



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City Government of Pasig

Ordinance No. 36
Series of 2020

AN ORDINANCE PRESCRIBING THE STREAMLINED GUIDELINES FOR THE ISSUANCE OF PERMITS, LICENSES, AND CERTIFICATES FOR THE CONSTRUCTION OF SHARED PASSIVE TELECOMMUNICATION TOWER INFRASTRUCTURE (PTTIS).

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WHEREAS, Republic Act No. 7160, also known as the Local Government Code of 1991, states that every local government unit shall exercise the powers to ensure, support, and enhance, among others, economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants. *Further*, R.A. No. 7160 grants authority to the Sangguniang Panlungsod to enact ordinances and approve resolutions, to ensure, among others, efficient and effective delivery of basic services and facilities;

WHEREAS, Republic Act No. 11032, also known as an Act Promoting Ease of Doing Business and Efficient Delivery of Government Services, Amending for the Purpose Republic Act No. 9485, Otherwise Known as the Anti-Red Tape Act of 2007, and For Other Purposes, declares as the policy of the State to promote integrity, accountability, proper management of public affairs and public property as well as to establish effective practices, aimed at efficient turnaround of the delivery of government services and the prevention of graft and corruption in government. *Further*, Republic Act No. 11032 mandates that the State shall maintain honesty and responsibility among its public officials and employees, and shall take appropriate measures to promote transparency in each agency with regard to the manner of transacting with the public, which shall encompass a program for the adoption of simplified requirements and procedures that will reduce red tape and expedite business and no business related transactions in government;

WHEREAS, Republic Act No. 11032 recognizes in particular the importance of a fast and reliable interconnectivity infrastructure, and mandates that the expedient and efficient processing and approval of licenses, clearances, permits, certifications or authorizations for the installation and operation of telecommunication, broadcast towers, facilities, equipment and service within a set period of time;



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WHEREAS, the Department of the Interior and Local Government issued an Advisory with the subject *Compliance to ARTA-DICT-DILG-DHSUD-DPWH-CAAP-DOH-FDA Joint Memorandum Circular No. 01 S. 2020 or the "Streamlined Guidelines for the Issuance of Permits, Licenses, and Certificates for the Construction of Shared Passive Telecommunications Tower Infrastructure (PTTIs)*, enjoining all local government units to observe the provisions of the Joint Memorandum Circular particularly the following: (1) The removal of Sangguniang Panlungsod and Barangay Resolutions as part of pre-requisites; (2) The removal of Home-Owners Association (HOAs)/Neighbours consent in the requirement of locational clearance; (3) The streamlining of securing height clearance in CAAP identified critical areas; (4) The requiring of Radiofrequency Safety Evaluation Reports only during the installation of cell site equipment; and (5) The emphasis on the DILG-DOF JMC No. 2019-01 on the adoption of reasonable fees and charges, all of which the Pasig City Government seeks to adhere by; and

WHEREAS, wireless communication and facilities are undeniable and vital components of development, and the Pasig City Government is steadfast in serving the interests of its constituents by enhancing and preserving comfort and convenience to those residing in the City and empowering its local firms, enterprises, and offices

NOW, THEREFORE, be it **ORDAINED** as it is **ORDAINED** by the *Sangguniang Panlungsod* of Pasig, in session duly assembled, the following:

SECTION 1. SHORT TITLE. This Ordinance shall be known and cited as the "PTTIs Application Guidelines Ordinance."

SECTION 2. DECLARATION OF POLICY - It shall be the policy of the Pasig City Government to promote and ensure the integrity, accountability, proper management of public affairs and public property as well as to establish effective practices, aimed at efficient turnaround of the delivery of government services and the prevention of graft and corruption in government, particularly in connection to the review and approval of all applications related to passive telecommunications tower infrastructure (PTTIs). This policy is in line with the directive of the Department of the Interior and Local Government (DILG) Advisory to comply with ARTA-DICT-DILG-DHSUD-DPWH-CAAP-DOH-FDA Joint Memorandum Circular No. 01 S. 2020 or the "Streamlined Guidelines for the Issuance of Permits, Licenses, and Certificates for the Construction of Shared Passive Telecommunications Tower Infrastructure (JMT No. 1-2020).



