



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
22nd City Council

PO22CC-215

41st Regular Session

ORDINANCE NO. SP- **3236** , S-2023

AN ORDINANCE AMENDING ORDINANCE NO. SP-1531, S-2005, ENTITLED "AN ORDINANCE MANDATING ALL BUSINESS ESTABLISHMENTS AND CONTRACTOR FOR GOVERNMENT FUNDED INFRASTRUCTURE PROJECTS TO SECURE CLEARANCE FROM THE INDUSTRIAL RELATIONS OFFICE (IRO) OF PUBLIC EMPLOYMENT SERVICE OFFICE (PESO), BEFORE THE ISSUANCE OF BUSINESS PERMIT, TO MONITOR AND REINFORCE STRICT COMPLIANCE TO MANDATORY HIRING OF AT LEAST FIFTY PERCENT (50%) OF THE UNSKILLED AND AT LEAST THIRTY PERCENT (30%) SKILLED LABOR REQUIREMENTS FROM THE BONA FIDE RESIDENTS OF QUEZON CITY"

Introduced by Councilors EDGAR "Egay" G. YAP, DOROTHY A. DELARMENTE, M.D., BERNARD R. HERRERA and WENCEROM BENEDICT C. LAGUMBAY

Co-Introduced by Councilors Tany Joe "TJ" L. Calalay, Joseph P. Juico, Nikki V. Crisologo, Charm M. Ferrer, Fernando Miguel "Mikey" F. Belmonte, Candy A. Medina, Aly Medalla, Dave C. Valmocina, Tatay Rannie Z. Ludovica, Godofredo T. Liban II, Kate Galang-Coseteng, Geleen "Dok G" G. Lumbad, Albert Alvin "Chuckie" L. Antonio III, Don S. De Leon, Atty. Anton L. Reyes, Imee A. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Nanette Castelo-Daza, Marra C. Suntay, Joseph Joe Visaya, Alfred Vargas, MPA, Ram V. Medalla, Shaira "Shay" L. Liban, Aiko S. Melendez, Mutya Castelo, Maria Eleanor "Doc Ellie" R. Juan, O.D., Kristine Alexia R. Matias, Eric Z. Medina, Emmanuel Banjo A. Pilar, Vito Sotto Generoso, Victor "Vic" Bernardo, Alfredo "Freddy" Roxas and Julian Marcus D. Trono

WHEREAS, Republic Act No. 6685 requires private contractors, to whom national, provincial, city, and municipal public works projects have been awarded under contract, to hire at least fifty percent (50%) of the unskilled and at least thirty percent (30%) of the skilled labor requirements to be taken from the available bona fide residents in the province, city or municipality in which the projects are to be undertaken;

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WHEREAS, Republic Act No. 8759 or the Public Employment Service Office Act of 1999 mandates Public Employment Service Office (PESO) to undertake the implementation of Republic Act No. 6685;

WHEREAS, Section 18, Article II of the 1987 Philippine Constitution recognizes and affirms the role of labor as primary social economic force and provides for the protection of rights, dignity and welfare of the workers;

WHEREAS, it is a declared policy of the State to promote full employment and ensure equal work opportunities for all regardless of sex, race or creed;

WHEREAS, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, states that Local Government Units should promote full employment opportunities among its residents;

WHEREAS, it is the duty of the Local Government to formulate programs that will generate employment to cope with the effects of unemployment and job displacement.

NOW, THEREFORE,

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

SECTION 1. A new Section 1 is hereby added to Ordinance No. SP-1531, S-2005 to be read as follows:

“Section 1. Title. – This Ordinance shall be known as the “Quezon City Workers Hiring for the Infrastructure Projects (WHIP) Ordinance.”

Moreover, subsequent Sections shall also be renumbered accordingly.

SECTION 2. Section 1 of Ordinance No. SP-1531, S-2005 shall be renumbered as Section 2 and shall be read as follows:

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“Section 2. Requirement. – All infrastructure projects in Quezon City, funded by either the national or city government, including foreign-assisted projects, must hire at least fifty percent (50%) of the unskilled and thirty percent (30%) of the skilled workers required from the bona fide and actual residents of the City, in coordination with the Public Employment Service Office (PESO).”

SECTION 3. Section 2 of Ordinance No. SP-1531, S-2005 shall be renumbered as Section 3 and shall be read as follows:

“Section 3. Public Works Projects Involved. – Public Works Projects shall include national, city, and barangay infrastructure projects including, but not limited to roads, schools, fly-overs, metro rail transport system, and similar projects.”

