Quezon City
13TH CITY COUNCIL

PO95-234

70th Regular Session

ORDINANCE NO. SP-453, S-96

AN ORDINANCE APPROPRIATING THE AMOUNT OF TWO HUNDRED FOURTEEN THOUSAND PESOS (P214,000.00) OR SO MUCH THEREOF AS MAY BE NECESSARY FROM THE 1997 ANNUAL BUDGET OF QUEZON CITY TO COVER THE EXPENSES FOR THE REPAIRS AND COVERS OF ALL OPEN MANHOLES IN QUEZON CITY.

Introduced by Councilor JOSEPH PETER S. SISON.
Co-Introduced by Councilors Moises S. Samson, Emilio G. Tamayo, Winston "Winnie" T. Castelo, Godofredo T. Liban II, Jorge L. Banal, Cesar A. Dario, Jr., Connie S. Angeles and Bayani V. Hipol.

WHEREAS, under Section 458 (5) (viii) of R.A. 7160 also known as the Local Government Code of 1991 provides that the sangguniang panlungsod shall "adopt measures to ensure public safety against open canals, manholes, live wires and other similar hazards to life and property x x x ;"

WHEREAS, the open manholes and/or dilapidated covers caused by lack of repairs and/or thievery are now common sight in the Quezon City area, thereby posing great dangers to both limbs and lives of the pedestrians and vehicles, most especially during rainy seasons when the open manholes are inundated by water;

WHEREAS, the uncovered manholes have been the subject of numerous complaints of the residents;

WHEREAS , under Section 24 of the said code, the local government units and their officials are not exempt from liability for death or injury to persons or damage to property;

WHEREAS, under Article 2189 of the Civil Code; "Provinces, cities and municipalities shall be liable for damages for the death or injuries suffered by any person by reason of the defective condition of roads, streets, bridges, public buildings and other works under their control or supervision";

WHEREAS, if any person or resident of these areas died or suffered physical injuries caused by the uncovered manholes, the local government units cannot escape liability and that the only requirement of the law is that the province, city or municipality has either "control or supervision" over said street or roads;

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WHEREAS, the leading case denominated as City of Manila vs. Gerardo N. Teotico and Court of Appeals (22 SCRA 267) is worth noting, wherein, a person fell inside an uncovered and unlighted catch basin or manhole at P. Burgos Avenue which street is under the control or supervision of the City of Manila, the latter became liable for damages for the injuries suffered by the former;

WHEREAS, the Office of the City Engineer, this City, has submitted the list of all open manholes that need to be repaired and covered together with cost estimate in the amount of Two Hundred Fourteen Thousand Pesos (P214,000.00), more or less.

NOW, THEREFORE,

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

SECTION 1. There is hereby appropriated the amount of Two Hundred Fourteen Thousand Pesos (P214,000.00) or so much thereof as may be necessary from the 1997 Annual Budget of Quezon City to cover the expenses for the repairs and covers of all open manholes in Quezon City.

SECTION 2. This Ordinance shall take effect upon its approval.

ENACTED: October 22, 1996.

(SGD.) HERBERT M. BAUTISTA
Vice-Mayor
Presiding Officer

ATTESTED:

(SGD.) EUGENIO V. JURILLA
City Secretary

APPROVED: Nov. 27, 1996

(SGD.) ISMAEL A. MATHAY, JR.
City Mayor

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