



**DICT**  
DEPARTMENT OF INFORMATION AND  
COMMUNICATIONS TECHNOLOGY



**ARTA**  
ANTI-RED TAPE AUTHORITY  
OFFICE OF THE PRESIDENT



**JOINT MEMORANDUM CIRCULAR NO. 2023-01  
SERIES OF 2023**

**THE IMPLEMENTING RULES AND REGULATIONS OF EXECUTIVE ORDER NO. 32  
OTHERWISE KNOWN AS "STREAMLINING THE PERMITTING PROCESS FOR THE  
CONSTRUCTION OF TELECOMMUNICATIONS AND INTERNET INFRASTRUCTURE"**

**WHEREAS**, Section 15 of R.A. No. 9485, as amended by R.A. No. 11032, mandates the Anti-Red Tape Authority (ARTA), together with the Department of Information and Communications Technology (DICT), to develop a fast and reliable interconnectivity infrastructure that will expedite the processing of licenses, clearances, permits, certifications or authorizations;

**WHEREAS**, Section 4(ii) of R.A. No. 11494 or the "Bayanihan to Recover as One Act", which took effect on 15 September 2020, temporarily suspended the requirements for securing permits and clearances for the construction, installation, repair, operation, and maintenance of telecommunications and internet infrastructure, for a period of three (3) years, and directed the streamlining of regulatory processes and procedures for the development and improvement of digital, internet, and satellite technology infrastructure;

**WHEREAS**, Executive Order (EO) No. 32 otherwise known as "Streamlining the Permitting Process for the Construction of Telecommunications and Internet Infrastructure" was issued on 04 July 2023 to institutionalize a set of streamlined guidelines for the issuance of permits, licenses, and certificates for the construction of telecommunications and internet infrastructure, including those relating to installation, repair, operation, and maintenance, similar to the prescribed streamlined requirements and regulatory processes and procedures provided under Section 4(ii) of R.A. No. 11494;

**WHEREAS**, Section 11 of EO No. 32 sets its effectivity "...immediately upon publication in the Official Gazette or in a newspaper of general circulation". EO No. 32 was published in the Official Gazette on 05 July 2023 and thus became effective on the same day.

**WHEREAS**, Section 7 of EO No. 32 created the Technical Working Group (TWG) composed of the DICT, ARTA, National Telecommunications Commission (NTC), Department of Public Works and Highways (DPWH), Department of the Interior and Local Government (DILG) to formulate the necessary rules and regulations within sixty (60) working days.

**WHEREAS**, Section 17, Article VII of the Constitution vests in the President the power of control over all Executive departments, bureaus, and offices, and the mandate to ensure the faithful execution of laws;

**NOW, THEREFORE**, these Implementing Rules and Regulations are hereby promulgated and issued as Joint Memorandum Circular No. 2023-01 to guide all concerned departments, offices, agencies, and stakeholders, in the implementation of EO No. 32.

**RULE I - GENERAL PROVISIONS**

**Section 1. Title**

These Rules and Regulations shall be known as the Implementing Rules and Regulations (IRR) of Executive Order (EO) No. 32, otherwise known as the "Streamlining the Permitting Process for the Construction of Telecommunications and Internet Infrastructure".

**Section 2. Declaration of Policy**

These IRR are hereby promulgated and issued as Joint Memorandum Circular No. 2023-01 to guide all concerned departments, offices, agencies, and stakeholders, in the implementation of EO No. 32.



### Section 3. Construction and Interpretation

These Rules and Regulations shall be construed and interpreted in light of the Declaration of Policy found in Section 2 of EO No. 32. Any doubt in the interpretation of these Rules and Regulations shall be resolved in a manner consistent with the policy of the State to promote integrity, accountability, and proper management of public affairs and public property. Doubt will be resolved in a manner that will establish effective practices, aimed at efficient turnaround of the delivery of government services and the prevention of graft and corruption in government.

### Section 4. Definition of Terms

- 4.1. **Access** – refers to access to poles, underground fiber ducts, and other physical infrastructure for purposes of the construction, installation, repair, operation, and maintenance of cables.
- 4.2. **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.
- 4.3. **Aerodrome** – refers to a defined area on land or water (including any buildings, installations, and equipment) intended to be used either wholly or in part for the arrival, departure, and surface movement of aircraft.
- 4.4. **Active Infrastructure** – for purposes of active infrastructure sharing, this refers to the active elements of wireless networks which are maintained and operated/managed by operators, such as antennas, antenna systems, transmitters/receivers, transmission systems, radio frequency modules, channel elements, and other radio-communications systems.
- 4.5. **Applicant** – refers to any qualified person, firm, partnership, corporation, government, or private institution/organization applying for the issuance of permits, licenses, and certificates.
- 4.6. **Building Official (BO)** – refers to the Executive Officer of the Office of the Building Official (OBO) designated by the Secretary of Public Works and Highways.
- 4.7. **Building Permit** – refers to a document issued by the Building Official to an owner/applicant to proceed with the construction, installation, addition, alteration, renovation, conversion, repair, moving, demolition or other work activity of a specific project/building/structure or portions thereof after the accompanying principal plans, specifications and other pertinent documents with the duly notarized application are found satisfactory and substantially conforming with the National Building Code of the Philippines (NBCP) and its IRR, and other applicable laws.
- 4.8. **Business One Stop Shop (BOSS)** – refers to the single common site or location, or a single online website or portal designated for the Business Permit and Licensing System (BPLS) of an LGU to receive and process applications, receive payments, and issue approved licenses, clearances, permits, or authorizations.
- 4.9. **Business Permit (also referred to as “Mayor’s Permit”)** – refers to a document issued by the City or Municipal Head, authorizing an applicant to operate Active Infrastructure of the PTTL.
- 4.10. **Cable** – refers to coaxial, fiber-optic or other cabling, that is installed underground, directly buried or in conduit, or aerial between two or more poles or installed on other physical infrastructure.
- 4.11. **Certificate of Final Electrical Inspection (CFEI)** – refers to the document issued by the local government unit upon inspection of the electrical wirings and its compliance with the provisions of the Philippine Electrical Code and other applicable government rules and regulations.
- 4.12. **Certificate of Use** – refers to a document issued by the Building Official certifying that the building/structure was completed and can be used in accordance with the approved use.

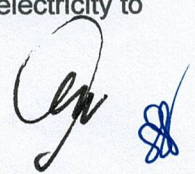




- 4.13. **Construction** – refers to all on-site work done in the site preparation, excavation, foundation, assembly, repair and maintenance of all components and installation of utilities.
- 4.14. **Distribution system** – refers to the system of wires and associated facilities belonging to a franchised distribution utility extending between the delivery points on the transmission or sub-transmission system or generator connection and the point of connection to the premise of the end-user.
- 4.15. **Distribution Utility (DU)** – refers to any electric cooperative, private corporation, or government-owned utility which has a franchise to operate a distribution system including those whose franchise covers economic zones.<sup>1</sup>
- 4.16. **Distribution Utility Facilities** – refers to poles, towers, cables, wires, meters, transformers, guys, equipment or any facilities, above ground or underground, necessary for energization of PTTIs.
- 4.17. **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.
- 4.18. **Fire Safety Evaluation Clearance (FSEC)** – refers to the document issued by the BFP as a pre-requisite for the grant of Building Permit by the Office of Building Official having jurisdiction upon determination that the evaluated plans are compliant with Republic Act No. 9514, otherwise known as “Revised Fire Code of the Philippines of 2008”, and its IRR.
- 4.19. **Fire Safety Inspection Certificate (FSIC)** – refers to the document issued by the BFP upon determining that the required safety construction is in place, and fire protective and/or warning system are properly installed in accordance with the approved plans and specifications and in compliance with R.A. No. 9514 and its IRR.
- 4.20. **Homeowners and other Community Clearances** – refers to the notarized Certificate of Consent, Certificate of No Objection, or other form of clearances issued to the applicant by the incumbent, current, or authorized signatory of the duly registered-homeowners association.
- 4.21. **Installation** – refers to the process of setting up PTTIs, including placing electrical equipment, components, or systems in a specific location to enable the distribution of electricity to PTTIs. This involves activities such as but not limited to erection of poles and installation of various electrical equipment, devices and its support and wires and kwh meter, and other infrastructure to ensure a reliable supply of electricity to PTTIs.
- 4.22. **LGU Clearance** – refers to the official permission given by the LGU which owns the subdivision roads where the project will take place, considering that the applicant has complied with all the necessary requirements set forth by the concerned LGU.
- 4.23. **One-Stop Shop for Construction Permits (OSCP)** – refers to a mechanism of coordination among the OBO, Zoning Office, Assessor’s Office, Treasurer’s Office, other concerned departments or offices at the local government, and the Office of the City/Municipal Fire Marshal through co-location of related functions and through a practical system of linkages.
- 4.24. **Operation, Repair, and Maintenance of PTTIs**
- 4.24.1. **Operation** – refers to the management, control, and maintenance of the various components and systems that make up PTTIs and the electrical distribution network to be used to energize the PTTIs. This includes tasks such as monitoring power flow, voltage levels, and equipment status, as well as responding to any issues or emergencies that may arise to ensure the safe and efficient distribution of electricity to PTTIs.

