



DRAFT ORDINANCE NO. 0210-023

MAKING CONTRACTORS LIABLE DUE TO THEIR NEGLIGENCE OR FAILURE TO OBSERVE ROAD-WORK SAFETY RULES IN CONSTRUCTION SITES WITHIN THE MUNICIPALITY OF TAYTAY

Authored & Sponsored by Councilor Papoo Cruz
Co-Sponsored by All Sangguniang Bayan Members

WHEREAS, the Municipal Government of Taytay is committed to the implementation of state policies and provisions of the Local Government Code of 1991 and the National Building Code of the Philippines, to protect Taytayenos by requiring all contractors to observe road safety guidelines given by the DPWH;

WHEREAS, Article 2176 of the New Civil Code of the Philippines provides that whosoever by act or omission, causes damage or injury to another, even when there is no pre-existing contractual relation between the parties shall be guilty of quasi-delict;

WHEREAS, no signages are posted and no information given to residents because most contractors of construction projects do not put up signages prior to the start of projects leaving materials and the general public becomes clueless on what the project would be and how long the duration will be;

WHEREAS, a number of contractors of road projects fail to install visible and adequate signages and traffic control devices at both ends of their project sites;

WHEREAS, in some construction sites, contractors have warning signs on their projects but fail to adequately illuminate them at night causing accidents to motorists, who cannot see the warning signs due to absence of inadequate lighting;

WHEREAS, stockpiling materials and construction waste along road sections during construction and maintenance work pose risk and cause inconvenience to motorists and pedestrians;

WHEREAS, there are contractors who, due to negligence, leave open excavations, diggings, open potholes and manholes on road constructions and repairs without safety covers causing accidents to unwary motorists and pedestrians;

NOW, THEREFORE, be it ordained by the 12th Sangguniang Bayan of Taytay that:

ARTICLE I. Title. - This Ordinance shall be known as the "**Taytay Construction Site Safety Ordinance**"

ARTICLE 2. Definition of Terms.

CONTRACTOR - is a person or corporation who undertakes any construction, demolition, remodeling, or landscaping service relating to building structures, roads, drainage system and aqueducts and other similar nature;

SIGNAGE - graphic designs, a symbol, emblem or words used especially for identification or as a means of giving directions or warning.



CONSTRUCTION PROJECT – any government or private organized process of constructing, renovating, refurbishing, etc. of a road, building structure or infrastructure.

STOCKPILE - soil/gravel, sand, excavation, stock pile and other construction materials that serve as drain or passageway for water or electric or telephone wires.

MANHOLE - a covered opening in a part of the road that a worker can enter in order to reach underground pipes.

POTHOLE - a hole in a road surface that resides from gradual damage caused by traffic/weather.

ARTICLE 3. Prohibited Acts – the following shall be regarded as violations of this Ordinance

1. Failure to install visible and adequate signages and lights if applicable in both ends of the road while construction is in process.
2. Failure to adequately illumine the warning signs on the project site at night.
3. Failure to cover open excavations, diggings, potholes and manholes on construction sites during and after completion of the project.
4. Failure to remove stockpile of construction materials and waste along road sections during construction and maintenance work and after the completion of work.
5. Failure of contractors to present the signages and warning devices to the District Engineer's Staff or Municipal Engineer's Staff who is in charge of supervising the project.

ARTICLE 4. Notification of Violation

1. The Office of the Municipal Engineer should inspect the construction site and when they have determined that the contractors failed to comply with the necessary precautionary measures, the Municipal Engineer's Office should inform the concerned contractor about such failure.
2. Contractors who fail to comply after three (3) days upon receipt of said notice shall be meted with the following penalties based on Article 5 of this Ordinance.

ARTICLE 5. Penalties. Violation of Article 3, after due hearing with the Engineering Department of this Municipality, shall be meted with the following penalties:

First Offense	-	Php 1,000.00
Second Offense	-	Php 2,500.00
Third Offense	-	Suspension of license and permit to operate for thirty (30) days

ARTICLE 6. Repealing Clause. All ordinances inconsistent herewith are hereby repealed or modified accordingly.

ARTICLE 7. Separability Clause. In the event that any of the provisions of this ordinance is declared illegal, the validity of the other provisions shall not be affected by such declaration.

ARTICLE 8. Effectivity. This Ordinance shall take effect thirty (30) days after its approval, posting and publication in a newspaper of local circulation.