



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

EXECUTIVE ORDER NO. 17
Series of 2023

AN ORDER RECONSTITUTING THE TASK FORCE DRAINAGE AND RIGHT-OF-WAY TO EFFECTIVELY AND EFFICIENTLY COORDINATE WORK ON DRAINAGE INFRASTRUCTURES AND TO IDENTIFY AND CLEAR ALL OCCUPIED RIGHTS-OF-WAY IN THE CITY OF DAVAO

WHEREAS, Section 2 (c) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, declares that it is the policy of the State to require 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 the same Republic Act provides that every local government unit shall exercise the powers expressly granted, those necessary implied there from, 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 his 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 (LCE) to call upon the national official or employee stationed in or assigned to a Local Government Unit (LGU) to advise and regularly report to him on matters affecting LGUs and make recommendations thereon; or coordinate in the formulation and implementation of all plans, programs, and projects. The LCE shall also 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 is also experiencing traffic congestion due to the implementation of construction

Page 1 of 3

projects by the different agencies concerned in the different roads within the territorial jurisdiction of Davao City;

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;

WHEREAS, 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, otherwise known as the Urban Development and Housing Act of 1992, 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, and playgrounds;

WHEREAS, to address 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 rights-of-way in the City of Davao;

WHEREAS, on January 31, 2022, Executive Order No. 04, Series of 2022 was issued amending Sections 1 and 2 of Executive Order No. 02 Series of 2017;

WHEREAS, there is a need to reconstitute Executive Order No. 04, Series of 2022 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 as well as to update the functions of the Task Force to reflect other drainage and flooding-related tasks that need to be undertaken.

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

SECTION 1. RECONSTITUTION AND COMPOSITION. There is hereby reconstituted 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 and offices of the City of Davao, to wit:

- Chairperson : City Mayor or in his behalf, the City Administrator
Vice-Chair : Department Head, City Engineer's Office
Members :
- Regional Director, Department of Public Works and Highways (DPWH) XI
 - District Engineers, DPWH
 - Head, City Transport and Traffic Management Office (CTTMO)
 - Department Head, Office of the City Planning and Development Coordinator (OCPDC)
 - Head, Office of the City Building Official (OCBO)

- Head, City Disasters Risk Reduction and Management Office (CDRRMO)
- Head, City Environment and Natural Resources Office (CENRO)
- Head, Public Safety and Security Office (PSSO)
- Head, Barangay Cultural Communities and Affairs Division (BCCAD)
- Head, Ancillary Services Unit (ASU)
- Chairperson, Sangguniang Panlungsod Committee on Disaster Risk Reduction
- Chairperson, Sangguniang Panlungsod Committee on Public Works and Highways
- General Manager, Davao City Water District (DCWD)
- One Representative from the Philippine Long Distance Telephone Company (PLDT)
- One Representative from the Davao Light and Power Company
- One Representative from the Pole Users Association of Davao City
- One Representative from the Philippine Institute of Civil Engineers (PICE) Davao

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 components 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 solutions to problems related to flooding;
5. Recommend to the City Mayor any executive and legislative measures to mitigate flooding;
6. Conduct periodic cleaning of existing drainage lines;
7. Initiate the removal of existing structures built on top of 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 rights-of-way;
9. Coordinate the clearing/desiltation of rivers, creeks, and drainage systems;
10. Determine or cause the removal of poles affected during road widening activities;
11. Recommend for funding roads and drainage projects that would mitigate flooding;
12. Perform such other duties and functions as may be necessary.

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.

SECTION 4. SEPARABILITY CAUSE. 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 other Orders or parts thereof which are inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.

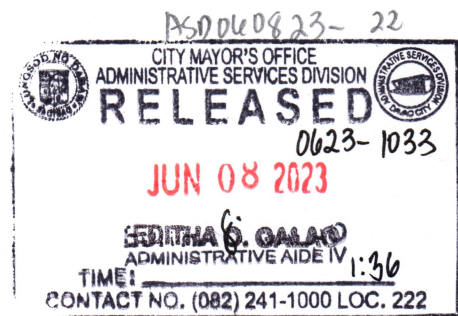
SECTION 6. EFFECTIVITY. This Executive Order shall take effect immediately upon its approval and shall remain effective until revoked.

Done this JUN 08 2023 in the City of Davao, Philippines.


SEBASTIAN Z. DUTERTE
City Mayor 

Attested by:


ATTY. FRANCIS MARK H. LAYOG
Acting City Administrator



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