---

<sup>1</sup> RA 11361, Section 4(g)





4.24.2. **Repair and Maintenance** – refers to the ongoing activities and procedures undertaken to keep the PTTIs and its electrical infrastructure, equipment and systems to be used to energize PTTIs in optimal working condition. This includes activities such as both not limited to regular inspections, repairs, replacements, and preventive measures to ensure the reliability, safety and efficiency of the distribution network and its components over time.

4.25. **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 in 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.

The term shall include: (a) the ducts , ladders, arresters, mounts, cable entrances, and the cable trays of the PTTI; (b) the shared-fiber-optic and/or radio frequency cables or other similar equipment assemblies that make up the fronthaul; (c) its appurtenant shelters, sheds, cabins, cabinets or other similar house for the base-band units, radio units, and related electronic equipment, as well as the cable entrances thereof; (d) its power supply and back-up power management systems; and (e) all other non-electronic ancillary facilities as thereto may be necessary and pertinent for its proper, resilient, and continuous operation as a PTTI. These auxiliary and ancillary facilities need not necessarily have to be owned or managed by each mobile network operator.

This shall refer to shared and/or exclusive PTTIs.

- 4.26. **Physical Infrastructure** – refers to pipes, masts, ducts, inspection chambers, manholes, cabinets, buildings or entries to buildings, towers and poles, or cables, including dark fiber.
- 4.27. **Poles** – refers to one or a series of poles, other than PTTI, such as utility, lighting, traffic, or similar pole made of wood, concrete, metal or other material, located or to be located within the Public Right of Way, Utility Easement, or any private property, used or useful, in whole or in part, in the transmission of cable television or telecommunications signals through wires or cables. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached unless the NEA Distribution Utility grants a waiver for such pole. The term does not include electric transmission (but does include electric distribution) poles or structures.
- 4.28. **Public Telecommunications Entity (PTE)** – refers to any person, firm, partnership or corporation, government or private, engaged in the provision of telecommunications services to the public for compensation.
- 4.29. **Social Preparation** – refers to the conduct of consultation initiated by the applicant with the members of the association to raise awareness on the health and safety protocols in the construction and/or installation of telecommunication facilities and/or infrastructure.
- 4.30. **Working days** – refers to the days of the week excluding Saturdays, Sundays, and holidays, whether legal or special, and national or local.
- 4.31. **Value-Added Service (VAS) Provider** – refers to a Cable TV (CATV) Operator registered by NTC to offer internet access service, or an entity registered by NTC and contracted under the *Free Public Internet Access Program in Public Places* by the DICT.



## RULE II - COVERAGE

### Section 5. Coverage

This IRR shall cover all NGAs and instrumentalities, including government-owned or –controlled corporations, as well as LGUs, involved in the issuance of permits, licenses, clearances, certifications, and authorizations that are required for the following:

- a. Construction, installation, repair, operation, and maintenance of Passive Telecommunications Tower Infrastructure (PTTIs).
- b. Erection of poles, installation of aerial and underground cables and facilities, underground fiber ducts, ground terminals and other transmission or similar telecommunications and internet infrastructure and facilities, and other Passive Telecommunications Tower Infrastructure, including Distribution Utility Facilities relating to its power requirements.

### Section 6. Applicability

This IRR shall apply to all pending and new applications for securing the streamlined permits, licenses, clearances, certifications, and authorizations, submitted by the following:

- a. Public Telecommunication Entities (PTEs), which are holders of Certificates of Public Convenience and Necessity or Provisional Authorities granted by the NTC;
- b. Cable TV (CATV) Operators, which are registered as Value-Added Service (VAS) Providers and authorized to offer internet access service;
- c. VAS Providers, which are registered with NTC to offer internet access service and contracted by the DICT under the Free Public Internet Access Program in Public Places;
- d. ICT Technology Providers or Physical Infrastructure Contractors, which are contracted by PTEs or CATV Operators to roll out or construct, install, and/or establish their infrastructure;
- e. Independent Tower Companies (ITCs), which are registered with the DICT;
- f. Distribution Utility Owners, which are covered by a duly-issued franchise;
- g. All authorized contractors of the foregoing entities.

## RULE III - STREAMLINED REQUIREMENTS FOR THE CONSTRUCTION, INSTALLATION AND REPAIR OF PASSIVE TELECOMMUNICATIONS TOWER INFRASTRUCTURE (PTTIs)

### Section 7. Standards for Processing Construction-Related Permits

#### 7.1. Standards in Processing Building Permit Applications

- 7.1.1. Unified Application Form. The preformatted form for building permit applications provided shall be prescribed in all cities and municipalities in the Philippines. Four (4) sets of the unified application form<sup>2</sup> for building permit, duly notarized, consistent with Section 302 (1) of the 2004 IRR of the NBCP which shall include the applicable ancillary and accessory permit forms together with the required documents as described in Sections 7.1.2 and 7.1.5 shall be submitted by the applicant to the OSCP.
- 7.1.2. Documentary Requirements. The applicant, in applying for a building permit, shall be required to submit ONLY the following documents together with the unified application form:
  - a. Property Documents, as described in Section 7.1.3.
  - b. Technical Documents, as described in Section 7.1.4.

<sup>2</sup> See Annex "A" of DPWH NBCDO Memorandum Circular No. 1, s. 2020 (30 July 2020) for the template of the Unified Application Form for Building Permit.



- c. Height Clearance Permit or Validated Affidavit of Undertaking, whichever is applicable, as described in Section 8; and
- d. Homeowners Association (HOA) Clearance, or, if there is no existing association in the subdivision/village, Certification of no existing duly registered homeowners association issued by the owner of the property of the proposed project site, whichever is applicable, as described in Section 9.

7.1.3. Property Documents. Property documents to be submitted by the applicant shall refer to the following, whichever is applicable:

- a. Owners of registered land – A certified true copy of the Original Certificate of Title (OCT) / Transfer Certificate of Title (TCT). If OCT or TCT is not yet in the name of the applicant-owner, include deed of absolute sale or other contracts conveying similar rights, as part of submission.
- b. Authorized occupants of untitled land – Tax Declaration or Current Real Property Tax Receipt, Deed of Absolute Sale, or other contracts conveying similar rights.
- c. Authorized occupants of registered lands (lessees or other tenants) - certified true copy of the TCT and a duly notarized copy of the Contract of Lease, or other contracts conveying similar rights.
- d. For properties alongside national highways and outside the Road Right-of-Way (RROW) – it is the responsibility of the applicant to conduct its due diligence regarding the implications of Section 11 of Republic Act No. 10752 or “The Right-of-Way Act”. In line with this, applicant may coordinate with the concerned DPWH Regional Office or District Engineering Office to obtain information concerning existing and future government infrastructure projects.
- e. For PTTIs that will be built directly on the ground and within the RROW limits of National Roads – (i) the requirement of the posting of the surety in the form of a performance bond, callable on demand, equivalent to 100% of the full restoration/reconstruction cost of the affected area, taking into consideration the type and class of pavement structure and (ii) the submission of a Notarized Sworn Statement<sup>3</sup>, executed by its duly authorized officer, indicating or attaching the location, scope, and duration of the construction activity/ies with the following undertakings:
  - i. The applicant has a clear legal right to use government ROW such as, but not limited to, a specific provision in their franchise or otherwise expressly authorized by law. In case of deviation such that the application is not within the allowable ROW limit, the applicant shall prepare the plans and detailed drawing of the proposed deviation and submit the same to the concerned District Engineering Office for evaluation or recommendation and subsequent approval of the Regional Director.
  - ii. It shall closely work and coordinate with the concerned District Engineering Office to determine the areas that are most suitable to cater to the ICT Infrastructure and that which has the least intrusion to government ROW, as well as identify specific lots over which the ICT infrastructure shall be erected/constructed, provided that steps to ensure the public safety and adequate access for pedestrians and motorists are considered for the duration for construction until the restoration works thereof are completed;
  - iii. Should the area over which the ICT Infrastructure is erected/constructed be determined to be necessary for the use of the general public, including but not limited to, expansion, widening, or redesign of the ROW to accommodate traffic patterns and volumes; or if the said ICT infrastructure has been determined to be dangerous to the public, the applicant shall relocate the said infrastructure at no cost to the government. In case of failure to relocate within thirty (30) days after due notice to the Service Provider, the above-mentioned infrastructure shall be relocated at cost of the Service Provider;

