

- a) Underground cabling- refers to the bundling of all types of wire and cables, particularly electricity, data and communications cable, in duly pinpointed underground areas;
- b) Telecommunications- pertains to the supply of telephone equipment and communication lines.
- c) Growth areas-development hubs identified in the annual investment plan and future investment perspectives of Naga City
- d) Construction - all works related to infrastructures, including excavation and embedding of structures, line hardware and accessories
- e) Fiber optic cable- an advanced type of optic cable offering significantly improved performance in terms of bandwidth and data carrying than traditional metal conductor versions.
- f) Dominant Pole Owner- refers to the owner of the pole selected by the affected public utilities which has the capability to meet the technical requirements of said utilities, with respect to loading capacity including other appurtenances off telecommunications carriers
- g) Joint Pole Agreement- an agreement between the dominant pole owner and the player using the said pole;
- h) Drop Wire/ Multiple Wire/ Dangling Wire and Cable Wire- refers to all wires used as service entrance wire for power, telephone (and) OR cable network;
- i) Installation- all works involving fastening, attachments, connections and layout of underground lines and accessories;
- j) Nuisance- pertains to any act, omission, establishment, condition of property, or anything else which injures or endangers the health or safety of others;
- k) Power- pertains to electrical power supplier or distributor.

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If case of ambiguity and need for an interpretation of this Ordinance, the terms hereunder shall be construed in its technical meaning as provided under the National Building Code and Electrical Code of the Philippines.

SECTION 3. SCOPE AND COVERAGE. - It shall be the priority program of the City Government of Naga to undertake efforts to construct and institute underground cabling for all power and telecommunication networks operating in the city.

In pursuit of this, it is the avowed policy of the local government to comprehensively consult all the stakeholders so as to come up with a suitable approach to lessen the impact of this program to the capital outlays of the concerned utility companies, which includes the phasing of its implementation.

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SECTION 4. PURPOSE. - This Ordinance is enacted for the following purposes:

- (a) To make public utilities in Naga adoptive and responsive to the challenges brought about by the different calamities that frequent the City of Naga, and minimize the disruptions and damages caused by the same to the city's inhabitants and to the economy;
- (b) To adopt measures that will compel the power, telecommunications, cable and other public utility firms in the Naga City to catch up with the most recent and sophisticated technologies;
- (c) To ensure compliance by power, telecommunication, cable network and other public utility companies with the provisions of the Philippines Electrical Code, Philippines Electronics Code and National Building Code of the Philippines in the establishment, installation and maintenance of poles, wires, cables and other implements and tools required in their operations;
- (d) To improve the existing standards and prescribe new regulations in the installation of electrical power, telecommunications and cable lines;
- (e) To maintain, at all times, an orderly and properly marked cables and lines that are installed underground to avoid future accidents.

ARTICLE II
REGULATED ACTS

SECTION 5. PROHIBITIONS- It shall be unlawful for any electrical power supplier, telecommunication Company, cable network or any other person to:

- a.) Install, erect or construct telephone posts, electric posts, telecommunication posts, cable network and the like without securing a permit from the City Engineer, duly approved by the City Mayor, or from the Department of Public Works & Highways for projects along National Highways, as the case may be;
- b.) Install a pole or construct an edifice in a location duly-identified for underground cabling purposes;
- c.) Install unmarked telecommunication wires and cables or temporary wires and cables without permission from concerned authorities;
- d.) Retain idle poles, wires and cables and other overhead line accessories without further use;
- e.) Failure to remove idle poles, wires and cables and other overhead line accessories within two (2) months from issuance of notice to remove the same;
- f.) Dig and excavate in the streets for purposes of laying electric wires, telecommunication and television cables without securing a permit from the

City Engineer's Office, duly-approved by the City Mayor, or from the Department of Public Works and Highways for projects along National Highways, as the case may be.

SECTION 5.A- EXEMPTIONS- In case of typhoons, earthquakes or any force majeure, the abovementioned acts may be allowed by the City Mayor in order to expedite the recovery and restoration efforts of cable, power and other public utility companies.

SECTION 5.B- UNIFORM APPLICATION- All building/house owners shall provide service entrances compatible for underground electrical and telecommunications wires and cables.

ARTICLE III
MISCELLANEOUS PROVISIONS

SECTION 6. JOINT POLE AGREEMENT- The Joint Pole Agreement entered into by the CASURECO II and other concerned parties before the approval and implementation of this ordinance shall be respected, and any modification thereto relative to underground cabling may be used as a basis for its continuance until such that the provisions thereof become incompatible with the spirit and letter of this ordinance.

SECTION 7- COSTS- The cost for placing underground the electrical and telecommunications wires and cables, including the restoration of the excavated streets/sidewalks, shall be jointly shared among the electric companies, public telecommunication carriers and other concerned public utility firms, as determined and stated in a unified Underground Conduit Plan.

In the meantime that the telcos are preparing for the transition to underground cabling, the city government may initiate construction, in whole or in part hereof, subject to the payment of pass-through fees as determined by the Task Force.

SECTION 8. PARTNERSHIP WITH THE PRIVATE SECTOR - The City Government may tap the assistance of the private sector and enter into partnership/s thru any appropriate agreement in order to pursue and realize the provisions of this Ordinance and to achieve the purposes set thereby.

SECTION 9 - PRIORITY AREAS- The following areas are considered to be the priority areas for underground cabling:

- 1) Balatas New Development Area
- 2) Diversion Area Development Center
- 3) Almeda Highway Centrum

The City Mayor may determine other priority areas. New subdivisions and city housing projects, among others, must be highly considered for this purpose.

