



Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 723-2175

ORDINANCE NO. 1 S. 2019

AN ACT REQUIRING ELECTRIC POWER DISTRIBUTORS, TELECOMMUNICATION COMPANIES, CABLE TELEVISION SERVICE PROVIDERS AND OTHER SIMILAR UTILITY COMPANIES TO RELOCATE SERVICE POLES FROM INSIDE PORTIONS OF HIGHWAYS, NATIONAL ROADS AND MAJOR THOROUGHFARES TO THE OUTERMOST SIDE OF THE ROAD RIGHT-OF-WAY

AUTHOR : COUN. GERARDO A. DELA ROCA

WHEREAS, it is the declared policy of the state to protect and promote the right to health and safety of the people in accord with healthful ecology;

WHEREAS, the 1987 Constitution likewise provides that the use of property bears a social function and all economic agents shall contribute to the common good. Individuals and private groups, including corporations, shall have the right to own, establish and operate economic enterprises, subject to the duty of the State to promote distributive justice and to intervene when the common good so demands;

WHEREAS, the Local Government Code of 1991 mandates the duty of the City Government to exercise powers essential to the promotion of the general welfare, such as to promote health and safety and preserve the comfort and convenience of inhabitants;

WHEREAS, in line with the objectives of the government to provide the people with improved and safe highways, national roads, and major thoroughfares, the DPWH is executing road-widening projects all over the country, as it is in Batangas City;

WHEREAS, the aforesaid objectives and other purposes of the road-widening projects of the DPWH are defeated by the presence of service poles of utility companies obstructing the free and safe use for vehicular traffic of the widened portions of the roads;

WHEREAS, there is a need to remove these obstructions for the interest of public safety and general welfare.

NOW THEREFORE, be it ENACTED by the Sangguniang Panlungsod, in session assembled:



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Continuation of Ordinance No. 1 S. 2019

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SECTION 1. SHORT TITLE. - This Ordinance shall be known as "An Act Requiring the Relocation of Utility Service Poles from Inner Portion of Roads of Batangas City".

SECTION 2. COVERAGE. - This Ordinance shall be applicable to all electric power distributors, telecommunication companies, cable television service providers and other similar utility companies operating or doing business within the territorial jurisdiction of Batangas City.

SECTION 3. DEFINITION OF TERMS. - For purposes of this Ordinance, the following terms are defined as follows:

1. **Cable Television** - corporation or business entity which has a franchise to operate a system of delivery of television programming to paying subscribers via radio frequency (RF) signals transmitted through coaxial cables or light pulses through fiber optic cables;
2. **CEO** - refers to the City Engineering Office or Office of the City Engineer;
3. **City ENRO** - City Environment and Natural Resources Office;
4. **DENR** - refers to the Department of Environment and Natural Resources;
5. **DPWH** - refers to the Department of Public Works and Highways;
6. **Electric Power Distributor** - refers to any company, private corporations which has a franchise to operate a distribution system for the supply of electricity;
7. **Highway** - refers to the national primary road which form part of the main trunk-line system continuous in extent; such as roads leading to the Batangas International Port, and coast- to-coast roads;



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8. **Local Government Unit** - refers to the City Government of Batangas and its barangays;
9. **Major Thoroughfares** - refers to all roads extending from the public plazas and city roads of sufficient importance, or extending from the City to any public wharf, transport station, and other similar areas of the City;
10. **National Road** - refers to roads which form the secondary trunk-line system such as access roads, national, provincial and city roads but shall exclude "feeder roads";
11. **Right-of-way** - refers to a part of the entirety of a property, site, or location, with defined physical boundaries, used by utility companies for the installation/erection of their facilities such as posts, poles, towers, distribution lines, cables, power generators, and similar facilities;
12. **Telecommunication Company** - refers to any company, private corporation or business entity which has a franchise to operate a system of transmission of signs, signals, messages, words, writings, images and sounds or information of any nature by wire, radio, optical or electromagnetic systems;
13. **Utility Companies** - refers to companies, private corporations or business entities which has a franchise to operate electric power distribution, telecommunication services, cable television, and other similar services;

