



Republic of the Philippines
PROVINCE OF PANGASINAN
Lingayen
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the regular session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on May 22, 2023 at the Session Hall, Capitol Building, Lingayen, Pangasinan, the following provincial ordinance was approved:

Authored by SP Member Napoleon C. Fontelera, Jr.

PROVINCIAL ORDINANCE NO. 299-2023

AN ORDINANCE MANDATING ALL TELECOMMUNICATION COMPANIES, SERVICE PROVIDERS AND OTHER SIMILAR ENTITIES THAT USE OVERHEAD WIRES AND/OR CABLES OPERATING WITHIN THE PROVINCE OF PANGASINAN TO INSTALL AND/OR RELOCATE WIRES AND CABLE SYSTEM

WHEREAS, the Provincial Government shall exercise the powers expressly granted, appropriate, necessary, for its efficient and effective governance and those which are essential to the promotion of the general welfare. Within its respective jurisdiction, Provincial Government of Pangasinan shall ensure and support among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant, scientific and technological capabilities, improve public morals, enhance economic prosperity, and preserve the comfort and convenience of their inhabitants;

WHEREAS, it is a necessary to protect the residents from the hazardous effects of overhead lines in the event of earthquakes, and other related catastrophes;

WHEREAS, an underground cabling infrastructure will make the public utilities adaptive and responsive to the challenges brought about by different calamities due to climate change, and minimize the disruptions and damages caused by the same to the inhabitants and to the economy;

WHEREAS, an underground cabling system, will serve the purpose of having a sustainable, safe and clean aesthetic view of telecommunication and cable lines to respond to the changing needs of technology which are likewise less susceptible to mechanical damages;

NOW, THEREFORE, be it ordained, as it is hereby ordained, by the Sangguniang Panlalawigan of Pangasinan, in session assembled that –



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SECTION 1 – Title.

This ordinance shall be known as the “Underground Cabling Ordinance of the Province of Pangasinan”.

SECTION 2 – Definition of Terms

1. Telecommunication Company/Service Providers/Covered Entities – any company, private corporation or business entity which has a franchise to operate a system of transmission of signs, signals, words, writings, images, and sounds or information of any nature by wire, radio, optical, or electromagnetic systems.
2. Wires – refer to as telecommunication wires.
3. Cables – insulated conductor or group of conductors protected by a waterproof coat that are installed aerial or underground.
4. Telecommunications – any process which enables a telecommunications entity to relay voice data, electronic messages, printed or written matter, fixed or moving pictures, words, music or audible signals or any control signals of any design and for any purpose by wire, radio or electromagnetic, spectral, or optical means.
5. Underground Cabling – replacement of overhead cables with underground cables and putting them in just a one canal. It demonstrates a higher technology which makes the communication lines less susceptible to signal outage during severe weather condition.

SECTION 3 – Scope

This Ordinance shall cover all telecommunications companies, service providers and other similar entities which use overhead cables within the Province of Pangasinan.

SECTION 4 – Implementation

The Covered Entities are required to relocate their aerial cables to the underground infrastructure that will be built within the jurisdiction of the Province of Pangasinan.

SECTION 5 – Safety Standards

All wires and cables must be safe and of high quality. Wires and cables must be properly and systematically relocated and insulated to assure public safety of the residents. In areas where wires and cables are located, warning signs and labels must be placed for public safety and information. These areas must also have protective strip that must be kept free from deep-rooting trees and shrubs, where buildings are not allowed to be built. Coordination with the Provincial Government Engineering Office, City/Municipal Engineering Office, Department of Public Works and Highways and the Building Officials of the Local Government Units shall always be observed so that installation guidelines and safety standards will be followed.



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SECTION 6 – Prohibitions – It shall be unlawful for any Covered Entity to:

1. Install, erect, or construct telephone/telecommunication posts, cable network and the like without securing the necessary permits from the concerned offices.
2. Install a pole or construct an edifice in a location duly identified for underground cabling services.
3. Install unmarked telecommunication wires and cables or temporary wires and cables without permission from concerned authorities.
4. Retain idle poles, wires and cables and other overhead line accessories within two (2) months from issuance of notice to remove the same.
5. Dig and excavate in the streets for purposes of laying telecommunication and cables without securing the necessary permits from concerned Local Government Unit and Department of Public Works and Highways.

SECTION 7 – Liability for Damages

In addition to the provision of the New Civil Code of the Philippines, and other relevant laws, all Covered Entities shall be liable for any damages caused to any person or properties which may arise from the faulty installation, design and maintenance of the wires and cables.

Any modification of the approved Underground Cabling Plan/System in accordance with the Implementing Rules and Regulations of this Ordinance shall be submitted for review and approval.

SECTION 8 – Periodic Inspection

All Covered Entities shall be under the supervision of the Provincial Engineering Office in coordination with the City/Municipal Engineering Office and the Department of Public Works and Highways which shall conduct mandatory periodic inspection of the underground installations to ensure strict compliance for safety standards and regulations under this Ordinance and existing laws.

SECTION 9 – Obligations in the Interim

Pending project completion, it is the obligation of the Covered Entities to ensure that all its existing facilities, along with its accessories, are properly monitored and maintained to prevent any danger and/or hazard to the general public. Hence during the timeline given, Covered Entities shall ensure the building/wadding/gathering of its wires and cables. Violation of this obligation shall be a ground for the outright denial of the Covered Entities' future projects or permit application within the Province of Pangasinan.



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SECTION 10 – Creation of Inter-Agency Task Force

There shall be created an Inter-Agency Task Force that will coordinate and monitor actions for the purpose of this Ordinance and in accordance with the Implementing Rules and Regulations to be promulgated by the Office of the Provincial Governor.

SECTION 11– Penal Provisions

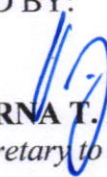
Any Covered Entity that will violate the Provisions of this Ordinance shall be penalized as follows:

1. First Offense - Fine of P5,000.00 and one (1) month suspension of Business Permit and License to Operate
2. Second Offense - Revocation of business permit and license to operate within the Province of Pangasinan.

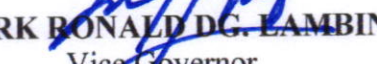
SECTION 12 – Effectivity Clause

This Ordinance shall take effect immediately upon approval, after compliance with the publication and posting requirements pursuant to Republic Act No. 7160 and other applicable laws, rules and regulations, and upon approval of the Implementing Rules and Regulations to be promulgated by the Office of the Provincial Governor.

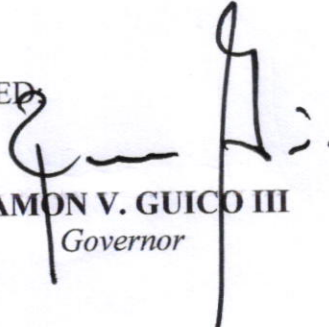
CERTIFIED BY:


VERNA T. NAVA-PEREZ
Secretary to the Sanggunian

ATTESTED:


MARK RONALD DG. LAMBINO
Vice Governor
(Presiding Officer)

APPROVED:


RAMON V. GUICO III
Governor