

- c) Notice to transfer line - notice given by the City Government of Naga
 - d) Final Demand - a notice sent by the City government
 - e) Notice of Violation - a notice sent by the City Government of Naga
- 4) Inter-Agency Task Force - a body created for purposes of coordination and implementation of this Ordinance
- 5) City Legal Office (CLO) - an office of the City Government of Naga tasked to notify the concerned telcos and prosecute in court violations of this Ordinance.

SECTION 3. - MANDATE TO RELOCATE POLES AND DISTRIBUTION LINES AND TO REMOVE THE REDUNDANT LINES AFFECTED BY GOVERNMENT PROJECTS.

- All poles and distribution lines owned, installed, and maintained by various utilities affected by government projects which are either implemented by the national government or the city government and are posing hazard to the general public shall be relocated in proper areas and all redundant lines shall be removed.

The area of relocation must:

- a. Not hinder free passage of vehicles and pedestrians; and
- b. Be compliant with the City's Pole Location Plan and the Revised Philippine Electrical Code

SECTION 4. - INVENTORY AND IDENTIFICATION OF AFFECTED POLES AND DISTRIBUTION LINES.

- There shall be a mandatory inventory of all poles and lines of the electric cooperative and the different telcos in the City within one (1) month from the effectivity of this Ordinance.

The inventory shall include the following:

- a. Affected poles and telco lines due to national or city road widening projects
- b. Location, span of lines, and other details

SECTION 5. - NOTICE TO THE CONCERNED TELCOS. - The City Government of Naga may request copy of the notices sent to the different public utility companies relative to road widening projects or reiterate issuance of the same if notices were already sent to the concerned party/ies.

Notwithstanding the notice issued by the DPWH in consonance with its mandate to notify telcos and the electric cooperative of its road widening projects, the City Government of Naga, for purposes of observance of due process, through the City Legal Office, shall:

Section 5.a- Upon receipt of information/notice from the DPWH, issue the corresponding **NOTICE TO TRANSFER LINE** to the

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concerned public utility and demand removal of poles and/or lines within fifteen (15) working days from receipt of such notice.

The LGU Naga notice shall contain:

- a. the list of poles affected
- b. span of wires affected
- c. street/s covered
- d. photograph/s
- e. and other pertinent information

Section 5.b- The receipt of Notice to Transfer constitutes due notice to the concerned utilities and will serve as the reckoning period to compute the days of inaction or non-compliance thereof.

Section 5.c- A **FINAL DEMAND TO RELOCATE SHALL BE ISSUED BY THE CITY GOVERNMENT WITHIN FIVE (5) WORKING DAYS FROM THE LAPSE OF THE FIFTEEN (15)-DAY PERIOD.**

Section 5.d- Despite final demand, no action is taken in relation thereto, a **NOTICE OF VIOLATION** shall be issued by the city government within seven (7) working days from the receipt of the final demand to relocate. Considering that public safety and order is at stake, no extension of the period will be given for non-compliance thereof.

SECTION 6. - The NOTICE OF VIOLATION shall be issued by the City Legal Officer who is tasked by this Ordinance to prosecute violations thereof.

Section 6.a- For this purpose, a full report from the Task Force created under Section 7 hereof shall be submitted to the CLO for the purpose of issuance of the Notice of Violation mentioned herein.

Section 6.b- A summary of the notices sent to concerned utilities shall be prepared by the CLO and furnished the Task Force, Office of the City Mayor, and the Sangguniang Panlungsod for their information and guidance.

Section 6.c- The CLO may enlist the assistance of the City Engineer's Office (CEO) for the issuance of notice of violation. For this purpose, a pro-forma notice prepared by the CLO may be used by the CEO.

SECTION 7. - CREATION OF INTER-AGENCY TASK FORCE. - There is hereby created an Inter-Agency Task Force that will coordinate actions for purposes of this ordinance. The Task Force shall convene within fifteen (15) days from the effectivity of this Ordinance.