<sup>3</sup> Annex 1. Notarized Sworn Statement Template



- iv. Before the implementation of any excavation activity, all necessary traffic safety devices, including notices and other relevant safety devices, shall be installed in the vicinity of the work area. For the duration of the excavation and/or until the trench is satisfactorily backfilled and the pavement is restored to its original configuration and design strength, signs indicating the names of the ICT Service Provider and its contractor (if any) shall be conspicuously displayed on the site. The signs shall be reflectorized and arranged in accordance with the DPWH Road Works Safety Manual;
- v. The applicant shall undertake the restoration and/or reconstruction works of the portion subject of its application, in accordance with the existing policy of the DPWH, at no cost to the government;
- vi. The applicant shall hold the government free from any liability for any damage or injury related to the construction, operation, and maintenance of the said ICT infrastructure, including losses caused by accidents, theft, force majeure, or other acts; and
- vii. The applicant shall comply with all applicable law, rules and regulations, including those emanating from the DPWH.

7.1.4. Technical Documents. Technical documents for building permit to be submitted by the applicant shall refer to the following, whichever is applicable:

- a. If the PTTI will be built directly on the ground – the applicant shall submit the following documents:
  - i. Plans and Designs, General Conditions and Specifications, and other documents prepared, signed, and sealed by its corresponding duly registered and licensed professionals as per Annex 2 of this IRR;
  - ii. Copies of valid Professional Regulation Commission Identification Card and Professional Tax Receipts of all involved professionals;
  - iii. Project's Detailed and Total Estimated Cost of the PTTI to be erected and declared and signed by the applicant; and
  - iv. Construction Log-Book.
- b. If the PTTI is to be installed on existing buildings, walls, rooftops, or other edifices – the applicant shall submit the following documents:
  - i. Plans and Designs, General Conditions and Specifications, and other documents prepared, signed, and sealed by its corresponding duly registered and licensed professionals as per Annex 2 of this IRR;
  - ii. Copies of valid Professional Regulation Commission Identification Card and Professional Tax Receipts of all involved professionals;
  - iii. Project's Detailed and Total Estimated Cost of the PTTI to be erected and declared and signed by the applicant;
  - iv. Construction Log-Book; and
  - v. Joint Certification<sup>4</sup> executed by the building owner and the Civil/Structural Engineer who conducted a comprehensive evaluation and testing of the structural stability of the building on which the tower will be built on.

7.1.5. The applicant shall submit the necessary documents and requirements should the construction of PTTI require any of the following ancillary and accessory permits:

- a. Ancillary Permits:
  - i. Architectural Permit;
  - ii. Civil/Structural Permit;
  - iii. Electrical Permit;
  - iv. Mechanical Permit;
  - v. Sanitary Permit;
  - vi. Plumbing Permit; and
  - vii. Electronics Permit.

<sup>4</sup> Annex 3. Joint Certification Template



- b. Accessory Permits:
  - 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.

- 7.1.6. Locational Clearance. The representative from the Zoning Office/Planning Development Office of cities/municipalities detailed at the OSCP shall be responsible for the verification/ issuance of locational clearance as part of the OSCP backroom operation. The representative shall provide a copy of the said clearance to the OBO as a documentary requirement to the building permit application. The applicant shall not be required to submit a separate application directly to the Zoning Office/Planning Development Office in order to secure a locational clearance prior to the submission of the application for building permit.
- 7.1.7. Fire Safety Evaluation Certificates (FSEC). The BFP shall detail staff, who shall be tasked to evaluate FSEC, issue Order of Payment and receive payments at the OSCP. FSEC shall not be required if the application is for the construction of towers only.
- 7.1.8. Barangay Fees. In processing the locational clearance, barangay fees related to building permit and locational clearance applications shall be collected by the city hall officials, as part of the OSCP, which shall be remitted to the concerned barangays at an agreeable timetable. Barangay Clearance shall be integrated and processed by the OSCP as part of its backroom operations, and such need not be secured separately in the barangays where the proposed PTTI will be constructed.
- 7.1.9. Processing Time. Building permit applications with complete documentary requirements shall be acted upon by the different offices at the OSCP, functioning as one unit, within a non-extendible period of seven (7) working days from the date the application was received. The OSCP shall release the Building Permit, together with the Locational Clearance, other ancillary permits and the FSEC, after payment of appropriate fees and charges.
- 7.1.10. Assessment of Fees. After evaluation of the documentary requirements and attachments, the LGU in coordination with concerned offices, shall prepare a Payment Order specifying the fees that the applicant is obligated to pay in accordance with the NCBP and other issuances necessary for the building permit. The LGU 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.

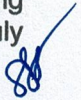
The amount of local fees and charges of the LGU in connection with the construction, operation and maintenance of PTTI shall be reasonably commensurate to the cost of regulation or provision of the service. The LGU must also ensure a One-time payment of fees and charges related to the applications which shall be jointly implemented by LGU concerned officials, including the barangay officials.

No additional local government fees such as tower fees, pole fees, and other regulatory fees similar in nature other than the requisite building permit fees shall be assessed on the applicant.

The LGU shall comply with the provisions of DILG-DOF JMC No. 2019-01, entitled "Guidelines for the Review, Adjustment, Setting and/or Adoption of Reasonable Regulatory Fees and Charges of Local Government Units", or as may be amended, in determining reasonable rates of fees and charges to be imposed.

## **7.2. Standards in Securing Certificate of Use and Business or Mayor's Permit**

- 7.2.1. Documentary Requirements. In applying for Certificate of Use and Business or Mayor's Permit, the applicant shall be required to submit four (4) sets of the following documents together with the Unified Application Form for Certificate of Use, duly notarized, and Business Permit Application form:





- a. Certificate of Completion properly filled-up, signed and sealed by all involved professionals in-charge and duly notarized;
  - b. Construction Log-Book;
  - c. Photocopy of valid licenses of all involved professionals;
  - d. Photographs of the structure (all sides) showing substantial completion; and
  - e. Yellow Card / Clearance from electrical service provider;
  - f. In cases when there are changes in the approved building plans, copy of As-Built Plan reflecting all the changes/modifications/alterations/amendments made.
- 7.2.2. As part of the backroom operations of the OSCP, the BO, with the BFP, shall evaluate the document forwarded by the receiving officer at the OSCP. The Local City/Municipal Fire Marshall shall be provided three (3) sets for the review of the fire safety requirements as required for the issuance of the Fire Safety Inspection Certificate (FSIC).
- 7.2.3. Fire Safety Clearance (FSC). FSC shall be secured in the following cases:
- a. The initial application for Building Permit is for the construction of towers only and there is a modification or addition of an ancillary building for electrical installation thereafter;
  - b. Modification or addition to an existing tower with ancillary building.

The following additional documentary requirements shall also be submitted to the OSCP and evaluated by the BFP as part of the OSCP's backroom operations:

- a. Electrical Documents, as per Annex 2 of this IRR;
- b. Electronics Documents, as per Annex 2 of this IRR;
- c. One (1) set of cost estimates of the building, including labor cost, signed and sealed by the designer/contractor, duly notarized;
- d. Fire Safety Clearance for welding, cutting, and other hot work operations, if required;
- e. One (1) set of Fire Safety Compliance Report (FSCR), if there is an Automatic Fire Suppression System;
- f. Copy of Fire Insurance Policy, if any.

For installations covered by FSEC, FSC shall no longer be required.