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SECTION 3. SCOPE OF APPLICATION – This Ordinance shall apply to all companies and entities considered Mobile Network Operators (MNOs) and Independent Tower Companies (ITCs) duly registered with the DICT, who seek to apply for permits, licenses, and clearances for the construction of PTTIs. This Ordinance shall also apply to the pertinent departments and offices in charge of reviewing and approving the applications.

Shared PTTIs that are installed on buildings, rooftops, walls, and other edifices shall be further subject to appropriate rules on height restrictions/elevation, and the internal rules of the private property owners and building/condominium owners' associations.

SECTION 4. DEFINITION OF TERMS – The following terms are defined, as follows:

- (a) **ACTION** - refers to the written approval or disapproval made by a government office or agency on the application or request submitted by an applicant or requesting party for processing;
- (b) **APPLICANT** – refers to any qualified person, firm, partnership, corporation, government or private institution/organization applying for the issuance of permits, licenses, and certificates;
- (c) **BASE STATION** – refers to a part of a cellular network that contains radio, antenna, and other appurtenances necessary to provide coverage for subscribers of cellular mobile telephone service, paging service, trunking service wireless local loop service and other wireless communication service;
- (d) **BUILDING OFFICIAL** – the Executive Officer of the Office of the Building Official (OBO) designated by the Secretary of the Department of Public Works and Highways;
- (e) **BUSINESS PERMIT OR MAYOR'S PERMIT** – A document issued by the City Mayor, authorizing an applicant to operate the Active Infrastructure of the PTTI in question.



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- (f) **BUSINESS ONE STOP SHOP (BOSS)**— a single common site or location, or a single online website or portal designated for the Business Permit and Licensing Office (BPLO) of Pasig City System to receive and process applications, receive payments, and issue approved licenses, clearances, permits, or authorizations;
- (g) **BUSINESS-RELATED TRANSACTIONS**- a set of regulatory requirements that a business entity must comply with to engage, operate or continue to operate a business, such as, but not limited to, collection or preparation of a number of documents, submission to national and local government authorities, approval of application submitted, and receipt of a formal certificate or certificates, permits, licenses which include primary and secondary, clearances and such similar authorization or documents which confer eligibility to operate or continue to operate as a legitimate business;
- (h) **CELL-SITE TOWER** – refers to a pyramid-like skeletal structure with a framework of angular steel, bolted or welded together, typically higher than its diameter and high relative to its surroundings, and used to install antennas or signal boosters for better radio-and sound-wave reception and transmission.
- (i) **CERTIFICATE OF USE** – a document issued by the Building Official certifying that the building/structure was completed and can be used in accordance with the approved use.
- (j) **COMPLEX TRANSACTIONS** – applications or requests submitted by applicants or requesting parties of a government office which necessitate evaluation in the resolution of complicated issues by an officer or employee of said government office, such transactions to be determined by the office concerned;
- (k) **CONSTRUCTION** – all on-site work done in the site preparation, excavation, foundation, assembly of all components and installation of utilities, machineries, and equipment of buildings/structures.
- (l) **ELEVATION** – Refers to the vertical distance of a point or a level, on or affixed to the surface of the earth, measured from the mean sea level.



