway not in accordance with proper elevation for the free flow of water.

**SECTION 4. - PENALTY.** - Any person or entity, who violates any provision of this Ordinance shall be penalized with a fine ranging from not less than P3,000.00 but not exceeding P5,000.00, or an imprisonment of not less than five (5) months but not more than one (1) year, or both such fine and imprisonment at the discretion of the court.

If the violator is an entity, its president, or manager or its highest official shall be made responsible and answerable to suffer the penalty herein mentioned.

Aside from the above penalties as may be imposed by the Court, the violator shall remove or demolish all obstructions he has put up on, and shall restore, the canal, creek or waterway to its original condition within five (5) days from receipt of notice without cost on the government. Failure on the part of the violator to remove such obstructions and/or do the restoration within the period specified, the city government shall undertake such job at the expense of the violator.

In addition to whatever criminal and civil liabilities he or she might incur under the provisions of Presidential Decree No. 1594, the contractor who violates the provision of Section 3(d) hereof shall likewise forever lose his or her accreditation as an authorized contractor of the city government.

The violator at his/her option may avail of the Administrative fine in accordance with Section 8 of Ordinance No. 95-093, according to the following schedule:

FIRST OFFENSE	25% of the fine provided in this ordinance
SECOND OFFENSE	50% of the fine provided in this ordinance
THIRD OFFENSE	75% of the fine provided in this ordinance

**SECTION 5. - REPEALING/AMENDATORY CLAUSE.** - All ordinances, rules, regulations or portions thereof, inconsistent with this ordinance are hereby repealed, amended and/or modified accordingly.

**SECTION 6. - EFFECTIVITY.** - This ordinance shall take effect upon its approval and publication in a newspaper of local circulation.

**ENACTED:** February 5, 1997.

**WE HEREBY CERTIFY** to the correctness of the foregoing ordinance.

**J. ANTONIO A. AMPARADO**  
City Secretary

**LOURDES V. ASENCE, M.D.**  
City Vice Mayor & Presiding Officer

APPROVED:

**JESSE M. ROBREDO**  
City Mayor