



Republic of the Philippines
OFFICE OF THE CITY MAYOR
City of Davao

EXECUTIVE ORDER NO. 04
Series of 2022

AN ORDER AMENDING SECTIONS 1 AND 2 OF EXECUTIVE ORDER NO. 02 SERIES OF 2017 ENTITLED "AN ORDER CREATING AND CONSTITUTING A TASK FORCE DRAINAGE AND RIGHT-OF-WAY TO EFFECTIVELY AND EFFICIENTLY COORDINATE WORK ON DRAINAGE INFRASTRUCTURES AND TO IDENTIFY AND CLEAR ALL OCCUPIED RIGHT-OF-WAYS IN THE CITY OF DAVAO"

WHEREAS, Section 2(c) of Republic Act No. 7160, known as the Local Government Code of 1991 emphatically declares the state policy of requiring all national agencies and offices to conduct periodic consultations with appropriate local government units, non-governmental and people's organizations, and other concerned sectors of the community before any project or program is implemented in their respective jurisdictions;

WHEREAS, Section 16 of Republic Act 7160 known as the Local Government Code of 1991 provides that local government units shall exercise the powers expressly granted, those necessary implied therefrom, as well as the powers necessary, appropriate, or incidental, for efficient and effective governance, and those which are essential for the promotion of the general welfare;

WHEREAS, Section 25, paragraphs (b) and (d) of the Local Government Code respectively mandates that national agencies and offices with project implementation functions shall coordinate with one another and with the local government units concerned in the discharge of these functions. They shall ensure the participation of local government units both in the planning and implementation of said national projects; national agencies and offices including government-owned or controlled corporations with field units or branches in a province, city, or municipality shall furnish the local chief executive concerned, for her information and guidance, monthly reports including duly certified budgetary allocations and expenditures;

WHEREAS, paragraphs (a) and (c) of Article 56 of the Implementing Rules and Regulations of the Local Government Code of 1991 empowers the local chief executive to call upon a national official or employee stationed in or assigned to an LGU to advise and regularly report to her on matters affecting LGUs and make recommendations thereon; or coordinate in the formulation and implementation of all plans, programs, and projects; inform the national government agency concerned if any services have adverse effects on the lives of the citizens that is foreseen or is being felt and to submit proposals intended to prevent or mitigate the same preferably before project implementation;

WHEREAS, Section 455 of the Local Government Code also expressly empowers the City Mayor to enforce laws and ordinances relative to the governance of the city and issue such executive orders for the faithful and appropriate enforcement and execution of laws and ordinances;

WHEREAS, the City of Davao is presently beset by a recurrent flooding problem and also experiencing traffic congestion due to the implementation of construction projects by the different agencies concerned in the different roads within the territorial jurisdiction of the City of Davao;

WHEREAS, to declog sewage and maintain an effectively and efficiently-working city drainage system, the removal or demolition of some misplaced national government and other similarly situated projects was undertaken and will be undertaken by the City Government, thereby resulting or might result to wastage of government funds;

WHEREAS, to avoid a recurrence of this incident, it is necessary that the proper procedure laid down by existing laws or ordinances in the implementation of national or any other project or program be observed and followed to the letter;

WHEREAS, Section 28 of Republic Act No. 7279 allows eviction or demolition, when persons or entities occupy danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and other public places such as sidewalks, roads, parks, playgrounds;

WHEREAS, to improve the worsening traffic situation in the city, there is a need to open and clear all occupied road right-of-way within the City;

WHEREAS, on February 6, 2017, Executive Order No. 02 Series of 2017 was issued creating and constituting the Task Force Drainage and Right-of-Way to effectively and efficiently coordinate work on drainage infrastructures and to identify and clear all occupied right-of-ways in the City of Davao;

WHEREAS, there is a need to update the membership of the Task Force to include other offices and organizations that play a role in the implementation of drainage and right-of-way concerns;

WHEREAS, there is a need to update the functions of the Task Force to reflect other drainage and flooding-related tasks that need to be undertaken;

NOW, THEREFORE, I, SARA Z. DUTERTE, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. Section 1 of Executive Order No. 02 Series of 2017 is hereby amended to read as follows:

SECTION 1. CREATION OF TASK FORCE DRAINAGE AND RIGHT-OF-WAY. There is hereby created a Task Force Drainage and Right-of-Way to help solve and mitigate flooding and traffic conditions in Davao City. The same shall be composed of representatives coming from the respective local and national agencies/offices of the City of Davao, to wit:

Chairperson : City Mayor or in her behalf, the City Administrator
Vice Chair : Department Head, City Engineer's Office

Members :

1. Regional Director, Department of Public Works and Highways (DPWH)
2. District Engineers, DPWH
3. Department Head, City Transport and Traffic Management Office (CTTMO)
4. Department Head, City Planning and Development Office (CPDO)
5. General Manager, Davao City Water District (DCWD)
6. One (1) Philippine Long Distance Telephone Company (PLDT) Representative
7. Davao Light and Power Company Representative
8. One (1) Pole Users Association of Davao City Representative
9. City Disaster Risk Reduction and Management Office (CDRRMO)
10. City Environment and Natural Resources Office (CENRO)
11. Public Safety and Security Command Center (PSSCC)
12. Barangay Cultural Communities and Affairs Division (BCCAD)
13. Ancillary Services Unit (ASU)
14. Philippine Institute of Civil Engineers (PICE) Davao Representative

SECTION 2. Section 2 of Executive Order No. 02 Series of 2017 is hereby amended to read as follows:

SECTION 2. FUNCTIONS. The following are the functions of the Task Force:

1. Coordinate with the concerned agencies before and during the implementation of the construction of national or city road projects with drainage component within the territorial jurisdiction of the City of Davao;
2. Monitor the implementation of drainage projects;
3. Submit lists of drainage projects implemented by their respective offices to the Task Force;
4. Recommend and advise the concerned agencies the resolution of problems related to flooding;
5. Recommend to the City Mayor any Executive and Legislative measures to mitigate flooding;
6. Conduct periodic cleaning of the existing drainage lines;
7. Initiate the removal of existing structures built on top of the existing drainage lines, including the eviction or demolition of structures located along danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and other public places such as sidewalks, roads, parks, and playgrounds;
8. Cause the clearing of all illegal structures built along road right-of-ways;
9. Coordinate the clearing/desiltation of rivers, creeks, and drainage systems;
10. Determine/cause the removal of poles affected during road widening;
11. Recommend roads and drainage projects for funding that would mitigate flooding;
12. Perform such other duties and functions as may be necessary and proper in the performance of the abovementioned functions.

SECTION 3. FUNDING. The operating expenses of the Task Force Drainage and Right-of-Way shall be funded from the Office of the City Mayor.

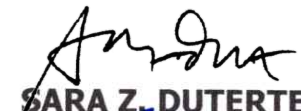
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SECTION 4. SEPARABILITY CLAUSE. If any provision of this Executive Order is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.


SECTION 5. REPEALING CLAUSE. All Orders or parts thereof which are inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.

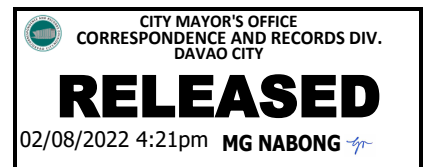
SECTION 6. EFFECTIVITY. This Executive Order shall take effect immediately upon its approval and shall remain effective until revoked.

Done this 31st of January 2022 in Davao City, Philippines.


SARA Z. DUTERTE
City Mayor

Attested by:


ATTY. ZULEIKA T. LOPEZ
City Administrator



Ref. No. CRD020822-5



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