- 7.2.4. Processing Time for Certificate of Use and other related certificates. Applications for Certificate of Use, which includes applications for Certificate of Final Electrical Inspection (CFEI) and other related certificates including the Fire Safety Inspection Certificate (FSIC), shall be acted upon by the different offices at the OSCP functioning as one unit within the non-extendible period of seven (7) working days from receipt of the application form with complete documentary requirements. The OBO shall issue the Certificate of Use together with the CFEI, the FSIC and other related certificates/clearances upon payment of the required fees by the applicant.
- 7.2.5. Business or Mayor's Permit. Once payment has been made, the OSCP, as part of its backroom operations, shall immediately endorse the application for Business or Mayor's Permit to the Business One-Stop Shop (BOSS) of the LGU concerned by forwarding the Application Form for Business or Mayor's Permit and documentary requirements submitted by the applicant, including the certificates issued by the OSCP, that are required in the issuance of a Business or Mayor's Permit. Applications for Business or Mayor's Permit shall be acted upon within three (3) working days from receipt of the complete documents from the OSCP.
- 7.2.6. Assessment of Fees. The amount of business or mayor's permit fees of the LGU shall be reasonably commensurate to the cost of regulation or provision of the service.

No additional local government fees such as tower fees, pole fees, and other regulatory fees similar in nature other than the requisite Business or Mayor's Permit shall be assessed on the applicant.



The LGU shall comply with the provisions of DILG-DOF JMC No. 2019-01, entitled "Guidelines for the Review, Adjustment, Setting and/or Adoption of Reasonable Regulatory Fees and Charges of Local Government Units", or as may be amended, in determining reasonable rates of fees and charges to be imposed.

### **Section 8. Standards for Processing Height Clearance Permit (HCP) / Evaluated Affidavit of Undertaking by CAAP**

- 8.1. A Height Clearance Permit (HCP) from the CAAP is required for all proposed PTTIs that are:
  - a. Found to be within the CAAP Critical Areas;
  - b. Fifty (50) meters or higher above the elevation of the ground.
- 8.2. The CAAP Critical Areas were predetermined considering the guidelines provided for or inferred under RA 9497 and/or subsequent implementing rules and regulations. It shall be updated and published through the CAAP website.
- 8.3. Documentary Requirements. Applicants must secure the HCP by submitting the following requirements to the nearest CAAP Office:
  - a. CAAP Updated HCP Application Forms;
  - b. Elevation Plan of the Proposed Structure indicating its Total Height;
  - c. CAAP Updated Standard Format of Certification of Geodetic Engineer of Site Survey Data;
  - d. Photocopy of NAMRIA Certification of Reference Station with Compliant Data or equivalent (if used);
  - e. Location Plan with Vicinity Map (showing runway if applicable); and
  - f. Computations (traverse, leveling and/or GNSS processing).
- 8.4. Processing Time. HCP applications with complete documentary requirements, including proof of payment of appropriate fees and charges, as indicated in the CAAP Citizen's Charter, shall be acted upon by CAAP within a non-extendible period of seven (7) working days from the date the application was received.
- 8.5. When the proposed PTTI structure is outside the CAAP Critical Areas and below fifty (50) meters in height above the elevation of the ground, the applicant shall not be required to submit a HCP instead submit a CAAP-validated Affidavit of Undertaking (AOU)<sup>5</sup>.
- 8.6. Documentary Requirements for AOU. Applicants may secure the CAAP's validation of the AOU by submitting the following requirements to the nearest CAAP Office:
  - a. AOU certified by a Geodetic Engineer attesting that the proposed structure will be built outside CAAP critical areas;
  - b. Location Plan with Vicinity Map (signed and sealed by a Geodetic Engineer)
- 8.7. CAAP shall evaluate the AOU upon submission of necessary documents and payment of fees and charges as provided in the CAAP Citizen's Charter and shall release the validated AOU or issue recommendation within two (2) working days.
- 8.8. The CAAP shall post to their website or any electronic means a copy of the validated AOU.

### **Section 9. Standards for Processing of Homeowners Association Clearance, Certificate of No Objection, or Other Form of Clearances.**

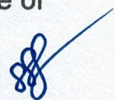

- 9.1. In case where the proposed PTTI is to be constructed within a residential community with a current and duly registered homeowners association, the applicant shall submit any of the following: Homeowners Association Clearance, or Certificate of No Objection, or other form of clearances. LGUs may refer to the list of duly registered Homeowner's Association posted in the DHSUD website, if deemed necessary.

---

<sup>5</sup> Annex 4. Affidavit of Undertaking



- 9.2. Processing Time. Pursuant to Section 15 of RA No. 11032 otherwise known as "Ease of Doing Business and Efficient Government Service Delivery Act of 2018", the officers of duly registered homeowners association shall be given ten (10) working days to refer the application to the members of the association. Provided, that a non-extendible period of thirty (30) working days is granted the homeowners association to give its consent or disapproval: Provided, further, that in case of disapproval, the granting authority shall notify the applicant or requesting party within the prescribed period of the reason/s for disapproval as well as remedial measures that may be taken by the applicant or requesting party.
- 9.3. Application fee. An application fee, subject to approval of the association members in accordance with Section 12(b) in relation to Section 10(i) of RA No. 9904, which shall be fixed and reasonable, may be collected by the association from the applicant, which shall not exceed the amount of TWO THOUSAND PESOS (P2,000.00). Other necessary expenses such as reproduction of those for information dissemination detailing the subject of the application (e.g., reproduction of information materials) shall be for the account of the applicant. If undertaken by the association, the same shall be subject to reimbursement by the applicant, subject to the association's itemization and submission of receipts.
- 9.4. Automatic Approval.
- a. When the period required for the association within which to act upon the request for issuance of HOA Clearance has lapsed, the application shall be deemed approved, and the consent requested and applied shall be issued by the association.
  - b. If the association fails to issue the HOA Clearance pursuant to Section 9.4 (a) of this IRR, the applicant may file a complaint to DHSUD, together with the presentation of proof of receipt of requirements and payment of application fee, if any. Upon due verification, DHSUD shall order the concerned HOA to issue the clearance which is deemed automatically approved.
- 9.5. Allowable Bases for the Disapproval/Denial of Consent. The following are the allowable bases for the disapproval or denial of the subject consent:
- a. There are in fact other more suitable sites as may be determined by the applicant based on its study for the project within the area of the same subdivision other than the proposed site.
  - b. The construction/erection of telecommunication facilities or infrastructure on the proposed site would pose imminent danger to the lives of the residents of the subdivision or village, except radiofrequency radiation (RFR) that has been declared by the World Health Organization to have no adverse effects from typical exposure to RFR produced by cell sites, and further as maintained by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), any adverse effect arising from exposure to RFR is only possible at high powered/intensity exposures exceeding limits and safe distances in front of the antennas that are normally inaccessible to the public.
  - c. The construction/erection of telecommunication facilities or infrastructure on the proposed site is prohibited by law, order, or issuances of the appropriate government agency or local government, or not in accordance with the approved subdivision plan.
- 9.6. In case the project site of the proposed PTTI to be constructed is located within a residential community without a duly registered Homeowner's Association, the applicant shall only be required to submit a Certification by the owner of the property that there is no existing duly registered homeowner's association in the proposed project site. 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.





- 9.7. Consent/Certification from adjoining residential communities with or without duly registered homeowners shall **NOT** be required.
- 9.8. In case of operation, repair and maintenance of PTTIs, Homeowners Association Clearance, Certificate of No Objection, or other form of clearances shall **NOT** be required. The association should be notified within fourteen (14) calendars days prior to the start of any activity under this Rule and submit an Affidavit of Undertaking, as may be required by the HOA. The HOAs shall not collect fees in such instance.