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- (m) **FIXER** - any individual whether or not officially involved in the operation of a government office or agency who has access to people working therein, and whether or not in collusion with them, facilitates speedy completion of transactions for pecuniary gain or any other advantage or consideration;
- (n) **GOVERNMENT SERVICE**— the process or transaction between applicants or requesting parties and government offices or agencies involving applications for any privilege, right, reward, license, clearance, permit or authorization, concession, of for any modification, renewal or extension of the enumerated applications or requests which are acted upon in the ordinary course of business of the agency or office concerned;
- (o) **HIGHLY TECHNICAL APPLICATION**— an application which requires the use of technical knowledge, specialized skills and/or training in the processing and/or evaluation thereof;
- (p) **PASSIVE INFRASTRUCTURE** – for purposes of infrastructure sharing, this refers to the passive elements defined as physical network components that do not necessarily have to be owned or managed by each operator such as buildings, sites, electrical or fiber optic cables, masts, support cabinets, shelter, electric power supply, air conditioning, and other auxiliary and ancillary facilities;

The term shall also include the following: (a) the ducts, ladders, arresters, mounts, cable entrances, and the cable trays of the PTTI; (b) its fronthaul consisting of shared fiber-optic and/or radio frequency cables; (c) its appurtenant shelters, sheds, cabins, cabinets, or other similar housing for the base-band units, radio units, and related electronic equipment, as well as the cable entrances thereof; and (d) its power supply and back-up power management systems;

- (q) **PASSIVE TELECOMMUNICATIONS TOWER INFRASTRUCTURE (PTTI)** – refers to all types of outdoor non-electronic telecommunications infrastructure or civil works, including but not limited to towers, masts, poles, and other similar infrastructure, as well as the facilities auxiliary thereto —built on the ground or installed on buildings, walls, rooftops or other edifice—that are utilized for purposes of mounting antennas, transmitters/receivers, radio frequency modules, and other radio-communications systems as macro cell sites for the rendition of ICT services in the telecommunications network;



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- (r) **PROCESSING TIME** – the time consumed by the local department or office from the receipt of an application or request with complete requirements, accompanying documents and payment of fees to the issuance of certification or such similar documents approving or disapproving an application or request;
- (s) **RED TAPE** –refers to any regulation, rule, or administrative procedure or system that is ineffective or detrimental in achieving its intended objectives and, as a result, produces slow, suboptimal, and undesirable social outcomes;
- (t) **REGULATION** – any legal instrument that gives effect to a government policy intervention and includes licensing, imposing information obligation, compliance to standards or payment of any form of fee, levy, charge or any other statutory and regulatory requirements necessary to carry out activity;
- (u) **SHARED PTTI** – refers to PTTI which are non-exclusive and are accessible for common use in accordance with Title III of DICT Department Circular No. 8, s. of 2020;
- (v) **SIMPLE TRANSACTION**– refers to applications or requests submitted by applicants or requesting parties of a government office or agency which only require ministerial actions on the part of the public officer or employee, or that which present only inconsequential issues for the resolution by an officer or employee of said government.

SECTION 5. STREAMLINED DOCUMENTARY REQUIREMENTS AND PROCESSING TIMES FOR BUILDING PERMIT APPLICATIONS ON PTTIS -

The following requirements and clearances shall be submitted and obtained by the applicant from Pasig City:

5.1. Documentary Requirements for building permit applications on PTTIs.

Consistent with the provisions of the Section 302 of the National Building Code of the Philippines (NBCP) and R.A. No. 11032, the applicant shall be required to submit the following documents together with the prescribed application form to the Pasig BOSS for review and approval:



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a) Pertinent Department/Office/Unit Clearances:

- (i) Locational Clearance from the Zoning Department of the City Planning and Development Department
- (ii) Barangay Clearance
- (iii) Fire Safety Evaluation Certificate from the City Bureau of Fire Protection (BFP), and the Building Permit from the OBO.

Provided, however, that when the Unified Application Form for Locational Permit, Fire Safety Evaluation Certificate and Building Permit process is approved and implemented by the Pasig City Government, the same shall be utilized for purposes of documentary requirements in lieu of the individual submissions from the aforementioned offices/departments.

b) Property Documents:

- i. For registered lot owners - a certified true copy of the Original Certificate of Title (OCT) /Transfer Certificate of Title (TCT), Tax Declaration, or Current Real Property Tax Receipt; and
- ii. For tenants, Lessors, or Non-registered owners - Certified true copy of the TCT and a duly notarized copy of the Contract of Lease, or Deed of Absolute Sale.

c) Ancillary Permit Requirements:

Survey plans, design plans, and other documents prepared, signed, and sealed over the printed names of duly licensed and registered professionals, as stipulated under Section 302 (3) of the IRR of the NBCP:

- i. Architectural Documents;
- ii. Civil/Structural Documents;
- iii. Electrical Documents;
- iv. Mechanical Documents;
- v. Electronics Documents;
- vi. Geodetic Documents; and
- vii. Fire Protection Plan (if applicable).



