



HOUSE OF REPRESENTATIVES

House Bill No. 366

Introduced by Representative VICTOR A. YAP


EXPLANATORY NOTE

Telecommunication companies have cited the objection of private villages and subdivisions to the installation of cell sites as a stumbling block in the roll out of the much needed infrastructure aimed at improving internet speed and mobile connectivity in the country. Most of the time, homeowners associations oppose the deployment of cell sites in their villages and subdivisions due to perceived health risk and aesthetic reasons. However, homeowners are also the first ones to complain of lack of connectivity and poor quality of service from the telcos.

Based on a 2016 study of TowerXchange, the Philippines has one of the lowest number of cell sites in Asia with 15,000 cell sites, as compared to 76,000 in Indonesia, 55,000 in Vietnam, 52,000 in Thailand, and 22,000 in Malaysia. This figure underscores the importance of building more cell sites in the country.

To address this problem, this bill mandates developers to reserve utility space for telecommunications facilities and infrastructure including cell sites and base stations. Approval of the homeowners association when it comes to using utility space for telecommunications infrastructure and facilities will no longer be required. Developers shall be tasked to ensure that brokers, sales persons, and dealers are aware of the location of the utility space and such information is properly disseminated to their prospective buyers.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


VICTOR A. YAP
Representative, 2nd District of Tarlac

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AN ACT
STRENGTHENING THE VITAL ROLE OF INFORMATION AND
COMMUNICATIONS TECHNOLOGY, AMENDING FOR THE PURPOSE
PERTINENT PROVISIONS OF PRESIDENTIAL DECREE 957, OTHERWISE KNOWN
AS THE “SUBDIVISION AND CONDOMINIUM BUYERS’ PROTECTIVE DECREE”,
AS AMENDED BY PRESIDENTIAL DECREE 1216

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress
assembled:*

SECTION 1. Section 31 of Presidential Decree No. 957 is hereby further amended by inserting
new sub-sections 31-A and 31-B to read as follows:

“SECTION 31-A. FOR PURPOSES OF THIS ACT, THE TERM “UTILITY
SPACE” SHALL MEAN AN AREA RESERVED EXCLUSIVELY FOR
UTILITIES SUCH AS WATER, POWER AND TELECOMMUNICATIONS.

THE DEVELOPER SHALL ALLOCATE ADEQUATE UTILITY SPACE
RESERVED FOR TELECOMMUNICATION INFRASTRUCTURE AND
FACILITIES AND OTHER SIMILAR FACILITIES AND AMENITIES.
TELECOMMUNICATION INFRASTRUCTURE SHALL INCLUDE, BUT
NOT LIMITED TO, CELL SITES, BASE STATIONS AND OTHER
TELECOMMUNICATION APPARATUS NEEDED TO PROVIDE
TELECOMMUNICATIONS SERVICE. THE DESIGN, LOCATION AND
PERIMETER DISTANCE OF THESE FACILITIES SHALL CONFORM TO
THE GUIDELINES, STANDARDS, RULES AND REGULATIONS OF THE
HOUSING AND LAND USE REGULATORY BOARD (HLURB),
DEPARTMENT OF HEALTH, AND THE NATIONAL BUILDING CODE.

THE PROPOSED LOCATION OR THE UTILITY SPACE SHALL BE
IDENTIFIED IN THE SUBDIVISION PLAN PRIOR TO SUBMISSION TO
THE HLURB.

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2 IT SHALL BE THE DUTY OF THE DEVELOPER TO ENSURE THAT THE
3 BROKERS, SALES PERSONS, AND DEALERS ARE AWARE OF THE
4 LOCATION OF THE UTILITY SPACE AND SUCH INFORMATION IS
5 PROPERLY DISSEMINATED TO THEIR PROSPECTIVE BUYERS.

6
7 THE APPROVAL OF THE HOMEOWNERS ASSOCIATION SHALL NO
8 LONGER BE REQUIRED IN THE USE OF UTILITY SPACE FOR
9 TELECOMMUNICATION INFRASTRUCTURE AND FACILITIES AND
10 OTHER SIMILAR FACILITIES AND AMENITIES.”

11
12 “SECTION 31-B - THE HOUSING AND LAND USE REGULATORY
13 BOARD SHALL, IN CONSULTATION WITH THE DEPARTMENT OF
14 PUBLIC WORKS AND HIGHWAYS, THE NATIONAL
15 TELECOMMUNICATIONS COMMISSION, ISSUE THE NECESSARY
16 RULES AND REGULATIONS FOR TELECOMMUNICATION
17 INFRASTRUCTURE AND FACILITIES AND OTHERS SIMILAR
18 FACILITIES AND AMENITIES, FOR THE EFFECTIVE IMPLEMENTATION
19 OF THIS ACT NOT LATER THAN NINETY (90) DAYS FROM ITS
20 EFFECTIVITY.”

21
22 SECTION 2. Repealing Clause. – All laws, presidential decrees, executive orders,
23 proclamations and/or administrative regulations which are inconsistent with the provisions of
24 this Act are hereby amended, modified, superseded or repealed accordingly.

25
26 SECTION 3. Separability Clause. - If, for any reason, any section or provision of this Act or
27 any part thereof, or the application of such section, provision or portion is declared invalid or
28 unconstitutional, all the other provisions not affected thereby shall remain valid.

29
30 SECTION 4. Effectivity Clause. – This Act shall take effect fifteen (15) days after its complete
31 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

32
33 Approved.