




Republic of the Philippines  
**SANGGUNIANG PANLUNGSOD**  
City Government of Naga

ORDINANCE NO. 2025-060  
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**AN ORDINANCE MANDATING THE DELIVERY OF EXCESS SOIL AND CONCRETE DEBRIS FROM PUBLIC INFRASTRUCTURE PROJECTS IN THE CITY OF NAGA TO DESIGNATED SITES AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF.**

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**EXPLANATORY NOTE**

**WHEREAS**, a good number of infrastructure projects in Naga City require excavations such as drainages or foundations while others require grade corrections and base remediation such as road works and pavements. As a result, excess soil is generated which must be cleared and removed from the site to make the completed project functional. Likewise, there are projects where concrete debris is generated such as in reblocking and the demolition of permanent structures. These concrete debris are likewise cleared from the site to make way for the new structures.

**WHEREAS**, while the program of work may provide for the hauling of excess soil or concrete debris from the project site, it does not mention where it should be brought. Thus, there are instances when they are stockpiled in private lots or sold to private parties or even used in other government projects notwithstanding being pay items in these separate projects.

**WHEREAS**, the city government needs soil and concrete debris (a) to elevate ground depressions in flood-prone public schools, urban poor sites, and in other public facilities; (b) as filling materials for unpaved roads, (c) as soil cover for the sanitary landfill, and (d) as assistance to barangays for their own projects, among others. These requirements cost the city tens of millions of pesos every year which could have been used to fund other vital services for Nagauenos.

**WHEREAS**, there is a need to remedy this situation by mandating the delivery of excess soil and of concrete debris from government projects to city or barangay properties for their proper disposition.

**NOW THEREFORE**, be it ordained by the Sangguniang Panlungsod of the City of Naga in session assembled, that:

**SECTION 1. Declaration of Policy.** The City Government of Naga shall extract the greatest possible public benefit from State resources by utilizing them for programs and projects benefitting its constituents. These include excess soil and concrete debris from public works in Naga City which henceforth may not be appropriated for private use but shall be disposed of only in support of city or barangay government programs or projects.

**SECTION 2. Definition of Terms.** For purposes of this Ordinance, the following terms shall mean:

- a. **Excess Soil** - Refers to any soil from excavations, slope or grade corrections, or other engineering activities in the course of project implementation, that is no longer needed and must be cleared from the site to make the project fully functional and useable upon its completion.

- b. **Concrete debris** - As used in this ordinance, it refers to broken concrete blocks generated by the breaking and replacement of existing pavements or removal of concrete structures to make way for other developments.
- c. **Designated Site** - Refers to a specific location for the reception of excess soil or concrete debris. The default disposal sites are the old dump site in Bgy. Balatas, the sanitary landfill in Bgy. San Isidro, and the city property along the Almeda Highway.
- d. **Contractor** - Refers to any individual, company, or entity undertaking public infrastructure projects in Naga City.

**SECTION 3. Role of the Department of Public Works and Highways.**

For projects implemented by the Department of Public Works and Highways (DPWH), it shall:

- a. Provide the City Engineer upon request a complete set of plans, drawings and cost estimate of the project for implementation or being implemented in Naga City. If no excess soil or concrete debris will be generated from the project, to signify the same in the cover letter to the City Engineer.
- b. Provide an estimate of the volume of excess soil or concrete debris, if any, that the project will generate. In case of discrepancy with the estimate of the City Engineer, it shall confer with the said office to arrive at a mutually acceptable volume.
- c. Include as a pay item in its estimate the cost of hauling any excess soil or concrete debris from the project site to the nearest default disposal site.
- d. Inform its contractor of the policy of the City Government of Naga that excess soil or concrete debris must be delivered to the nearest default disposal site.

**SECTION 4. Obligations of the contractor.** The contractor of nationally implemented civil work projects shall provide the CEO upon its request a complete set of the plans, drawings and cost estimate of the project. For projects funded and implemented by the city government, the CEO is presumed to already have a copy of these documents.

If the project will generate excess soil or concrete debris, the contractor shall deliver the same to the nearest default site. The contractor shall inform the CEO and the Project Monitoring Committee (PMC), thru the provided cellphone number as required under Sections 5 and 6 herein, of the delivery of the excess materials at least one day in advance, or alternatively, provide them with a written delivery schedule.