#### **RULE IV - STREAMLINED REQUIREMENTS FOR ERECTION OF POLES AND CONSTRUCTION OF UNDERGROUND FIBER DUCTS**

##### **Section 10. Standards for Processing Excavation permit, Sidewalk Use, and Traffic Management Clearance**

- 10.1. Single Excavation Clearance for the erection of poles or construction of underground fiber ducts across all poles of ducts in a series. Only a single excavation clearance shall be required from an applicant for a series of projects, regardless of location, within an LGU.
- 10.2. Pole Construction Specification Requirement. Applicants shall ensure that the pole/s to be constructed contains an imprint or pole tag indicating the name of the applicant or the owner of the pole.
- 10.3. Documentary Requirements. The applicant shall be required to comply with the following requirements:
- 10.3.1. Excavation Permit
- Application Form for Excavation Permit
  - Technical Drawings indicating the location of Poles and Excavation activities
  - Barangay Permit (for Local and Barangay roads)
  - DPWH Permit (for National Roads)
- 10.3.2. Sidewalk Use and Traffic Management Clearance
- Request Letter addressed to Traffic Management Office
  - Technical Drawings indicating the location of Poles and Excavation activities
  - Barangay Permit (for Local and Barangay roads)
  - DPWH Permit (for National Roads)
  - DTI or SEC Registration of the contractor
- 10.3.3. If the excavation will be conducted on properties alongside national, city, or municipal roads and outside the Road Right-of-Way (RROW) – it is the responsibility of the applicant to conduct its due diligence regarding the implications of R.A. 10752 or “The Right-of-Way Act”. In line with this, the applicant shall coordinate with the concerned DPWH Regional Office or District Engineering Office to obtain information concerning existing and future government infrastructure projects.
- 10.3.4. For poles or underground fiber ducts and aerial cables that will be built or installed within the RROW limits of and alongside National Roads by the Covered Entities with clear legal right to use government ROW under its franchise – ensure compliance with Rule 3 Section 7.1.3 (e) hereof. Provided further, that the same shall be subject to the determination of the concerned District Engineering Office whether the ICT infrastructure is or will be obstructing the RROW in its excavation and design taking into consideration DPWH standards, public safety and convenience of motorist and pedestrians alike.
- 10.3.4.1. For poles or underground fiber ducts and aerial cables that will be built within the RROW limits of National Roads by other Covered Entities without clear legal right to use government ROW – ensure compliance with Rule 3 Section 7.1.3 (e) hereof.



- 10.4. Processing Time. Applications with complete documentary requirements shall be acted upon by the different offices at the One-Stop Shop, functioning as one unit, within a non-extendible period of seven (7) working days from the date the application was received. The One-Stop Shop shall release all the permits and clearances after the payment of appropriate fees and charges.
- 10.5. Assessment of Fees. After evaluation of the documentary requirements and attachments, the LGU in coordination with concerned offices, shall prepare a Payment Order specifying the fees that the applicant is obligated to pay in accordance with the issuances necessary for applications for Excavation Permit, Sidewalk Use, and Traffic Management Clearance. The LGU shall ensure to put in place the necessary measures to implement a one-time assessment of fees and charges which shall include other related local fees.

Barangay fees related to applications for the foregoing permits and clearances shall be collected by the city/municipal hall officials, as part of the One-Stop Shop, which shall be remitted to the concerned barangays at an agreeable timetable. Barangay Clearance shall be integrated and processed by the One-Stop Shop as part of its backroom operations and such need not be secured separately in the barangays where the proposed excavations are to be conducted.

The amount of local fees and charges of the LGU in connection with the erection of poles, and construction of underground fiber ducts shall be reasonably commensurate to the cost of regulation or provision of the service. The LGU must also ensure a One-time payment of fees and charges related to the applications shall be jointly implemented by LGU concerned officials, including the barangay officials.

No additional local government fees such as tower fees, pole fees, and other regulatory fees similar in nature other than the requisite building permit fees shall be assessed on the applicant.

The LGU shall comply with the provisions of DILG-DOF JMC No. 2019-01, entitled "Guidelines for the Review, Adjustment, Setting and/or Adoption of Reasonable Regulatory Fees and Charges of Local Government Units", or as may be amended, in determining reasonable rates of fees and charges to be imposed.

#### **Section 11. Standards for Securing Height Clearance Permit (HCP) for the Erection of Poles**

- 11.1. A Height Clearance Permit (HCP) or equivalent certification shall be secured from the CAAP only for new poles that will be located:
- a. Within 4-kilometer radius of the nearest runway end of an aerodrome, and off-airport communication-navigation-surveillance facility regardless of height; and
  - b. From 4-kilometer to 24-kilometer radius of the nearest runway end of an aerodrome and off-airport communication-navigation-surveillance facility and exceeding 45 meters in height above the elevation of the runway.
- 11.2. Documentary Requirements and Processing Time. Refer to Section 8.

#### **Section 12. Standards for Processing Homeowners Association and/or LGU Clearance for the Erection of Poles, or Construction of Underground Fiber Ducts**

- 12.1. Clearance from the following shall be secured in case the poles will be erected along subdivision roads or excavation works for the construction of underground fiber ducts will traverse subdivision roads:
- a. For subdivision roads that have not yet been donated to the LGU – Homeowners Association Clearance, or Certificate of No Objection, or any other form of clearances from the duly registered HOA in the subdivision and/or community; and
  - b. For subdivision roads already donated to the LGU — LGU Clearance and HOA Clearance.



12.2. Documentary Requirements and Processing Time. As prescribed under Section 9.

**RULE V - STREAMLINED REQUIREMENTS FOR LAYING OF CABLES ON EXISTING POLES, UNDERGROUND FIBER DUCTS, AND OTHER PHYSICAL INFRASTRUCTURE**

**Section 13. Standards for Laying of Cables on Existing Poles, Underground Fiber Ducts, and Other Physical Infrastructure**

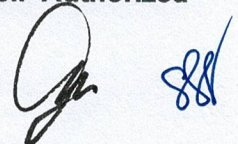
- 13.1. The applicant shall secure the proper authority from the owner of Physical Infrastructure. These could be in the form of any of the following:
- a. For poles, Joint Pole Agreement, Pole Attachment Contract, Request to Attach, and Notice to Proceed with detailed design drawings, pole numbers, and character of circuits, as applicable.
  - b. For other Physical Infrastructure, Joint Physical Infrastructure Agreement or similar contract
- 13.2. Prior to commencing with the laying of cables, the applicant shall submit to the One- Stop Shop established by the LGU as provided under Rule 8 of this IRR, an Affidavit of Undertaking, together with a copy of the authority from the owner of the Physical Infrastructure. The Affidavit of Undertaking shall include liability for damages that may be caused by the cable laying works, information on the location of the poles or underground fiber ducts where the new cables are proposed to be installed, signed by the applicant and all involved duly registered and licensed professionals. The applicant shall likewise notify and coordinate with the concerned LGU Traffic Management Office for the scheduling of works.
- 13.3. Each LGU, through its chief executive, in consultation with the DICT, DILG, DHSUD, DPWH, CAAP, NTC, ERC, and NEA, shall institute regular planning meetings and other coordination mechanisms with Covered Entities and private stakeholders such as property developers and water utilities, to encourage single excavations and "dig once" efforts for the erection or construction of improvements to national, city/ municipal roads, and subdivision roads to reduce the scale and number of repeated excavations related to road projects for the installation and maintenance of broadband infrastructure.
- 13.4. Within fourteen (14) calendar days prior to the start of any activity under this Rule, the applicant shall notify the HOA of the laying of cables on existing telecommunications infrastructure, and submit an Affidavit of Undertaking, as may be required by the HOA.

**RULE VI – STREAMLINED REQUIREMENTS FOR OPERATION, REPAIR AND MAINTENANCE OF PASSIVE TELECOMMUNICATIONS TOWER INFRASTRUCTURE (PTTIs) INCLUDING DISTRIBUTION UTILITY FACILITIES**

**Section 14. Standards for Processing Excavation Permits, Sidewalk Use, and Traffic Management Clearance from Government Agencies for Operation, Repair and Maintenance of Distribution Utility Facilities by DUs and their Authorized Contractors Along Local and National Roads**

The standards provided under Section 10 of this IRR shall apply to applications for excavation permits, sidewalk use, and traffic management clearance submitted by DUs and their authorized contractors to LGUs and National Government Agencies (NGAs) for operation, repair, and maintenance of poles along local and national roads.

**Section 15. Standards for Processing Homeowner's Clearance for Operation, Repair and Maintenance of Distribution Utility Facilities by Distribution Utilities and their Authorized Contractors along Subdivision Roads**





The HOA Clearance to be issued by the homeowners associations to applicants under Section 12 shall already include clearance and consent for DUs to install its distribution facilities along subdivision roads for purposes of energizing PTTIs, provided that the application for clearance filed before a duly registered association was for the purpose of operation, repair and maintenance of poles and installation of distribution utility facilities.