SECTION 4. CREATION OF THE TECHNICAL WORKING GROUP. - It is hereby created a Technical Working Group for the accomplishment of the purposes of this Ordinance, and shall be composed of the following:



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1. Chairman of the Sangguniang Panlungsod Committee on Engineering and Public Works
2. City Engineer
3. City Environment and Natural Resources Officer
4. Association of Barangay Chairmen
5. District Engineer
6. Representatives from MERALCO;
 - a) Design Officer
 - b) Right of Way Officer
 - c) Construction Officer
 - d) Foreign Attachment Officer
7. Representatives from TelCos
8. Representatives from Cable TV Companies

SECTION 5. POLE RELOCATION PLAN. - Within thirty (30) days from the effectivity of this ordinance, the Technical Working Group created under Section 4 hereof shall submit to the City Mayor a plan identifying the affected thoroughfares within the territorial jurisdiction of Batangas City.

The plan shall provide a workable table of pole relocation projects on the basis of priority. Each project shall be completed within a period of eight (8) months from the date of its commencement. The preparation of design, costing, and securing of permits are activities covered within the eight-month period herein provided for the completion of each pole relocation project.

SECTION 6. NOTIFICATION OF CUSTOMERS. - The utility company relocating their poles shall implement an effective program of notification of its customers to minimize or avoid inconvenience to them. The utility company shall likewise adopt measures practicable to lessen disruption of service to customers during the period of pole relocation.

SECTION 7. COSTS. - All expenses and costs incidental to the relocation of service poles shall be borne by the utility company concerned. The government, its instrumentalities and agencies, including the Local Government Unit and its Offices, shall not be liable for any amount related to the compliance by the utility companies to this ordinance.



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SECTION 8. DUTIES OF UTILITY COMPANY.

- a) It is the duty of the utility company causing the relocation of its service poles to secure clearances and permits from concerned government agencies including, but not limited to, the DPWH, DENR, City ENRO, CEO, and Barangay Government when necessary.
- b) It is the duty of the utility company relocating its own poles to repair any damage caused to any government property by reason of the removal and relocation of its service poles. Any portion of the highway, national road, or thoroughfare from where the poles are removed shall be reinstated to its repaired condition at the cost of the utility company subject to specifications and approval of the DPWH or of the Office of the City Engineer.
- c) Any damage caused to private property by reason of the relocation of poles are subject to the agreement or settlement agreed upon by the utility company and the owner of the private property.

SECTION 9. COMPLIANCE. - All utility companies covered under this Ordinance shall complete the pole relocation projects within the period provided herein in accordance with the plan prepared and submitted by the Technical Working Group. Pursuant to the provisions of the Revised Philippine Highway Act, as amended, all service poles remaining in the inner portions of the City thoroughfares subject of this Ordinance after the period for compliance and presenting obstruction thereat shall be immediately removed at the expense of the utility company concerned.

Any damage caused to the utility company or its customers by reason of the summary removal by the City Government of their service poles shall be borne by the non-complying utility company.



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SECTION 10. PENALTIES. - The failure of any utility company covered under this Ordinance to relocate its service poles in accordance with the requirements hereof shall be imposed the following penalties:

- a) Warning, and an order to comply within thirty (30) days from receipt thereof. For this purpose, the City Mayor or his authorized representative shall issue the warning and order to comply.
- b) Fine of P5,000.00 in case of failure to comply within the period of thirty (30) days stated in the Warning and Order to Comply stated in the preceding paragraph.

SECTION 11. REPEALING CLAUSE. - All ordinances, rules and regulations, orders or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 12. SEPARABILITY CLAUSE. - If for any reason any part of this ordinance shall be held unconstitutional or invalid, other parts hereof which are not affected shall continue to be in full force and effect.

SECTION 13. EFFECTIVITY. - This Ordinance shall take effect upon approval of the City Mayor.