**SECTION 5. Obligations of the City Engineer's Office.** The CEO shall:

- a. Upon the availability of the plans, drawings and program of work, visit the project site and make an estimate of the probable volume of excess soil and/or concrete debris from

the project taking into consideration the project's (i) backfill and grade correction requirements, (ii) whether the program of work includes an item for borrow or earthfill to cover such requirements, and (iv) the soil's swell and compaction factors.

- b. In the event the estimated volume by the DPWH of the excess soil or concrete debris is lower by more than 10% compared to the estimate of the CEO, the City Engineer shall confer with the concerned DPWH implementing unit to reconcile the same. The final estimate shall be furnished the PMC for compliance monitoring purposes.
- c. Provide the contractor with the contact details of its personnel who will monitor compliance of this ordinance.
- d. Manage the stockpile of delivered excess soil or concrete debris at the disposal sites, spreading them as necessary, or having them stockpiled for later delivery to city or barangay projects.
- e. Include in the cost estimate of locally funded projects the cost of hauling to a designated site excess soil or concrete debris if such projects will generate said excess materials.
- f. Issue a Notice to Comply to the concerned contractor at the first instance of non-delivery of excess soil or concrete debris. In the event of continuing non-compliance with this ordinance, submit a written charge against the contractor and any other responsible person to the City Legal Office for hearing.
- g. If the project will not generate excess soil or concrete debris, issue to the contractor a CEO Certification to that effect within one month from award of the project or within five (5) working days from receipt of a similar declaration from DPWH as per Section 3a hereof, copy furnished the PMC. Such CEO Certification shall be presented by the contractor to the head of the end-user unit upon project completion to indicate that a PMC Certification is not a requirement for project acceptance as there is no excess soil or concrete debris from the project. The Contractor shall likewise attach a copy of the CEO Certification to its voucher to inform the City Accountant that a PMC Certification regarding compliance with this ordinance is not required.

**SECTION 6. Obligations of the Project Monitoring Committee.** The Project Monitoring Committee shall:

- a. Monitor the progress of work and the delivery of excess soil and/or concrete debris to the designated default site with corresponding pictures prior to and after unloading.
- b. Upon project completion, issue a PMC Certification, duly signed by the person or persons assigned to monitor compliance and by the Chairman of the PMC, as to the estimated volume of soil or concrete debris actually delivered to the designated site, with the pictures of each delivery.

- c. The PMC may delegate its delivery monitoring function to appropriate personnel of the Solid Waste Management Office if the destination of the excess soil or concrete debris is the sanitary landfill, the Environment and Natural Resources Office if at the Balatas dump site, or the City College of Naga if at the Almeda property. For other locations, it shall deploy one of its own members. Prior arrangement shall be made by the Chairman of the PMC with the concerned office as basis for an Inter-Office Memorandum designating the personnel of said office as its (PMC) representative on site signed by the PMC chairperson and noted by the City Mayor.
- d. Provide the contractor with the contact details of the person or persons who will monitor the contractor's compliance with this Ordinance;
- e. Accept as sufficient compliance a variance of ten percent (10%) in the volume of excess soil or concrete debris actually delivered to the designated site to account for losses during handling and delivery.
- f. Provide upon project completion a copy of its PMC Certification to: the contractor, the head of the end user government entity, and the City Budget and Accounting offices. Such PMC Certification shall indicate the volume of excess soil or concrete debris that must be delivered by the contractor to the designated site as estimated by the CEO per Section 5a and 5b, the actual volume delivered as monitored by PMC, and its finding of compliance or non-compliance with this Ordinance taking into consideration the allowable 10% variance in the volume of delivered excess soil or concrete debris.

In case of a finding of non-compliance, acceptance of the project shall be withheld. The contractor has the option to: (a) immediately settle his or her fine or signify in writing to have the same deducted from his or her final payment in which case acceptance of the project shall proceed; or (b) opt to have the case heard before the City Legal Office in which case project acceptance will depend on the resolution of the case and settlement of the fine if so ordered. The PMC shall promptly inform the end-user unit of the contractor's decision to guide the end-user whether to sign the project acceptance or not.

- g. In the event of a finding of non-compliance of this ordinance, submit a written charge against the contractor and any other responsible person to the City Legal Office for hearing unless the contractor opts to settle his or her fine immediately.

**SECTION 7. Changes in the estimated volume of excess soil or concrete debris.** In the course of project implementation, the City Engineer, upon request of the contractor and in consultation with the appropriate office of the DPWH if a national project, may adjust the estimated volume of excess soil or concrete debris if actual site conditions and project requirements merit such change. The CEO shall inform in writing all parties concerned of such changes.

