ORDINANCE NO. 16-022

AN ORDINANCE AMENDING ARTICLE III, SECTIONS 109, 110, 111 AND 112 OF ORDINANCE NO. 93-35, ENTITLED, “AN ORDINANCE ADOPTING THE REVENUE CODE OF MUNICIPALITY OF MUNTINLUPA.”

Sponsored by: Hon. Coun. Victor L. Ulanday
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Bal Niefes
Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Ringo A. Teves
Hon. Coun. Alexander Diaz
Hon. Coun. Ivey Rhia Arciaga-Tadefa
Hon. Coun. Christine May A. Abas
Hon. Coun. Marissa Cole-Rongavilla
Hon. Coun. Mark Lester M. Baes
Hon. Coun. Lucio B. Constantino
Hon. Coun. Rafael T. Sevilla
Hon. Coun. Grace B. Gonzaga
Hon. Coun. Walter A. Arcilla – ABC

WHEREAS, on 22nd day of November 1993 the Sangguniang Bayan enacted Ordinance No. 93-35, otherwise known as the “Revenue Code of Municipality of Muntinlupa”;

WHEREAS, Section 129 of Republic Act 7160, otherwise known as the Local Government Code of 1991, states that, “each local government unit shall exercise its power to create its own sources of revenue and to levy taxes, fees and charges subject to the provisions herein, consistent with the basic policy of local autonomy. Such Taxes, fees, and charges shall accrue exclusively to the Local Government Units”;

WHEREAS, Article 274 of on Rules and Regulations Implementing the Local Government Code of 1991, states that, “the Local Government Unit may exercise the power to levy taxes, fees, or charges on any base or subject not otherwise specifically enumerated in this Rule or taxed under the provision of the NIRC, as amended, or other applicable laws provided that the taxes, fees, or charges shall not be adjust, excessive, oppressive, confiscatory, to declare national policy provided further that the ordinance levying such taxes, fees, or charges shall not be enacted without any prior public hearing conducted for the purpose.”;

WHEREAS, pursuant to this revenue-generating powers of the local government units, Ordinance No. 93-35 as amended by Ordinance No. 02-076 was enacted by the Legislative Body of the City Government of Muntinlupa;
NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the
8th Sangguniang Panlungsod of Muntinlupa in Session Assembled,

SECTION 1. Title – This Ordinance shall be known as an ordinance Amending
Article III, Sections 109, 110, 111 and 112 of Ordinance No. 93-35, Entitled, “an
Ordinance adopting the Revenue Code of Municipality of Muntinlupa”;

SECTION 2. Article III, Section 109 of Ordinance No. 93-35 read as follows:

“Section 109. Imposition of Fees. The following fees and charges shall be
collected from any person, firm or corporation, whether private or government, except
those specifically exempted by law, which shall make or cause to be made by any
excavation or digging on private or public roads, streets and thoroughfares, including
passageways and sidewalks or to dig to make sources of water supply within the
municipalities.

a) Processing Fee
   1) For poles and house connections 10.00
   2) For digging water 20.00
   3) For all other excavations 50.00

b) Excavation Permit
   1) For Fifty lineal meters or less 50.00
   2) Over and above 50 lineal m./m. 1.00
   3) For drilling wells:
      a. For 2 inch pipes:
         i. First 400 Feet 20.00
         ii. Over 400 feet/foot 0.50
      b. For 3 inch pipes:
         i. First 400 ft 30.00
         ii. Over 400 ft/foot 0.50
      c. For 4 inch pipes:
         i. First 400 feet 50.00
         ii. Over 400 ft/foot 1.00
      d. For 5 inch pipes/over-sized
         i. First 400 feet 100.00
         ii. Over 400 ft/foot 1.00

c) Installation of wooden, concrete and steel utility poles, excavation permit fee per
pole 10.00

IS NOW AMENDED TO READ AS FOLLOWS:

Section 109. Imposition of Fees. The following fees and charges shall be
collected from any person, firm or corporation, whether private or government except
those specifically exempted by law. Which shall make or cause to be made by any
excavation or digging on private or public roads, streets and thoroughfares, including
passageways and sidewalks or to make sources of water supply within the city.
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A. Processing Fee

<table>
<thead>
<tr>
<th>Description</th>
<th>New Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) For poles and house connection</td>
<td>Php750.00</td>
</tr>
<tr>
<td>2) Digging for water supply purposes</td>
<td>1,500.00</td>
</tr>
<tr>
<td>3) For all other excavations</td>
<td>1,875.00</td>
</tr>
</tbody>
</table>

B. Excavation Permit

<table>
<thead>
<tr>
<th>Description</th>
<th>New Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) First 50 lm length of excavation and below (per lm)</td>
<td>Php625.00</td>
</tr>
<tr>
<td>2) Over 50 lm length of excavation (per square meter)</td>
<td>18.75</td>
</tr>
</tbody>
</table>

3) For drilling wells (per foot):

- **For 2 inch pipes:**
  - First 400 Feet: Php750.00
  - Over 400 feet/foot: 18.75

