

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



Thirteenth Congress

First Regular Session

HOUSE BILL NO. 3655

Introduced by Honorable **MONICO O. PUENTEVELLA**

EXPLANATORY NOTE

Mobile communications has received a very warm welcome in the Philippines as millions of Filipinos throughout the archipelago have become involved in this global phenomenon. Statistics shows that the Philippines is considered the greatest contributor in the industry averaging 200 million text messages a day. It is very sad to note, however, that despite our major involvement, the players in industry, particularly the telecommunications companies, continue to hesitantly observe the proper requirements under HLURB Resolution No. R-626 Series of 1998 with regards to the construction of their base stations, microwave towers and similar structures in such a way that such implements were often erected adjacent to populated areas and even within the subdivisions.

It is the main objective of this bill to provide penalties and sanctions for violations of the provisions of HLURB Resolution No. R-626 Series of 1998 which some local governments may have failed to provide. In other localities, legislation has been made to this effect pursuant to EO 72 issued by then President Ramos giving local governments the power to enforce the guidelines provided for under HLURB Resolution No. R-626. In some parts of the country, however, city and municipal councils failed to provide a law prescribing specific penalties and other sanctions. Only upon receiving complaints from the burdened residents when they commence legislation. In a country like ours that actively responds to the rapid development in this field of information technology, it is high time to update or amend existing applicable laws in order to timely resolve and anticipate the impending problem and threat to the life and health of our constituents.

It is therefore earnestly requested that this proposed measure be approved.


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AN ACT
PROVIDING SANCTIONS, FINES AND PENALTIES FOR VIOLATION
OF LAWS RELATING TO CONSTRUCTION OF BASE STATIONS OF
CELLULAR MOBILE TELEPHONE, PAGING SERVICE, TRUNKING
SERVICE, WIRELESS LOCAL LOOP SERVICE AND OTHER WIRELESS
COMMUNICATION SERVICES

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

SECTION 1. The provision of Paragraph (a) Section 3 of Executive Order No. 72, to the contrary notwithstanding, the following sanctions, fines and penalties are hereby prescribed against those who construct implements or introduce improvements in violation of HLURB Resolution No. R-626 or Locational Guidelines for Base Stations of Cellular Mobile Telephone Services, Paging Service, Trunking Service, Wireless Local Loop service and Other Wireless Communication Services:

In addition to the fines and penalties provided under HLURB Resolution No. 622 Series of 1998, the official concerned who is found guilty shall be punished by imprisonment of not less than one (1) year but not more than two (2) years, without prejudice to administrative prosecution, whenever applicable, under the Civil Service Law. The officer(s) of private entity who is in connivance with the official in violation of the abovementioned Guideline shall likewise suffer the same penalty of imprisonment as the erring official and a fine ranging from Two Hundred Thousand Pesos (P200,000.00) to Four Hundred Thousand Pesos (P400,000.00) at the discretion of the court, with damages in proper cases.

Construction of base stations and/or similar structures in violation of the Guideline shall be subjected to the following sanctions:

- a. A cease and desist order issued by the City or Municipal Mayor where such implement is erected pending compliance of the requirement; or

- b. An order of permanent stoppage of work and/or removal of any work or improvement at the expense of the private entity concerned if the violation is deemed incurable.

For this purpose, all actions against any violator of this guideline may be brought by any aggrieved party or the Office of the Mayor concerned.

SECTION 2. *Separability Clause* – If any provision of this Act or the application thereof to any person or circumstances is held invalid, the other provisions of this Act and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 3. *Repealing Clause* – All laws, decrees, executive orders, rules and regulations or parts thereof contrary to, or inconsistent with this Act are hereby modified or repealed accordingly.

SECTION 4. *Effectivity* – This Act shall take effect fifteen (15) days following the completion of its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,