**SECTION 8. If concrete debris not needed.** In the event the city has no need, or further need, for concrete debris, the City Engineer shall so inform the contractor to terminate its obligation to haul and deliver the same to the designated city property. The City Engineer shall issue to the contractor a Certification to that effect, copy furnished the PMC, for their guidance. In this instance, the contractor may dispose of the material as per prevailing project guidelines.

**SECTION 9. Reportorial requirement.** The CEO and the PMC shall submit a joint semestral report to the City Mayor, copy furnished the Sangguniang Panlungsod, of the total volume of excess soil or concrete debris generated from each infrastructure project completed during the semester as estimated by the City Engineer and as actually monitored by the PMC. The report shall be due one month after the end of each semester.

**SECTION 10. Project Acceptance and Payment.** Acceptance of the project by the punong barangay, school head, or by an officer of the city government, as the case may be, shall be contingent on the delivery of the estimated excess soil or concrete debris to the designated location as evidenced by a PMC Certification, and/or the full settlement of any penalty as evidenced by an official receipt from the City Treasurer's Office. Insufficient or non-compliance shall bar the acceptance of the project. Likewise, if the project is implemented by the city government, proof of compliance with this ordinance consisting of the PMC Certification and/or official receipts shall be a precondition for the City Budget and Accounting offices to process payment.

Projects that are not expected to generate excess soil or concrete debris shall be so certified by the CEO and such certification shall be given to the contractor and the PMC within one month from award of the project. Such certification shall be the basis of those who will sign the acceptance of the project not to require a PMC Certification, and for the City Budget Officer and the City Accountant to process the payment of the contractor without an attached PMC Certification.

**SECTION 11. Penal clause.** Any charge of violation of this ordinance shall be submitted to the City Legal Office by the City Engineer or the head of the PMC. The City Legal Officer shall serve notice to the contractor and any other persons so charged and conduct the corresponding hearings and submit its findings and recommendation to the City Mayor for the latter's final action. If found guilty, administrative fines shall be imposed as follows:

- a. For the first three cubic meters of undelivered excess soil, the contractor is herein imposed a fine of P1,500.00 or the market price of such volume of soil, whichever is higher.
- b. Each succeeding cubic meter of undelivered excess soil shall be deemed as a separate violation and shall be imposed a penalty of P1,000.00 each or the market price thereof, whichever is higher.
- c. For the initial non-delivery of the concrete debris to the designated site, a fine of P1,000.00 shall be imposed. Each succeeding cubic meter of undelivered concrete debris shall be deemed as a separate violation and shall be imposed a

penalty of P1,000.00 each, likewise subject to a 10% variance as provided for under Section 6e.

- d. Delivery or sale of excess soil or concrete debris to a private person or entity shall be penalized with a fine of P5,000.00 per delivery without prejudice to being charged in court for theft.

For purposes of this section, undelivered excess soil shall be the difference between the volume of excess soil as determined by the City Engineer's Office and what was actually delivered by the contractor to the designated delivery site as certified by the PMC, less a variance of ten percent (10%).

A contractor found guilty shall be barred from participating in any city government procurement until settlement of the fines. For locally funded projects, such fines may be deducted from the amount due to the contractor if the latter signifies in writing his or her agreement to such deduction.

**SECTION 12. Inclusion in the contract.** The provisions of this Ordinance shall be deemed written into the contract of city government-funded infrastructure projects.

**SECTION 13. Separability Clause.** Should any provision of this Ordinance be declared unconstitutional or invalid, the other provisions not affected thereby shall remain in full force and effect.

**SECTION 14. Repealing Clause.** All ordinances, resolutions, executive issuances, rules, and regulations or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed, amended, or modified accordingly.

**SECTION 15. Effectivity.** This Ordinance shall take effect ten (10) days after posting a copy thereof in a bulletin board at city hall and in at least two (2) other conspicuous places in the city.

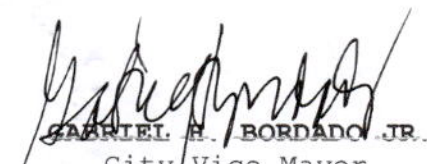
ENACTED: August 27, 2025


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

  
**GABRIEL E. BORDADO JR.**  
City Vice Mayor  
& Presiding Officer

  
**GIL A. DE LA TORRE**  
Secretary to the  
Sangguniang Panlungsod

**APPROVED:**

  
**MARIA LEONOR G. ROBREDO**  
City Mayor 1/14/25