ENACTED by the Sangguniang Panlungsod this 18th day of February, 2019.



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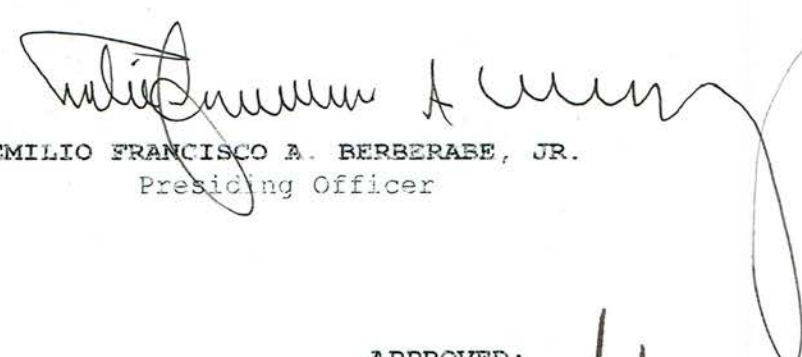
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ATTY. OLIVA D. TELEGATOS


Secretary

Sangguniang Panlungsod

ATTESTED:


EMILIO FRANCISCO A. BERBERABE, JR.
Presiding Officer

APPROVED:


BEVERLEY ROSE A. DIMACULAN
City Mayor

Date Approved: February 28, 2019

REPUBLIC OF THE PHILIPPINES
BATANGAS CITY

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE
MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY
ON FEBRUARY 18, 2019 AT THE SANGGUNIAN SESSION HALL

PRESENT:

Hon. Emilio Francisco A. Berberabe Jr.,	Presiding Officer
Hon. Aileen Grace A. Montalbo,	Councilor
Hon. Sergie Rex M. Atienza,	"
Hon. Hamilton G. Blanco,	"
Hon. Alyssa Renee A. Cruz,	"
Hon. Oliver Z. Macatangay,	"
Hon. Armando C. Lazarte,	"
Hon. Karlos Emmanjuel A. Buted,	"
Hon. Julian B. Villena,	"
Hon. Gerardo A. Dela Roca,	"
Hon. Nestor E. Dimacuha,	"
Hon. Nelson J. Chavez,	"
Hon. Julian Pedro M. Pastor,	"
Hon. Marjorie A. Manalo,	SK-Fed. Pres.
 Hon. Angelito "Dondon" A. Dimacuha,	 ABC-REP.

"On motion of Councilor Dela Roca seconded by Councilor Villena, the following Resolution was Adopted:


RESOLUTION NO. 35 S. 2019

APPROVING ON SECOND AND FINAL READING THE ORDINANCE
REQUIRING THE RELOCATION OF UTILITY SERVICE POLES FROM
INNER PORTION OF ROADS OF BATANGAS CITY

RESOLVED, to approve on Second and Final Reading the ordinance entitled: "An Act Requiring Electric Power Distributors, Telecommunication Companies, Cable Television Service Providers and Other Similar Utility Companies to Relocate Service Poles from Inside Portions of Highways, National Roads and Major Thoroughfares to the Outermost Side of the Road Right-of-Way.

UNANIMOUSLY APPROVED."

I hereby certify that the foregoing Resolution No. 35 S. 2019 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on February 18, 2019.


ATTY. OLIVA D. TELEGATOS
Secretary
Sangguniang Panlungsod

ATTESTED:


EMILIO FRANCISCO A. BERBERABE JR.
Presiding Officer



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COMMITTEE REPORT

TO: THE HONORABLE SANGGUNIANG PANLUNGSOD

FROM: THE COMMITTEE ON LAWS, RULES AND REGULATIONS

SUBJECT: PROPOSED ORDINANCE ENTITLED "AN ACT REQUIRING ELECTRIC POWER DISTRIBUTORS, TELECOMMUNICATION COMPANIES, CABLE TELEVISION SERVICE PROVIDERS AND OTHER SIMILAR UTILITY COMPANIES TO RELOCATE THEIR SERVICE POLES FROM HIGHWAYS, NATIONAL ROADS AND MAJOR THOROUGHFARES WITHIN THE TERRITORIAL JURISDICTION OF BATANGAS CITY".