**Section 16. Standards for Processing of Height Clearance Permit for Operation, Repair and Maintenance of Distribution Utility Facilities**

The standards provided under Section 11 shall apply to applications for height clearance permit submitted by DUs and their authorized contractors for the erection and installation of distribution facilities for the energization of PTTIs if within the specifications provided therein.

**Section 17. Standards for Laying of Cables on Existing Poles, Distribution Utility Facilities, Underground Fiber Ducts, and Other Physical Infrastructure by DUs for the Purpose of Energizing PTTIs.**

The standards provided under Rule V shall apply to applications for permits submitted by DUs and their authorized contractors for the laying of cables on existing poles, distribution utility facilities, underground fiber ducts, guying, and other physical infrastructure for the energization of PTTIs.

**Section 18. Standards for Processing Permits and Other Requirements from Local for the Energization of PTTIs.**

18.1. Documentary Requirements. In applying for a Work Permit from LGUs and other relevant national government agencies for the energization of telecommunications and internet infrastructure, the applicant, Distribution Utilities and Electric Cooperatives, shall be required to submit the following documents, except when any of these are already in the records of the concerned agencies:

- a. Request Letter
- b. Copy of Excavation Permit from LGU/DPWH/relevant government agency
- c. Design Sketch/ Project Sketch

18.2. Processing Time. Applications with complete documentary requirements and payment of appropriate fees and charges shall be acted upon by the concerned agencies within a non-extendible period of seven (7) working days from the date the application was received.

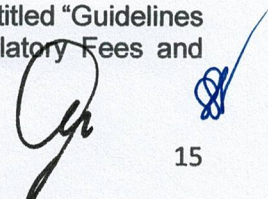
Upon payment of the corresponding fees and charges, said application shall be subject to automatic approval under Section 10 of RA 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act of 2018.

18.3. Assessment of Fees. After evaluation of the documentary requirements and attachments, the LGU/NGA in coordination with concerned offices, shall prepare a Payment Order specifying the fees that the applicant is obligated to pay in accordance with the issuances necessary for applications for a Work Permit, Sidewalk Use or Traffic Management Clearance. The LGU must ensure to put in place the necessary measures to implement a one-time assessment of fees and charges which shall include other related local fees.

The amount of local fees and charges of the LGU in connection with the energization of telco and internet infrastructure shall be reasonably commensurate to the cost of regulation or provision of the service. The LGU must also ensure a One-time payment of fees and charges related to the applications shall be jointly implemented by LGU concerned officials, including the barangay officials.

No additional local government fees beyond the requisite fees for the issuance of the foregoing permits and clearances shall be assessed on the applicant.

The LGU shall comply with the provisions of DILG-DOF JMC No. 2019-01, entitled "Guidelines for the Review, Adjustment, Setting and/or Adoption of Reasonable Regulatory Fees and





Charges of Local Government Units”, or as may be amended, in determining reasonable rates of fees and charges to be imposed.

### **Section 19. Energization of Telecommunications and Internet Infrastructures and Facilities**

The energization of telecommunication and Internet Infrastructures and Facilities by Electric Cooperatives shall be in accordance with the Memorandum Circular to be issued by the National Electrification Administration (NEA) in coordination with the Technical Working Group (TWG) and Food and Drugs Administration of the Department of Health, within ninety (90) working days from the effectivity of this IRR.

## **RULE VII – CLEARANCES FROM OTHER GOVERNMENT AGENCIES**

### **Section 20. Clearances from Other Government Agencies**

The following clearances from other government agencies shall be required, whenever applicable:

- a. Environmental Compliance Certificate (ECC), if the proposed project site is within an environmentally critical area;
- b. Special Use Agreement in Protected Areas, if the proposed project site is a protected area;
- c. Free and Prior Informed Consent (FPIC), if the proposed project site is within an ancestral domain;
- d. Land Use Conversion from the Department of Agrarian Reform (DAR) Central Office, if the proposed project site requires conversion of agricultural land of more than five (5) hectares, or from the DAR Regional Office, if the said land is five (5) hectares and below;
- e. Clearance from the Laguna Lake Development Authority, if the proposed project site is within the Laguna de Bay region;
- f. Clearance from the Philippine Economic Zone Authority (PEZA), if the proposed site is within an economic zone or any other area owned, administered or operated by the PEZA;
- g. Strategic Environment Plan Clearance from the Palawan Council for Sustainable Development, if the proposed project site is within the province of Palawan; and
- h. Other requirements as mandated by the Constitution and existing laws.

### **Section 21. Clearances Not Required from Other Government Agencies**

21.1. The following shall not be required from applicants in securing a Building Permit, a Fire Safety Evaluation Clearance, a Barangay Clearance, or a Locational Clearance:

- a. Sangguniang Panlungsod / Bayan Resolution;
- b. Sangguniang Barangay Resolution;
- c. ECC or Certificate of Non-Coverage (CNC), if the proposed site of construction is outside an environmentally critical area;
- d. Certificate of Safety Evaluation from the Department of Health and the Food and Drug Administration; and
- e. Certified True Copy of National Telecommunications Commission (NTC) Provisional Authority or Certificate of Public Convenience and Necessity or Certificate of Registration to Provide Telecommunication Services.

21.2. For Excavation Clearance. Other than clearances mentioned in Section 21.1, the following shall not be required:

- a. Business or Mayor's Permit
- b. Consent from Adjacent Lot owners



- 21.3. For Laying of Cables on Existing Poles, Underground Fiber Ducts, and Other Physical Infrastructure. Other than clearances mentioned in Section 21.1, the following shall not be required:
- a. Building Permit
  - b. Business or Mayor's Permit
  - c. HOA Clearance, Consent form adjacent lot owners, and other community clearances; however, they should be duly notified pursuant to Section 13 of this IRR.
- 21.4. For Operation and Maintenance of Telecommunications Infrastructure and Distribution Utility Facilities, the following shall not be required from the applicants in securing the appropriate permits under Rule VI:
- a. Proof of Payment of LGU-imposed Construction Bond
  - b. Copy of Occupancy Permit
  - c. Proof of Payment of Contractor's Tax
  - d. All other requirements not mentioned in Section 18 under this IRR.

**RULE VIII - ADOPTION AND IMPLEMENTATION OF EXECUTIVE ORDER NO. 32 BY THE LOCAL GOVERNMENT UNITS**

**Section 22. One-Stop Shop for Construction-Related Applications**

All cities and municipalities shall set up a One-Stop Shop for Construction Permits, preferably at the Office of the Building Official, which will provide frontline services to applicants who are securing building permits and other related certificates, including permits and certificates for construction of telecommunications and internet infrastructure.

**Section 23. One-Stop Shop for Applications for Excavation Permit, Sidewalk Use, Traffic Management Clearance.**

All cities and municipalities shall set up One-Stop Shop that will provide frontline services to applicants related to Excavation permit, Sidewalk Use, and Traffic Management Clearance. Specifically, the One-Stop Shop shall have the following functions:

- a. Receive applications and documents for Excavation Permit, and Traffic Management Clearance, either through on-line or physical submission;
- b. Coordinate and facilitate the conduct of technical reviews by the concerned departments of cities/municipalities and other local government offices;
- c. Facilitate the retrieval of documentary requirements for Excavation Permit, Sidewalk Use, and Traffic Management Clearance that will be part of the One-Stop Shop backroom operation, in coordination with concerned city/municipal departments and other local government offices;
- d. Implement a one-time assessment of fees and charges related to applications for Excavation Permit, Sidewalk Use, and Traffic Management Clearance in coordination with concerned city/municipal departments and other local government offices;
- e. Coordinate the conduct of joint inspection by the concerned city/municipal departments and other local government offices, if applicable;
- f. Receive payment of all related fees and charges, either through on-line or physical payment, in coordination with concerned city/municipal departments and other local government offices; and
- g. Release the Excavation Permit, Sidewalk Use, and Traffic Management Clearance.





## **Section 24. Issuance of Local Ordinance**

In consideration of existing laws, policies, and regulations, all Local Chief Executives and their respective Sanggunians shall enact an ordinance adopting the provisions of these IRR in their respective jurisdiction and/or amend their respective ordinance to conform to these provisions. Local Sanggunians are likewise encouraged to assist applicants in conducting social preparation and in disseminating information regarding the health and safety protocols in the erection or construction of telecommunications and internet infrastructure to the affected homeowners, households or families.