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- d) Accessory Permits, when applicable:
 - i. Ground Preparation and Excavation;
 - ii. Encroachment of Foundation to Public Area;
 - iii. Fencing (for fence not exceeding 1.8 meters high);
 - iv. Sidewalk Construction;
 - v. Temporary Sidewalk Enclosure and Occupancy;
 - vi. Erection of Scaffolding; and
 - vii. Erection, Repair, Removal of Sign and Demolition
- e) Copies of valid licenses of all involved professionals (e.g. Professional Tax Receipt (PTR) and the Professional Regulation Commission (PRC) identification card)
- f) Estimated value of the building or structure to be erected
- g) Vicinity Map

Once the Barangay Clearance system is approved and implemented, the same shall likewise be required pursuant to Section 11(f) of R.A. 11032 which provides that "Barangay clearances and permits related to doing business shall be applied, issued, and collected at the city/municipality in accordance with the prescribed processing time of this Act: *Provided*, That the share in the collections shall be remitted to the respective barangays."

Notwithstanding the foregoing requirements, the applicant shall ensure that the construction of the PTTI is compliant with all existing occupational health and safety, labor, environmental, and other construction-related regulations.

5.2. Height Clearance.

A Height Clearance Permit from the Civil Aviation Authority of the Philippines is required when the proposed PTTI structure exceeds fifty (50) meters in height above the elevation of the ground, and is WITHIN the specified CAAP critical-areas:

- i. 30-km radius from a nearby existing or proposed Airport;
- ii. 8-km radius of registered and/or certified Airstrips;
- iii. 4-km radius of registered and/or certified Heliports; or
- iv. 10-km radius of Communication-Navigation-Surveillance Facilities located off- airport.

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Applicants must secure the HCP by submitting the following requirements to the nearest CAAP Office:

- i. Updated HCP & HL Application Forms;
- ii. Elevation Plan of the Proposed Structure (for HCP only);
- iii. Form GE0313 (Geodetic Engineer's Certificate);
- iv. Form GE0413 (Geodetic Engineer's Index Card);
- v. Copy of Certification of Reference Stations used (if established by NAMRIA);
- vi. Location Plan with Vicinity Map (showing runway if applicable); and
- vii. Computations (traverse, leveling and/or GNSS processing).

Upon receipt of the complete documents, CAAP shall evaluate the application and issue the HCP or recommendation within seven (7) days.

When the proposed PTTI structure is **OUTSIDE** the CAAP critical areas, or for applicants of towers that are below fifty (50) meters in height above the elevation of the ground, the applicants shall only submit to the Pasig City Government an Undertaking certified by a Geodetic Engineer, attesting that the proposed structure will be built outside the CAAP critical areas. Applications in this category shall be subjected to post-inspection, if deemed necessary, by CAAP. Consequently, the relevant Pasig City Government shall notify CAAP of the aforesaid application.

5.3. Non-mandatory documents.

As mandated in Section 6.5, 6.6(c), and 6.8.1 of JMT No. 1-2020 and emphasized in the DILG Advisory, the following shall not be required from the applicants in securing a Building Permit, Fire Safety Evaluation Clearance, Barangay Clearance, or Locational Clearance:

- (a) Sangguniang Panlungsod Resolution;
- (b) Sangguniang Barangay Resolution/ Barangay Council Resolution;
- (c) HOA/Neighbors' Consent;
- (d) Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC) if proposed site of construction is outside an environmentally critical area (ECA);
- (e) Clearance from the Department of Health (DOH); and
- (f) Clearance from the National Telecommunications Center (NTC)



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5.4. Processing Time.