- **For 3 inch pipes:**
  - First 400 ft.: 1,125.00
  - Over 400 ft/foot: 18.75

- **For 4 inch pipes:**
  - First 400 ft.: 1,875.00
  - Over 400 ft/foot: 37.50

- **For 5 inch pipes:**
  - First 400 ft.: 3,750.00
  - Over 400 ft/foot: 37.50

C. Excavation for the installation of wooden, concrete and steel utility poles. (Fee per holes)

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Over</td>
<td>5.00</td>
</tr>
</tbody>
</table>

D. Grouted Riprap/Stone Masonry and the like (per cubic meter)

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10.00</td>
</tr>
</tbody>
</table>

E. Reinforced Concrete/Lean Concrete for Retaining Wall (per cubic meter)

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10.00</td>
</tr>
</tbody>
</table>

F. Horizontal Directional Drilling (HDD) (per lineal meter)

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. First 200 meter</td>
<td>1,500.00</td>
</tr>
<tr>
<td>b. Over 200 meter per lineal meter</td>
<td>10.00</td>
</tr>
</tbody>
</table>

SECTION 3. Article III, Section 110, of Ordinance No. 93-35 read as follows:

“Section 110. Deposit for restoration and maintenance. In addition to the fees imposed in the preceding Section, the following deposits shall be required from the excavator/permittee to cover the cost of restoration and maintenance for a period of one year for the excavated portion of the streets and thoroughfares including passageways and sidewalks.

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Concrete-paved streets</td>
<td>200.00</td>
</tr>
<tr>
<td>2) Asphalt-paved streets</td>
<td>100.00</td>
</tr>
<tr>
<td>3) Macadam surfaced streets</td>
<td>35.00</td>
</tr>
<tr>
<td>4) Concrete Sidewalk</td>
<td>120.00</td>
</tr>
<tr>
<td>5) Asphalted Sidewalk</td>
<td>75.00</td>
</tr>
<tr>
<td>6) Earth Sidewalk</td>
<td>20.00</td>
</tr>
<tr>
<td>7) Combination of concrete curbs and gutters for every linear fraction for every linear fraction thereof</td>
<td>100.00</td>
</tr>
<tr>
<td>8) Concrete curbs for every linear fraction thereof</td>
<td>70.00</td>
</tr>
</tbody>
</table>
If the excavator/permittee shall undertake the restoration of the damaged portion of the streets/thoroughfares/passageways, a performance bond accepted in lieu of the restoration deposit.

**IS NOW AMENDED TO BE READ AS FOLLOWS:**

**Section 110.** Deposit for restoration and maintenance. In addition to the fees imposed in the preceding Section, the following deposits shall be required from the entity to cover the cost of restoration and maintenance for a period of one year for the excavated portion of the streets and thoroughfares including passageways and sidewalks.

**A. Deposit for restoration work:** per square meter or fraction thereof

<table>
<thead>
<tr>
<th>Item</th>
<th>New Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Concrete-paved streets</td>
<td>300.00</td>
</tr>
<tr>
<td>2. Asphalt-paved streets</td>
<td>150.00</td>
</tr>
<tr>
<td>3. Macadam surfaced streets</td>
<td>52.00</td>
</tr>
<tr>
<td>4. Concrete Sidewalk</td>
<td>180.00</td>
</tr>
<tr>
<td>5. Asphalted Sidewalk</td>
<td>112.00</td>
</tr>
<tr>
<td>6. Earth Sidewalk</td>
<td>30.00</td>
</tr>
<tr>
<td>7. Combination of concrete curbs and gutters for every linear fraction for every linear fraction thereof</td>
<td>150.00</td>
</tr>
<tr>
<td>8. Concrete curbs for every linear fraction thereof</td>
<td>105.00</td>
</tr>
</tbody>
</table>

**B. Maintenance Deposit: Per Square Meter or fraction thereof**

<table>
<thead>
<tr>
<th>Item</th>
<th>New Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. On Road Pavements:</td>
<td></td>
</tr>
<tr>
<td>a) macadam</td>
<td>15.00</td>
</tr>
<tr>
<td>b) asphalt</td>
<td>45.00</td>
</tr>
<tr>
<td>c) concrete</td>
<td>60.00</td>
</tr>
<tr>
<td>2. On Sidewalks:</td>
<td></td>
</tr>
<tr>
<td>a) asphalt</td>
<td>15.00</td>
</tr>
<tr>
<td>b) concrete</td>
<td>22.00</td>
</tr>
<tr>
<td>c) others</td>
<td>9.00</td>
</tr>
<tr>
<td>3. On curbs and/or gutters</td>
<td>15.00</td>
</tr>
</tbody>
</table>

**SECTION 4.** Section 111 of Ordinance No. 93-35 read as follows:

**Section 111.** Payment of fees and surcharge. The fees shall be paid to the Municipal Treasurer or its duly authorized deputies before the permit to dig, obtain water, or excavate any streets or thoroughfares and alleys in the Municipality is issued.
A surcharge of twenty-five percent (25%) of the fee imposed under this Article shall be collected from any person or entity which are already commenced to dig or excavate before the permit has been issued.