The LGU, through its Chief Executive, in consultation with DPWH and other concerned agencies shall institute coordination mechanisms to ensure that the permits are issued on time.

## **RULE IX – ACTION ON THE APPLICATION**

### **Section 25. Acceptance of Applications and Requests**

In accordance with RA No. 9485, as amended by R.A. No. 11032 and its Implementing Rules and Regulations, all responsible officers or employees shall accept written applications, requests, and/or documents being submitted by applicants or requesting parties of the offices.

The receiving officer or employee shall preliminarily assess the completeness of the application or request and its supporting documents vis-à-vis the checklist of requirements of the agency to ensure a more expeditious action on the application or request. They shall immediately inform the applicant or the requesting party of any deficiency in the accompanying requirements, which shall be limited to those enumerated in the Citizen's Charter. In informing the applicant or the requesting party of the deficiency, the receiving officer or employee shall already identify or enumerate all the missing requirements to make it easier for the requesting party to complete their application or request.

The government office or agency shall not process deficient or incomplete applications or requests and shall only process an application or request if it is complete. In case the application or request is deficient, the processing time as provided under this Implementing Rules and Regulations shall only commence once the applicant or the requesting party has rectified the deficiency.

The receiving officer or employee shall issue to the applicant an acknowledgement receipt signifying acceptance of a complete application or request. No application or request shall be returned to the applicant or requesting party without appropriate action. The appropriate action is either approved or disapprove/deny the application or request for access to government service. In case an application or request is disapproved, the officer or the employee who rendered the decision shall send such notice to the applicant or requesting party within the prescribed processing time, stating therein the reason for the disapproval.

All covered applications not acted upon within the prescribed period as provided by this IRR shall be deemed approved pursuant to Section 10 of R.A. No. 9485, as amended, provided, that all documentary requirements and required fees indicated in the Citizen's Charter of the covered agencies and LGUs have been submitted and paid, respectively.

## **RULE X – COMPETITION**

### **Section 26. Prohibition Against Anti-Competitive Activities**

No Covered Entity shall, directly or indirectly, engage in any anti-competitive act (e.g., non-discriminatory access to poles and other physical infrastructure and refusal of access to existing poles and other physical infrastructure), practice or transaction in relation to the matters covered by this Implementing Rules and Regulations. The DICT shall coordinate with the Philippine Competition Commission (PCC) for the proper enforcement of this provision in accordance with the Republic Act No. 10667, otherwise known as the "Philippine Competition Act", its Implementing Rules and Regulations, and pertinent laws, guidelines, rules and regulations, and other issuances; and with the participation of NTC, Department of Health (DOH), Department of National Defense (DND), National Security Council (NSC), DILG, DPWH, NEA and ERC, adopt rules detailing the procedure for access requests and transparency of information concerning poles and other physical infrastructure.



### **26.1. Non-discriminatory Access to Poles and Other Physical Infrastructure**

The person, or persons, who owns or controls access to poles and other physical infrastructure, including rights of way, shall provide and maintain access to such poles and other physical infrastructure on a non-discriminatory basis, and on an equivalence of inputs basis where an access provider provides to all access seekers the same facilities and services, on the same terms and conditions, including at the same prices and service levels, using the same systems, and processes and same time scales, that it applies to its own divisions, subsidiaries, affiliates, partners or other entities in which it has direct or indirect equity, contractual or other interest.

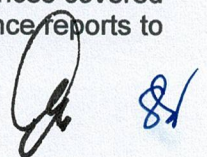
Every company authorized to provide public communications network that intends to gain access to poles and other physical infrastructure should have the right access, upon request, the following minimum information concerning the existing physical infrastructure of any network operator: (i) location, and route; (ii) type and current use of the infrastructure; and (iii) a contact point.

### **26.2. Refusal of Access to Existing Poles and Other Physical Infrastructure**

- 26.2.1. A request for access to poles and other physical infrastructure should be in written form and specify the elements of the project for which access is requested, including the time frame during which access is sought for. Connection shall be allowed only after execution of a contract.
- 26.2.2. Refusal of access to existing poles and other physical infrastructure should be based on objective, transparent, and proportionate criteria, and should be limited to:
  - a. Lack of technical suitability of the physical infrastructure to which access has been requested;
  - b. Lack of space availability, including the network operator's future needs for space that are sufficiently demonstrated;
  - c. Safety and public health concerns;
  - d. Integrity and security of any network, in particular of critical national infrastructure;
  - e. Risk of serious interferences of the planned electronic communications services with the provision of other services over the same physical infrastructure;
  - f. Availability of viable alternative means of wholesale physical network infrastructure access.
- 26.2.3. An access provider seeking to object due to capacity constraints arising from future planned use shall demonstrate that such use shall commence within a specified period after the access request.
- 26.2.4. In the event the reason for a refusal of access to poles and other physical infrastructure ceases to exist, the person, or persons, who owns or controls access to such poles and other physical infrastructure shall grant access to the company whose  application was denied or whose pole attachment was removed before utilizing the same or offering or allowing the same to be utilized by another attaching company, including its own divisions, subsidiaries, affiliates, partners or other entities in which it has direct or indirect equity, contractual or other interest.
- 26.2.5. Any removal of a pole attachment that is not due to an emergency shall require the furnishing of a prior written notice to the attaching company, within a reasonable period of time sufficient to prevent disruption of service to the latter's clients.

### **RULE XI – ZERO BACKLOG POLICY**

Subject to existing laws, rules, and regulations, all covered government agencies and LGUs are enjoined to implement the Zero Backlog Policy in all applications for permits and clearances covered by this Order. They shall annually submit their list of pending applications and compliance reports to the ARTA, copy furnished the Office of the President





## RULE XII – TECHNICAL WORKING GROUP (EO 32)

### Section 27. Creation of Technical Working Group (TWG)

- 27.1. The Technical Working Group shall have the following entities: (1) DICT, (2) ARTA, (3) DILG, (4) DPWH, and (5) NTC. The TWG shall have the following functions:
- a. Oversee the implementation of this IRR;
  - b. Conduct information dissemination drive and training to promote the IRR to the national government agencies and local government units, homeowner's associations, distribution utilities, electric cooperatives and other stakeholders concerned;
  - c. Monitor the implementation of the IRR and ensure the imposition of sanctions to non-compliant NGAs and LGUs;
  - d. Undertake other measures necessary to enforce the standards set in the IRR; and
  - e. Assist in the prosecution for violations of Sections 21 and 22 of RA 9485, otherwise known as the "Anti-Red Tape Act of 2007", as amended, in connection to this IRR.
- 27.2. Roles and Responsibilities of the TWG
- a. Department of Information and Communications Technology (DICT)
    - i. Ensure that the ICT standards and telecommunications policies relevant to this IRR are up to date and that the future issuances shall be in congruence with this IRR.
    - ii. Build, operate, and maintain the One-Stop-Shop System;
  - b. Anti-Red Tape Authority (ARTA)
    - i. Convene the TWG every once a month, acting as Secretariat thereof.
    - ii. Coordinate technical assistance for the implementation of this IRR from the development partners as part of its Ease of Doing Business Activities;
    - iii. Provide technical support for the implementation of the standards provided for in the IRR.
    - iv. Coordinate with business groups at the local and national levels to support the IRR in streamlining the permitting process for the construction of telecommunications and internet infrastructure.
    - v. Oversee the implementation of this IRR in close collaboration with DICT, ARTA, DILG, DPWH, NTC, and other relevant agencies.
  - c. Department of Public Works and Highways (DPWH) – Ensure that all future policies and issuances of the DPWH shall take into consideration the promotion of ICT development infrastructure and in accordance with the intentions and purposes of this IRR.
  - d. Department of the Interior and Local Government (DILG)
    - i. Ensure active cooperation by the LGUs and other relevant agencies and offices under its purview (e.g., BFP) and monitor compliance of LGUs to this IRR.
    - ii. Monitor number telco-related permits issued by LGUs and submit report to the TWG in accordance with Section 35 of this IRR.
  - e. National Telecommunications Commission (NTC) — Ensure to update the list of PTEs whose grantees of certificates of public convenience and necessity or for telecommunications and internet/broadband services and the list of VAS Providers provisional authority are registered to offer internet access services, in support of this IRR.

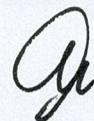
## RULE XIII - COORDINATION MECHANISMS

In order to ensure effective implementation of this IRR, there shall be institutionalized coordination mechanisms which shall cover the functions below.