The prescribed processing time for construction-related permits for Shared PTTIs shall be counted from the date the application was submitted to the Pasig BOSS, as follows:

1. Locational Clearance, Barangay Clearance, Fire Safety Evaluation Certificate from BFP, and Building Permit – shall be issued each within seven (7) or twenty (20) working days, depending on the classification of the application of each as complex or highly technical transactions, exclusive of the period for appeals.
2. An application for Locational Clearance, Barangay Clearance, and Building Permit shall proceed even without the prior submission of the Written Consent (HOA/ Condominium or Building Association/ Owner or Developer of Buildings). If the PTTI is proposed to be located on a privately-owned land within a residential subdivision, the applicant shall certify that there is no other available or suitable site within the coverage area except the subject property inside the subdivision project and said location will best serve the purpose of interconnectivity effectively and efficiently. The applicant shall also submit an undertaking that they will conduct social preparation or will endeavor to educate the affected homeowners, households or families as to their health and safety protocols. Provided that, the above social preparation shall not be deemed to be a prerequisite to the issuance of any permit, certification, or authorization which is required for the construction of a PTTI.
3. Height Clearance Certificate (if applicable) - shall be issued within seven (7) days pursuant to Section 15 of R.A. No. 11032.

An application or request for issuance of license, clearance, permit, certification or authorization shall be deemed approved if the appropriate government office or agency fails to approve or disapprove said application or request within the prescribed processing time, provided that all requirements provided in this Ordinance have been submitted and all fees and charges have been paid.

Upon completion of the building permit approval, the Pasig City Government shall notify the DICT and CAAP through electronic mail or other electronic means of the location, height and ownership of the PTTI to be constructed. In case of disapproval, the LGU shall notify the DICT of the reason or ground for disapproval.



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5.5. Assessment of Fees.

After the evaluation of the documentary requirements and attachments, the Pasig City Government, in coordination with concerned agencies shall prepare a Payment Order, specifying the fees that the applicant is obligated to pay in accordance with the NBCP, FCP, and other issuances necessary for the building permit application. The Pasig City Government must ensure to put in place the necessary measures to implement a one-time assessment of building related fees and charges which shall include other related local fees.

The amount of local fees and charges of the Pasig City Government in connection with the construction of shared PTTI shall be reasonably commensurate to the cost of regulation or provision of the service.

No additional local government fees beyond the requisite building permit fees shall be assessed on the applicant.

The Pasig City Government shall be bound by the provisions of DILG-DOF Joint Memorandum Circular (JMC) No. 2019-01 entitled "Guidelines for the Review, Adjustment, Setting and / or Adoption of Reasonable Regulatory Fees and Charges of Local Government Units" in determining reasonable rates of fees and charges to be imposed.

SECTION 6. STREAMLINED STANDARD PROCESSING BUSINESS-RELATED PERMITS FOR PTTIS. - Upon complete construction of the PTTI, the following requirements and clearances shall be submitted to the Pasig BOSS for business-related permits. Any department or office shall be prohibited from requiring documents or clearances other than those expressly enumerated below:

- (a) Documentary Requirements for Business or Mayor's Permit, Certificate of Use and Fire Safety Inspection Certificate;
- (b) Business Permit Application Form;
- (c) Certificate of Use Application Form;
- (d) Certificate of Completion issued by licensed architect or civil engineer of the project;
- (e) Copy of As-Built Plans (if there is any modification on the submitted technical documents);
- (f) Certificate of Final Electrical Inspection (for the electrical) with valid PRC IDs& PTRs; and
- (g) Copy of Fire Insurance Policy (if any)

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For the added avoidance of doubt, a Certificate of Occupancy shall not be required from the applicants in securing a Business Permit.

The Pasig City Government shall issue the Certificate of Use, Fire Safety Inspection Certificate, and Business Permit together within two (2) days.