**IS NOW AMENDED TO BE READ AS FOLLOWS:**

**Section 111. Payment of Fees.**

a. All fees shall be paid to the Office of the City Treasurer.
b. Order of payment shall be prepared by the Office of the City Engineer.
c. The entity shall pay the fees indicated on the order of payment to the Office of the City Treasurer.
d. Unpaid Fees are deductible against the deposit required from the entity.

**SECTION 4. Section 112** of Ordinance No. 93-35 read as follows:

**Section 112. Administrative Provisions** – Application for authority to undertake diggings and excavations for private individual building connections for public utility company and government shall be filed with the Municipal Engineer.

**IS NOW AMENDED TO BE READ AS FOLLOWS:**

**SECTION 112. Administrative Provisions** – Applicable for all permit shall be filed with the Office of the City Engineer.

A. **Determination of amount of fines** – In determining the amount of the fines, surcharge and other charge and other charges, the following shall be considered:

1. **Light Violation**
   
   a) Failure to post excavation permit in conspicuous place.
   b) Failure to assign enough personnel to direct traffic at the project site.
   c) Failure to comply to the given permitted work time scheduled.
   d) Failure to cover the excavated portion with steel plate after working time.
   e) Failure to remove the excavated materials after working time.

2. **Less Grave Violation**
   
   a. Non-compliance with the work stoppage order.
   b. Failure to restore the excavated portion of the street according to each approved work schedule PERT/CPM or bar chat.
   c. Failure to pull out all type of construction equipment and the like causing obstruction on traffic flow.
Ordinance No. 16-O22

3. Grave Violation

a. Failure to install road/highway safety construction devices.

b. Failure to install informative signs, construction billboard, standard barricades, proper lightings, electronic warning and other safety devices.

c. Failure to restore the excavated portion of the road right-of-way to its original conditions.

d. Commence of work without work permit.

B. Imposition of fines, penalty and other charges:

1. Schedule of Fines:

<table>
<thead>
<tr>
<th>Type of Fines</th>
<th>First Notice</th>
<th>Second Notice</th>
<th>Third Notice</th>
<th>Final Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light</td>
<td>1,500.00</td>
<td>3,000.00</td>
<td>4,000.00</td>
<td>10,000.00</td>
</tr>
<tr>
<td>Less Grave</td>
<td>8,000.00</td>
<td>10,000.00</td>
<td>12,000.00</td>
<td>15,000.00</td>
</tr>
<tr>
<td>Grave</td>
<td>10,000.00</td>
<td>15,000.00</td>
<td>20,000.00</td>
<td>25,000.00</td>
</tr>
</tbody>
</table>

Notice of violation/s shall be served to the entity based on the following conditions:

a. First Notice - This notice is to be served upon determining any violation/s of the entity.

b. Second Notice - This notice is to be served upon failure of the entity to comply with the First Notice.

c. Third and Final Notice - This notice is to be served upon continued disregard of the entity to comply with the previous notices.

2. Surcharge - a surcharge of 25% of the total fee shall be imposed to any entity that already started work without permit issued.

SECTION 5. Separability Clause – If, for any reason or reasons, any part or provisions of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 6. Repealing Clause. All previous ordinances inconsistent with this ordinance shall be deemed repealed or modified accordingly.

SECTION 7. Effectivity Clause – This ordinance shall take effect fifteen (15) days after its completion of its publication in a newspaper of general circulation.

ENACTED, by the 8th Sangguniang Panlungsod of Muntinlupa, this 28th day of October 2016, on its 3rd Special Session.
REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panlungsod

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CONCURRED:

DISTRICT I:

COUN. BAL NIEFES
Member

COUN. ALLAN REY A. CAMILON
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. STEPHANIE G. TEVES
Member

COUN. RINGO A. TEVES
Member

COUN. ALEXANDER B. DIAZ
Minority-Floor Leader

COUN. IVEE RHIA A. TADEFA
Member

DISTRICT II:

COUN. MA. DHERSEEE G. AREVALO
Member

COUN. MARISSA C. RONGAVILLA
Member

COUN. CHRISTINE MAY A. ABAS
Member

COUN. LUCIO B. CONSTANTINO
Member

COUN. MARK ESTER M. BAES
Member

COUN. RAFAEL T. SEVILLA
Member

COUN. VICTOR L. ULANDAY
Member

COUN. WALTER A. ARCILLA
Sectoral Representative
President
League of Barangay Captains

People Center Bldg., City Hall of Muntinlupa
National Road, Putatan, Muntinlupa City, Philippines
Website: www.muntinlupacity.gov.ph
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ABSENT:

CELSO C. DIOKO
City Vice-M/Mayor/Presiding Officer

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

CECILIA C. LAZARTE
Secretary

ATTESTED:

ATTY. PATRICIO L. BONCAYAO, JR.
Majority Floor Leader/Acting Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEDIL
Date: JUN 2016

Norie/8th SP