### Section 28. Resolution of Right of Way Issues

In case of Right of Way (ROW) issues, the following shall have the authority to resolve the same:

- a. If the ROW claimant is a private property owner, along local roads, whether a member of a duly registered HOA or not, the Chief Local Executive or his representative shall be present at the site





during project execution to help resolve issues or concerns of the private property owner. The Chief Local Executive or his representative, upon the request of any interested party, may also mediate and help resolve the issue within seven working (7) days from date of receipt of written request or complaint.

- b. If the subject site is located along national roads and is adjacent to the property of a private individual or entity, the DPWH District Engineer or his representative shall assist during project execution to determine the scope of DPWH possession over the property claimed to be private.

### **Section 29. Creation, Establishment, and Updating of Planning Database**

The Department of Information and Communications Technology (DICT) shall develop, operate, maintain, and update the Planning Database. Adopting a whole-of-government approach, the Technical Working Group shall issue separate guidelines regarding the details of the development, maintenance, and operations of the Planning Database.

### **Section 30. Stakeholder Engagement**

Public-private consultation and coordination mechanism shall be created, which may include the creation of a public-private working group, to further improve the telecommunications/ICT planning and coordination, which shall be composed of representatives of the approving authorities of this IRR and representatives from the Covered Entities.

### **Section 31. Complaints Mechanism**

To avoid delays in the implementation of the telecommunications/ICT infrastructure, a dispute resolution mechanism shall be adopted to accommodate conflicting claims involving two or more National Government Agencies or Local Government Units and the private sector.

Without prejudice to resorting to available Alternative Dispute Resolution Mechanisms, disputes, complaints, or issues arising from the following shall be referred to and addressed by the corresponding agency identified herein:

- a. Anti-Red Tape Authority (ARTA) – Delays in the processing of the application for government-issued licenses, clearances, permits, certifications, or authorizations beyond the processing time provided herein as well as the imposition of additional requirements other than those expressly enumerated in this IRR; unresponsive government institutions; any report of public officials or representatives, who shall illegally and without valid cause prevent, stop, refuse, threaten or intimidate PTEs, DUs or their authorized representatives from proceeding or implementing an activity pursuant to EO 32 and this IRR.
- b. Civil Aviation Authority of the Philippines (CAAP) — Issues arising from the issuance of height clearance permits and mapping of critical areas.
- c. Department of Environment and Natural Resources (DENR) – Issues arising from the failure of the concerned units or offices under its purview to comply with this Implementing Rules and Regulations
- d. Department of Finance – Bureau of Local Government Finance (DOF-BLGF) – Issues relative to imposition of fees by LGUs.
- e. Department of Information and Communications Technology (DICT) — Issues arising from or relative to the registration of ITCs.
- f. Department of the Interior and Local Government (DILG) — Issues arising from the failure of the local government unit concerned or office under its purview to comply with this Implementing Rules and Regulations.
- g. Department of Health (DOH)- Food and Drug Administration (FDA) — Issues on the health and safety risks relative to radiofrequency radiation emitting devices
- h. Department of Human Settlements and Urban Development (DHSUD) — Concerns regarding duly registered homeowners associations.



- i. Department of Public Works and Highways (DPWH) — Matters under PD 1096, such as non-issuance, suspension, or revocation of Building Permits and Certificates of Use be resolved in accordance with the said law. Disputes arising from applications/ approved applications for excavation permits and clearances shall be addressed by the respective District Engineering Office where the excavation clearance is pending/secured. The party may appeal the decision of the respective Regional Office of the DPWH for those excavation permits pertaining to national roads or roads under the administration of DPWH.
- j. Energy Regulatory Commission (ERC) — Issues arising from or relative to access to facilities of distribution utilities within their jurisdiction.
- k. National Commission on Indigenous Peoples (NCIP) – Issues and matters involving Indigenous Peoples.
- l. National Electrification Administration (NEA) — Issues arising from or relative to access to facilities of Electric Cooperatives within their jurisdiction.
- m. National Telecommunications Commission (NTC) — Issues and matters relative to authorization of PTEs or registration of VAS Providers.
- n. Philippine Competition Commission (PCC) — violations of R.A. 10667 in relation to this JMC, committed by the Covered Entities.

**Section 32. Assistance from Law Enforcement Agencies**

PTEs, DUs, and authorized representatives who have secured all the permits, clearances and requirements under this IRR may seek assistance from law enforcement agencies to ensure the smooth and orderly implementation and execution of its works necessary for the energization of telco and internet infrastructure.

**Section 33. Reporting and Feedback**

All concerned national government agencies shall submit to the Technical Working Group (TWG) quarterly progress reports on their implementation of this IRR. For all inquiries and concerns, all questions should be directed/addressed to:

**DIRECTOR GENERAL**  
Anti-Red Tape Authority  
Email: [odg@arta.gov.ph](mailto:odg@arta.gov.ph) and [brodiv.d@arta.gov.ph](mailto:brodiv.d@arta.gov.ph)

**RULE XIV - VIOLATIONS, PENALTIES, AND LIABILITIES**

The provisions of Sections 21, 22 and 23 of R.A. 9485, as amended by R.A. 11032, are applicable in case of violations concerning applications or requests for permits, licenses, clearances, authorizations, or certifications covered by this IRR.

**Anti-Red Tape Authority**  
Telephone No.: 1-ARTA (12782)  
E-Mail: [complaints@arta.gov.ph](mailto:complaints@arta.gov.ph)

**Department of Information and Communications Technology**  
Telephone No.: (02) 8920-0101  
E-mail: [information@dict.gov.ph](mailto:information@dict.gov.ph)

**DILG – Bureau of Local Government Development**  
Telephone No.: (02) 8925-0356  
E-mail: [lfrdd.official@gmail.com](mailto:lfrdd.official@gmail.com) / [odblgd@gmail.com](mailto:odblgd@gmail.com)

**RULE XV - FINAL PROVISIONS**



**Section 34. Guidelines**

The Technical Working Group (TWG) of this Executive Order No. 32 may issue such guidelines to further clarify and effectively implement this IRR.

**Section 35. Funding**

The funding requirement for the implementation of this IRR and other relevant activities shall be charged from the allotted appropriations of each respective agency.

**Section 36. Separability Clause**

If any of the provisions of this IRR is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force and effect.

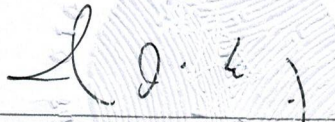
**Section 37. Repealing Clause**

All rules, regulations, orders and/or Circulars inconsistent or contrary to the provisions of the IRR are hereby repealed or modified accordingly.

**Section 38. Effectivity Clause**

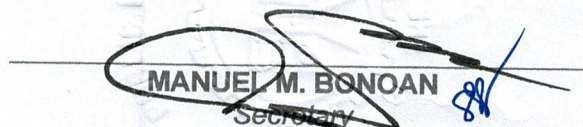
This IRR shall take effect fifteen (15) days from publication either in the Official Gazette or in two (2) national newspapers of general circulation and from filing of three (3) certified copies with the University of the Philippines Law Center.

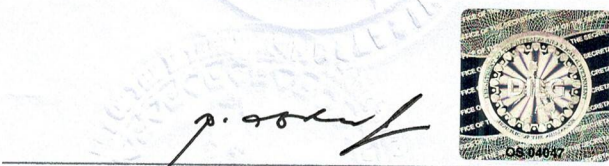
**Section 39. Approving Authority**


  
\_\_\_\_\_  
**IVAN JOHN E. UY**  
*Secretary*

Department of Information and Communications Technology (DICT)

  
\_\_\_\_\_  
**ATTY. ELLA BLANCA B. LOPEZ**  
*Commissioner*  
National Telecommunications Commission  
(NTC)

  
\_\_\_\_\_  
**MANUEL M. BONOAN**  
*Secretary*  
Department of Public Works and  
Highways (DPWH)

  
\_\_\_\_\_  
**ATTY. BENJAMIN C. ABALOS, JR.**  
*Secretary*  
Department of the Interior and Local  
Government (DILG)

  
\_\_\_\_\_  
**ATTY. ERNESTO V. PEREZ**  
*Director General*  
Anti-Red Tape Authority (ARTA)

Department of Public Works and Highways  
Office of the Secretary  
  
WIN3M05303