



Republika ng Pilipinas
Lungsod Quezon
SANGGUNIANG PANLUNGSOD
(City Council)

PO98-197

25th Regular Session

ORDINANCE NO. ~~SP~~ 766, S-99

AN ORDINANCE PENALIZING CONTRACTORS AND SUB-CONTRACTORS WHO VIOLATE ANY MATERIAL PROVISIONS OF CONTRACTS INVOLVING PUBLIC WORKS PROJECTS OF THE CITY GOVERNMENT, AND CITY OFFICIALS WHO ALLOW SUCH VIOLATIONS, AND FOR OTHER PURPOSES.

Introduced by Councilors JESUS C. SUNTAY, ALMA F. MONTILLA and ERIC Z. MEDINA.

Co-Introduced by Councilors Wilma Amoranto-Sarino, Elizabeth A. Delarmente, Vincent P. Crisologo, George M. Canseco, Rommel R. Abesamis, Ma. Fresca M. Biglang-awa, Godofredo T. Liban II, Marciano P. Medalla, Jorge L. Banal, Michael F. Planas, Julian M.L. Coseteng, Nanette Castelo Daza, Marcel C. Rillo, Ramon G. Mathay, Bayani V. Hipol and Almario E. Francisco.

WHEREAS, it has been observed that many city government projects involving public works projects are being constructed through the use of sub-standard materials or below specifications as to materials, quality and quantity of work including delay in the completion of any such constructions, in violation of substantial provisions and requirements of the contract;

WHEREAS, the city government has suffered tremendous losses as a result of said violations; and

WHEREAS, there is necessity to curb this flagrant violation in the performance or execution of city government projects;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED:

SECTION 1. Any provision of law or ordinance to the contrary notwithstanding, contractors and sub-contractors who violate any material provisions of contracts involving public works projects of the city government, either as to materials, quality and quantity of work, including incurring of delay in the completion of any such construction, resulting to the prejudice of the city government, shall be penalized by a fine of Five Thousand Pesos (P 5000.00) or by an imprisonment of one (1) year or both such fine and imprisonment at the discretion of the court. In addition thereto, the offender or guilty party shall suffer perpetual disqualification from participating in City government public works contract.

The offending contractor or sub-contractor shall likewise be liable to pay the cost of reconstructing such public works project in accordance with the specifications agreed upon, including the damage resulting therefrom.

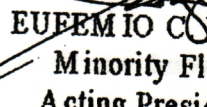
In cases where the offending party is a corporation, partnership or association, the President, General Manager or any responsible chief executive officer/officers thereof shall be held liable.

SECTION 2. Any city official who, by reason of the duties of his office shall authorize, ratify or consent, or whether through abandonment or negligence, permit the contractor or sub-contractor to commit the acts mentioned in Section One hereof shall be penalized in accordance with the pertinent provisions of R.A. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees" in addition to any criminal liability arising therefrom.


SECTION 3. Damages, cracks, depressions, waves, and similar defects found on public works project within six (6) months from its completion, shall be prima facie evidence that such public works project failed to comply with the standards of the established engineering works and strength of materials and that the contractor and/or the sub-contractor violated a material provision of a public works project and its program and schedule of work.

SECTION 4. This Ordinance shall take effect immediately upon its approval.

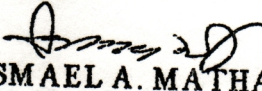
ENACTED: March 9, 1999.


EUSEBIO COLAGUMBAY
Minority Floor Leader
Acting Presiding Officer

ATTESTED:


EUGENIO V. JURILLA
City Council Secretary

APPROVED: May 4, 1999


ISMAEL A. MATHAY, JR.
City Mayor