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(a) Composition:

- Chairman - City Engineer
- Members - City Planning and Development Coordinator
- City Legal Officer
- City Treasurer
- City Assessor
- City Environment and Natural Resources Officer
- Public Safety Officer
- General Services Officer
- City Events, Protocol, and Public Information Officer

(b) Functions:

- i. Oversee the implementation of this ordinance;
- ii. Conduct inventory, per Section 4 hereof, and conclude the same within sixty (60) days after the effectivity of this Ordinance.
- iii. Cause the removal of poles and lines in coordination with CASURECO II. For this purpose, it shall coordinate with government agencies and offices for the full discharge of its functions, which shall include administrative or technical assistance, logistics, and detail of personnel;
- iv. Update its records of the responsible officers of the different utilities operating in Naga City. For applicants/newcomers in the telco industry in the city, the responsible officers appearing in the data application must be secured from the City Treasurer's Office and/or City Engineer's Office.
- v. Review the present one-pole policy of the City government and recommend to the Sangguniang Panlungsod changes, if necessary;
- vi. Promulgate guidelines to assist consumers who desire to file case/s in court brought about by inactions of a public utility, if necessary;
- vii. Perform such other functions as may be necessary and incidental to attain the objectives of this ordinance.

(c) To guide the CLO of the steps to be taken prior to the execution of the preceding sections, a complete report and summary of the proceedings and actions of the Inter-Agency Task Force must be furnished the above-cited Office for its appropriate information and guidance.

(d) For purposes of Section 7.b.iii, copies of the updated list of officers should be furnished the CLO for its guidance and information for purposes of filing actions in court.

- (e) In case there is a need to topple down and/or remove lines after the lapse of periods stated in Sections 3, 4, 5, and 6 hereof, the City Events, Protocol and Public Information Office (CEPPIO) shall endeavor to employ massive information drive to update the general public of the possible inconvenience relative to this.
- (f) The Task Force shall formulate guidelines to govern cases of toppling down and/or removal of pole and/or line which is caused by inaction of a public utility. The cost of the removal and/or toppling down and other incidental expenses incurred shall be computed and demanded against the erring telco/utility.
- (g) The Task Force shall extend assistance to a public utility which endeavors to comply with the timetable herein set forth but lacks the necessary manpower and other resources to pursue relocation and/or removal of their lines.
- (h) The Task Force may recommend to the City Mayor, for his concurrence, other member/s, whether individual or representing an office/institution, to assist in the performance of its functions.
- (i) Secretariat- The CEPPIO shall serve as the secretariat and shall provide support to the Inter-Agency Task Force.

SECTION 8. - PENAL PROVISIONS. - IN CASE OF VIOLATION, the following shall be responsible hereto:

Section 8.a- Responsible officials:

- 1) The Manager duly designated/authorized by the main office or its Board of Directors; or
- 2) Operations Officer duly designated/authorized by the main office, or
- 3) Field Officer duly designated/authorized by the main office, or
- 4) Senior Officer who is managing the office, if no particular official is designated.

For this purpose, the list secured under Section 7.b.iii shall be made as basis for the filing of case in court.

IN CASE OF FAILURE TO LOCATE AND IDENTIFY, DESPITE REASONABLE EFFORT, THE NAMES OF RESPONSIBLE OFFICIALS FOR PURPOSES OF SECTION 8.a HEREOF, THE CITY MAYOR MAY USE APPROPRIATE LEGAL RECOURSE AS BASIS FOR FILING CASE/S IN COURT SO THAT THE FULL INTENT AND PURPOSES OF THIS ORDINANCE ARE SERVED.

Section 8.b- Penalties.