An application or request for issuance of license, clearance, permit, certification or authorization shall be deemed approved if the appropriate government office or agency fails to approve or disapprove said application or request within the prescribed processing time, provided that all requirements provided in this Ordinance have been submitted and all fees and charges have been paid.

Upon issuance of the business permit, the Pasig City Government shall notify the DICT of the details of the location and owner of the tower.

SECTION 7. CITIZENS' CHARTER – As regards the application and approval process for wireless communication structures, the following shall be included in the Citizens' Charter of the departments and offices assigned to process the same:

- (1) A comprehensive and uniform checklist of requirements for the application;
- (2) The process in step-by-step form to obtain any related service or the approval of the application;
- (3) The person/s responsible for each step;
- (4) The maximum time to conclude the process;
- (5) The document/s to be presented by the applicant or requesting party;
- (6) The amount of fees; and
- (7) The procedure for filing complaints

SECTION 8. PENALTIES FOR VIOLATION. - Notwithstanding any administrative case/cases to be filed against erring officials in accordance to the Revised Rules on Administrative Cases in the Civil Service, the relevant national government provisions of penalties for violations shall apply to any violators of this Ordinance.

The finding of administrative liability under this Ordinance shall not be a bar to the filing of criminal, civil or other related charges under existing laws arising from the same act or omission as herein enumerated.

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SECTION 9. SEPARABILITY CLAUSE. Should any article, section or regulation of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof other than the article, section or regulation so declared to be unconstitutional or invalid.

SECTION 10. REPEALING CLAUSE. All ordinances or portions of ordinances in conflict with this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

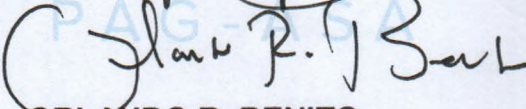
SECTION 11. EFFECTIVITY CLAUSE. This Ordinance shall take effect immediately upon its approval.


APPROVED, this 20th day of **August 2020** at Pasig City.

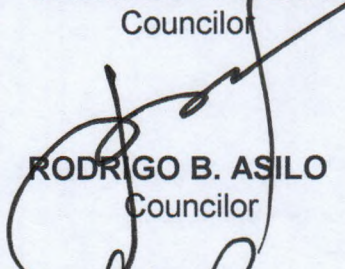

FERDINAND A. AVIS
Councilor

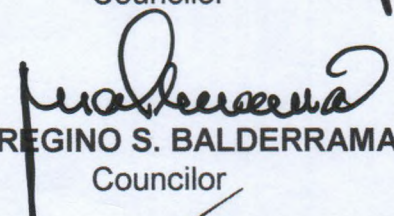

MARIO C. CONCEPCION, JR.
Councilor

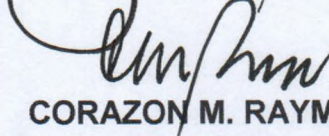

GREGORIO P. RUPISAN JR.
Councilor


ORLANDO R. BENITO
Councilor

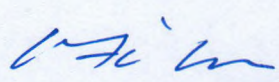

REYNALDO R. SAN BUENAVENTURA III
Councilor


RODRIGO B. ASILO
Councilor


REGINO S. BALDERRAMA
Councilor


CORAZON M. RAYMUNDO
Councilor


EDITHA C. SANTIAGO
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WILFREDO F. SITYAR
Councilor



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[Signature]
RIGOR J. ENRIQUEZ
LIGA President

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GEORGIA LYNNE B. CLEMENTE
SK President

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RHICHIE GERARD T. BROWN
Councilor
Minority Floor Leader

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ROSALIO D. MARTIRES
Councilor
Majority Floor Leader

Attested by:

[Signature]
IYO CHRISTIAN C. BERNARDO
City Vice-Mayor
Presiding Officer

APPROVED:

[Signature]
VICTOR MA. REGIS N. SOTTO
City Mayor

Attested by:

[Signature]
LOIDA U. VILLANUEVA
Acting City Council Secretary