SECTION 4. A new Section 4 is hereby added to Ordinance No. SP-1531, S-2005 to be read as follows:

“Section 4. Pre-Bid Conference. – The Bids and Awards Committee shall discuss and disseminate to all prequalified bidders the provisions of this Ordinance and emphasize to the bidders concerned that the organizational chart for the project under bid, which shall accompany the bid proposal, must indicate the total number of the skilled and unskilled labor requirements of the project in which the mandatory minimum local labor recruitment shall be based.”

SECTION 5. Sections 3 and 4 of Ordinance No. SP-1531, S-2005 shall be merged and renumbered as Section 5 to be read as follows:

“Section 5. Notice of Labor Requirements and Recruitment Strategy. – The contractor and/or subcontractor, and recruitment officer of business establishments shall notify the PESO of its manpower requirements not later than seven (7) working days after receipt of Notice of Award. PESO shall issue a Certificate of Conformity which shall serve as a pre-requisite before the release of advanced payment for mobilization and the first billing collection. Failure to do so shall be penalized subject to existing provision of this Ordinance.

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Contractor and subcontractor shall post their manpower requirements at least three (3) of the following conspicuous areas namely: Quezon City Hall; Public Employment Service Office (PESO); District Action Centers; Barangay Hall; job site; and business establishment; notifying the applicants to register and apply through PESO, Applicants shall bring their Resume, QCitizen Identification Card (QC ID), Barangay Clearance and all other necessary documents required by the contractor/ establishment.

PESO may refer qualified applicants from its roster of workers to the contractor and the subcontractor.

Likewise, the contractor and the subcontractor shall submit to PESO the list of hired applicants together with a photocopy of their QC ID, thirty (30) days after receipt of Notice to Proceed. Failure to do so shall be penalized subject to existing provision of this Ordinance.”

Provided, further, that those private contractors, which do not only have public works projects but also have their principal places of business in Quezon City, shall be required to possess updated business permits, aside from the abovementioned requirements.

SECTION 6. A new Section 6 is hereby added to Ordinance No. SP-1531, S-2005 to be read as follows:

“Section 6. Administration, Enforcement and Monitoring. – The administration, enforcement/implementation and monitoring of this Ordinance are hereby vested in the PESO which shall designate from among its existing personnel the needed manpower requirement necessary for the accomplishment of the purposes stated above. To carry out the foregoing, the PESO shall ensure that workers hired for the projects are bona fide and actual residents of the locality where the project will be undertaken and penalties shall be imposed for violation hereof.”

SECTION 7. Section 5 of Ordinance No. SP-1531, S-2005 shall be renumbered as Section 7 and shall be read as follows:

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“Section 7. Notice of Compliance. – The PESO is hereby authorized to issue Notice of Compliance to every concerned party, which will serve as one of the required documents for the issuance of payment certificate for every progress billing.”

SECTION 8. Section 6 of Ordinance No. SP-1531, S-2005 shall be renumbered as Section 8 and shall be read as follows:

“Section 8. Penalty. – Failure without good cause by the contractor or the subcontractor to comply with the requirements of Section 4 of this Ordinance shall be penalized by a fine of Five Thousand Pesos (Php5,000.00) for the First Offense; suspension for one (1) year from participating in public works bidding for the Second Offense; and perpetual disqualification from participating in public works bidding for the Third Offense.”

The penalty clause as provided in this Ordinance shall be included in all contracts to be entered into between the City and Barangay Government and the contractor, effective upon approval of this Ordinance.

Provided, that the penalty provision under this Ordinance shall not prejudice the application of the penalty provided for under Republic Act No. 6685. This means that the contractors or the subcontractors, to whom awards are made for the undertaking of all infrastructure projects in Quezon City, although funded by the national government, shall still be required to hire at least 50% of the unskilled and at least 30% of the skilled labor requirements, from the available bona fide residents of the City.

SECTION 9. Section 7 of Ordinance No. SP-1531, S-2005 shall be renumbered as Section 9 and shall be read as follows:

“Section 9. Implementing Rules and Regulations. – The PESO shall formulate the implementing rules and regulations within six (6) months upon the approval of this Ordinance.”

SECTION 10. SEPARABILITY CLAUSE. – If any provision of this Ordinance shall be held unconstitutional or invalid, other provisions not affected shall remain in full force and extent.

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SECTION 11. REPEALING CLAUSE. – All ordinances, resolutions, executive orders, memorandum circulars, administrative orders and other issuances or part thereof, which are inconsistent with or contrary to the provisions of this Ordinance, are hereby amended or repealed accordingly.

SECTION 12. EFFECTIVITY CLAUSE. – This Ordinance shall take effect fifteen (15) days upon its approval.

ENACTED: September 4, 2023.


GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:



ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)

APPROVED: OCT 13 2023


MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on September 4, 2023 and was PASSED on Third/Final Reading on September 11, 2023.


ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)