- (1) **FIRST OFFENSE** - A fine of Three Thousand Pesos (P3,000.00) for each 50 meter-span of affected pole/line not relocated or removed after the lapse of the period provided hereof shall be imposed. The same shall be lodged against the responsible official per Section 8.a hereof.
- (2) **SECOND OFFENSE** - A fine of Five Thousand Pesos (P5,000.00) for each 50 meter-span of affected pole/line not relocated or removed shall be imposed, and/or imprisonment of not more than one (1) month shall be meted against the responsible official based on Section 8.a hereof, or both such fine and penalty at the discretion of the court;
- (3) **THIRD OFFENSE** - A fine of Five Thousand Pesos (P5,000.00) for each 50 meter-span of affected pole/line not relocated or removed shall be imposed, and/or imprisonment of not more than two (2) months shall be meted against the responsible official provided under Section 8.a hereof, or both such fine and imprisonment at the discretion of the court. The working permit/clearance given to the erring public utility by the LGU Naga shall also be suspended.

IN CASE ACTIONS ARE FILED IN COURT, WHILE AWAITING THEIR RESOLUTION, IN ORDER NOT TO UNDULY DELAY THE CLEARING HEREUNTO DESIRED, THE CITY GOVERNMENT MAY USE AVAILABLE REMEDIES UNDER EXISTING LAWS TO EXECUTE CLEARING OF POLES AND LINES TO ENSURE PUBLIC SAFETY AND WELFARE.

SECTION 9. - THE CITY MAYOR MAY ISSUE GUIDELINES AND SUCH OTHER MEASURES TO ENSURE FULL ENFORCEMENT OF THIS ORDINANCE.

SECTION 10. - JOINT LEGISLATIVE AND EXECUTIVE OVERSIGHT COMMITTEE. - There is hereby created a Joint Legislative and Executive Oversight Committee to monitor and oversee the implementation of this ordinance. The Oversight Committee shall be composed of the following:

- Chairman - SP Chairman of the Committee on Public Utilities
- Members - SP Chairman of the Committee on Infrastructure
- SP Chairman of the Committee on Tourism
- City Administrator
- Head-Community Relations Office (CRO)

SECTION 11. - TRANSITORY PROVISION. - In case there are existing agreements entered into by the City Government of Naga with the different utilities regarding removal/transfer of lines, the same shall be honored insofar as it will not defeat the intent

and purposes of this Ordinance. Provided that, with the declaration of a state of public health emergency throughout the country due to Covid-19, the City Mayor may determine the appropriate time to implement this Ordinance; Provided finally, that the City Mayor shall inform the Sangguniang Panlungsod of the time of execution of this Ordinance.

SECTION 12. - SEPARABILITY CLAUSE. - If any provision of this Ordinance is declared invalid by any court of competent jurisdiction, the provisions not otherwise so declared or impaired by such declaration shall remain in full force and effect.

SECTION 13. - REPEALING CLAUSE. - All ordinances, resolutions, executive issuances, or parts thereof which are inconsistent with any of the provisions of this Ordinance are deemed repealed or amended.

SECTION 14. - EFFECTIVITY. - This ordinance shall take effect upon its approval and publication in a newspaper of general circulation in Naga City.

ENACTED: June 15, 2021

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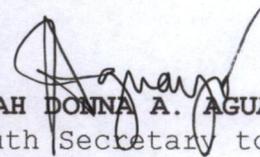
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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.



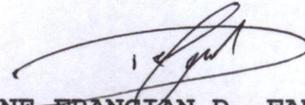
GIL A. DE LA TORRE
Secretary to the
Sangguniang Panlungsod



JOHANNAH DONNA A. AGUAYO
City Youth Secretary to the
Sangguniang Panlungsod

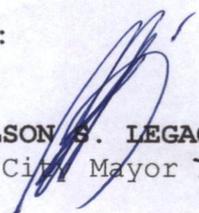


GHIEL G. ROSALES
City Councilor
& Acting Presiding Officer

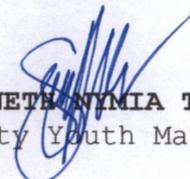


DANE FRANCIAN D. FAURILLO
City Youth Councilor &
Acting Presiding Officer

APPROVED:



NELSON S. LEGACION
City Mayor 7/19/21



BERLINETH NYMIA T. MONTES
City Youth Mayor