SECTION 10- TAX INCENTIVES - Considering the cost that may be incurred by telcos in compliance with this Ordinance, the City Government shall endeavor to assist the concerned telcos and/or utility companies through provision of tax incentives appropriate thereto.

SECTION 11. IMPLEMENTING OFFICES/AGENCIES- This Ordinance shall be implemented by the following:

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- a) The City Engineer's Office shall issue road right of way clearance as to street diggings intended to lay electric, telecommunication wires & cables, except for national roads which are under the jurisdiction of the Department of Public Works and Highways; including the issuance of notice for failure to remove idle poles, wires and cables and other overhead line accessories within appropriate period as prescribed under this Ordinance;
 - b) The Office of the Building Official shall accept, evaluate and issue permits and other authorization for the laying of lines, monitor compliance of the permit and issue notice of violation if warranted;
 - c) The City Administrator shall accept, hear and evaluate appeals and submit recommendation to the City Mayor;
 - d) The City General Services Office shall safe keep all removed nuisance structures and the disposal of which shall be subjected to the guidelines to be promulgated by the Task Force.
 - e) The Metro Naga Water District shall be furnished with copies of the approved plan of the telecommunication and utility companies in order to evaluate those which may affect existing and proposed waterlines. During implementation, all the utility companies concerned shall coordinate first with MNWD and request for supervision during excavation activities. The guidelines for these will be laid down by the Task Force as well as the One-Stop-Shop created under the expanded powers and functions of said task force as stipulated under the preceding section hereof.
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SECTION 12. - CREATION OF INTER-AGENCY TASK FORCE. -
There is hereby created an Inter-Agency Task Force that will coordinate actions for purposes of this ordinance.

(a) Composition:

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- 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

Invited members -

Representative, MNWD
Representative, Casureco II
All telcos

(b) Functions:

- A) To conduct strategic planning and recommend plans of action pertaining to underground cabling in Naga City;
- B) To develop a unified and comprehensive Underground Conduit Plan (UCP);
- C) To provide guidelines, subject to the approval of the City Mayor, for one-stop shop to process applications for permits to excavate, use the sidewalk, and manage traffic during digs;
- D) Establish coordinative and working relationship among members of the task Force;
- E) To recommend to the City Mayor other priority areas for underground cabling as well as the period or timetable of its implementation;
- F) To recommend actions and strategies that will promote and realize the objectives of this Ordinance.
- G) To recommend to the City Mayor, for his approval/concurrence, other member/s, whether individual or representing an Office/institution, to assist in the performance of its functions.
- H) The City Events, Protocol and Public Information Office shall provide the secretariat and support for the Inter-Agency Task Force.

ARTICLE IV
FINAL PROVISIONS

SECTION 13. IMPLEMENTING RULES AND REGULATIONS. - Within six (6) months after the effectivity of this Ordinance, the Inter Agency Task Force as constituted herein, with the participation of the cable and telecommunication companies, shall formulate implementing rules and regulations (IRR), which shall henceforth form part of this Ordinance.

The drafting of a unified and comprehensive Underground Conduit Plan (UCP) shall be the top most priority of the Task Force. This plan shall serve as basis of the drafting of the IRR. In no case, however, that the time frame in drafting of

the UCP and IRR exceeds six (6) months from the approval of this Ordinance.

SECTION 14. PENALTY. - The following penalties shall be imposed on any or all violators of this Ordinance:

First Violation- Issuance of Notice of Violation with the compliance period stated therein. Second and third notice shall be issued as final warning to the violator;

After the third notice, fine of P5,000.00 and, if the violator is engaged in business, revocation of his business license and/or permit.

If the violation is committed by a partnership, corporation, association, cooperative, or firm, or other juridical entity including government owned-and controlled corporation, the penalty shall be imposed on the president, general manager and each of the officers of these entities. In addition, the penalty shall also include the cancellation of its business license.

For this purpose, an interval of twenty (20) calendar days per issuance of notice of violation shall be observed.

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SECTION 15. CITATION TICKET. - Where the violator of this Ordinance does not contest his or her apprehension and elect to pay the fine imposed by this Ordinance, the enforcement officer shall forthwith issue a citation ticket to the person apprehended without resort to the filing of case in Court.

For this purpose, the Citation ticket contemplated herein shall contain the following:

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- 1) Name, Signature, age and address of the person cited,
 - 2) Material facts obtaining,
 - 3) Amount of fine payable in favor of the City Government of Naga; and
 - 4) Notice requiring the person cited for extrajudicial settlement by paying the prescribed fine at the Office of the City Treasurer within ten (10) working days from issuance thereof, otherwise, appropriate charge shall be filed before the Court of law.
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SECTION 16 - 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
- President, Liga ng mga Barangay
- City Administrator
- Head, Community Relations Office

SECTION 17. - TRANSITORY PROVISION- The existing agreements entered into by the City Government of Naga with various public utility companies regarding removal/transfer of lines shall be honored in so far as it shall not defeat the intents and purposes of this Ordinance.

SECTION 18. - SEPARABILITY CLAUSE. -If any provision in 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 19. - 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 20. - EFFECTIVITY. - This ordinance shall take effect upon its approval and publication in a newspaper of general circulation.

Enacted: August 16, 2022

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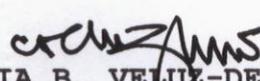
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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

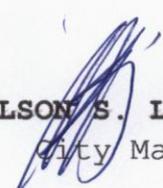
JOSSELL C. ABIOG

Acting Secretary to the
Sangguniang Panlungsod


CECILIA B. VELUZ-DE ASIS

City Vice Mayor &
Presiding Officer

APPROVED:


NELSON S. LEGACION

City Mayor 8/26/22
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