The subject request for the enactment of an ordinance was referred to the Committee on Laws, Rules and Regulations for its consideration during the Regular Session on September 25, 2018. The Committee held a hearing on October 9, 2018 and in attendance were the following:

From City Legal Office: Atty. Teodulfo Deguito; from City Engineer's Office: Engr. Amando Plata; from MERALCO: Atty. Leoponville Gitau, Mrs. Thelma Nayve, Mr. Allen Costales, Mr. Ernesto Fuger and Mr. Marlon Pilapil; from Globe Telecom Inc: Mr. Reynaldo Catapang and Mr. Velmer Atienza; from Smart Communications Inc.: Mr. Rocky Labayane; from Cignal TV Batangas City Branch: Ms. Liezel Tanguangco; from MyCATV Batangas City Branch: Mr. Eulogio Abrenica and Mr. Christian Sherwin Rayos and from DPWH: Mr. Bong John Kerley Gonda. Also present are the Chairperson Coun. Alyssa Renee A. Cruz and Committee members Coun. Sergie Rex M. Atienza, Coun. Gerardo Dela Roca, Coun. Armando Lazarte and Coun. Julian B. Villena, and other members of the Sangguniang Panlungsod Councilors Aileen Arriola Montablbo, Glenn M. Aldover, Hamilton Blanco, Oliver Macatangay, Karlos Buted, Nestor Dimacuha, Nelson Chavez, and SK Federation President Marjorie A. Manalo.

FINDINGS and DISCUSSION:

During the committee hearing, the City Legal Officer presented his support on the proposed ordinance while reiterating that it is a major hurdle in part of the Meralco and PLDT to acquire a right of way of posts. He also suggested that the Committee need to ask a position letter from any electric power distributors, telecommunication companies, and other similar utility companies stating the status of their operations related to installation or relocation of poles. The Committee perceived the importance of considering the suggestions made by the City Legal Officer and that further amendments be addressed by the author of the proposed ordinance.



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The City Engineer's Office have already reviewed the design plan submitted by the Officer of Structural Design, Mapping, Permits and Right of Way for the proposed pole locations and all accessories for the installation of electric facilities to be installed along P. Herrera St. CEO, Barangay. 6, Batangas City and is hereby granting Clearance for the said installation of poles.

According to Globe Telecom, Inc., they are still on the process of planning, survey and relocation of the poles along Barangay Soro-Soro Karsada to Barangay Conception Road, Barangay Alangilan to Barangay Balagtas Road and Barangay Calicanto to Barangay Sta. Rita Road. The foremost barangay roads are already completed as per the assessment of the said telecom company, while the latter are still on the planning stage and survey.

The management of MERALCO on their position paper wrote that their business activity is wholly regulated by the Energy Regulatory Commission, strictly complies with the rules and regulations issued by it and the standards set by the Government under the Philippine Distribution Code, Philippine Electrical Code and National Building Code. MERALCO also adheres to stringent System Operation procedures and safety parameters. They also prepared some matrix of their comments on the proposed ordinance for the committee's consideration.

With the view that this request will eventually be favorable to the City of Batangas especially to its inhabitants, the Sangguniang Panlungsod perceives the essentiality to pass or enact the said proposed ordinance.

RECOMMENDATIONS:

In view of the foregoing, the Committee hereby recommends:

1. The adoption of this Committee Report.
2. To schedule the said ordinance on Second and Final reading on the next regular session.

Respectfully submitted, February 12, 2019.

THE COMMITTEE ON LAWS, RULES AND REGULATIONS

COUNCILOR ALYSSA RENEE A. CRUZ

Chairman

COUN. SERGIE REX M. ATIENZA

Member

COUN. JULIAN B. VILLENA

Member

COUN. GERARDO A. DELA ROCA

Member

COUN. ARMANDO C. LAZARTE

Member