

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4472



Introduced by REP. FAUSTINO 'INNO' A. DY V

EXPLANATORY NOTE

This proposed measure pursues the policy of the State to undertake, in cooperation with the private sector, a continuing program of urban and housing development which considers the provision of integrated, reliable, and affordable information and communications technology (ICT) services.

Among the bill's key provisions are:

First, it mandates that existing and future housing projects, subdivisions, villages, or other residential real property, including socialized or economic housing, shall allocate an area within its designated "open space" for the establishment of ICT infrastructure and related amenities.

However, in order to maintain the area reserved for parks, playgrounds and recreational use, the developer may opt to provide an area for ICT infrastructure and facilities from the net saleable lots outside the mandatory open space.

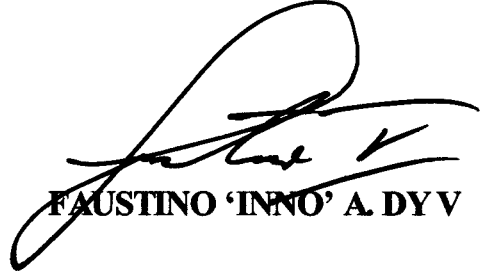
Second, the Passive Telecommunications Tower Infrastructure (PTTI) that will be built in future and existing subdivisions shall be non-exclusive and shall be accessible for shared use by ICT providers.

The bill also provides the remedy in case of denial of consent by Homeowners Associations in existing subdivisions; creation of a rationalized locational plan; and the conduct of information campaigns.

This measure will complement other government initiatives to fast-track the roll-out of much needed infrastructure aimed at improving internet speed and mobile connectivity in the country.

The House of Representatives last Congress approved on Third Reading a bill on the same subject matter.

In view of the foregoing, the immediate passage of this measure in the 19th Congress is earnestly sought.



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AN ACT
MANDATING THE ALLOCATION OF AN AREA FOR INFORMATION AND
COMMUNICATION TECHNOLOGY INFRASTRUCTURE AND FACILITIES IN
SUBDIVISIONS AND HOUSING DEVELOPMENT PROJECTS

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

SECTION 1. Short Title. - This Act shall be known as the “Housing Development Digital Connectivity Act”.

SECTION 2. Declaration of Policy. – It is the policy of the State to undertake, in cooperation with the private sector, a continuing program of urban and housing development which considers the provision of integrated, reliable, and affordable information and communications technology (ICT) services.

The State, recognizing the need for such an integrated approach in nation-building, shall pursue the development of affordable housing side by side with sustainable physical infrastructure that responds to the needs of the population and residents including those pertaining to connectivity, health, education, housing, community, public space, transportation, sports and recreation, the practice of faith, public information, arts and culture, and public safety.

In pursuing these goals, particularly the strengthening of ICT infrastructure, the State shall put the needed mechanisms, policies, and interventions in place including those that will facilitate the processing of licenses, clearances, permits, certifications or authorizations needed by the private sector in ensuring ICT connectivity in all housing development.

SECTION 3. Definition of Terms. - As used in this Act:

a. *Homeowners' association* refers to a nonstock, nonprofit corporation registered with the Department of Human Settlements and Urban Development (DHSUD), or one previously registered with the Philippine Guarantee Corporation or the Securities and Exchange Commission, organized by owners or purchasers of a lot in a subdivision, village or other residential real property located within the jurisdiction of the association; or awardees, usufructuaries, legal occupants and lessees of a housing unit and lot or lot in a government socialized or economic housing or relocation project and other urban estates; or underprivileged and homeless citizens as defined under existing laws in the process of being accredited as usufructuaries or awardees of ownership rights under the Community Mortgage Program, Land Tenure Assistance Program and other similar programs in relation to a socialized housing project actually being implemented by the national government or the local government unit;

b. *Independent tower company (ITC)* refers to a private entity duly organized and existing under the laws of the Philippines, registered with the Department of Information and Communications Technology (DICT), and engaged in the business of establishing or operating one or more shared passive telecommunications tower infrastructure;

c. *Information and communications technology (ICT)* refers to the totality of electronic means to access, create, collect, store, process, receive, transmit, present and disseminate information;

d. *ICT infrastructure and facilities* refer to telecommunications towers, cell sites, base stations, antenna, commercial power systems, and other telecommunication apparatus such as switches, cables and poles needed to provide telecommunications service;

e. *ICT provider* refers to any person, firm, partnership or corporation, government or private, engaged in the provision of ICT services including public telecommunications entity as defined under Republic Act (RA) No. 7925, otherwise known as the "Public Telecommunications Policy Act of the Philippines"; and

f. *Passive telecommunications tower infrastructure (PTTI)* refers to all types of indoor or outdoor non-electronic communications infrastructure or civil works, including towers, masts, poles, and other similar infrastructure such as the following:

1. Appurtenant shelters, sheds, cabins, cabinets or other similar housing for the base-band units, radio units, and related electronic equipment, as well as the cable entrances thereof;

2. Ducts, ladders, arresters, mounts, cable entrances, and the cable trays of the PTII;
3. Shared fiber optic or radio frequency cables or other similar equipment assemblies that make up the fronthaul;
4. Power supply and back-up power management systems; and
5. All other facilities necessary and pertinent for the proper, resilient, and continuous operation of a PTII, built either on the ground or installed on buildings, walls, rooftops or other edifice, that are utilized for purposes of mounting antennas, transmitters or receivers, radio frequency modules, and other radio communications systems as macro cell sites for the rendition of information and communications technology services in the telecommunications network.

SECTION 4. Housing Development Enhancement. - To promote the accessibility of information and communications technology and ensure digital connectivity in urban centers and populated areas of the country, all housing projects, subdivisions, villages, or other residential real property, including socialized or economic housing, shall allocate an area within its designated open space for the establishment of ICT infrastructure and related amenities.

SECTION 5. Section 31 of Presidential Decree (PD) No. 957, as amended by PD 1216, is hereby further amended to read as follows:

"Sec. 31. Roads, Alleys, Sidewalks and Open Spaces. The owner as developer of a subdivision shall provide adequate roads, alleys and sidewalks. For subdivision projects one (1) hectare or more, the owner or developer shall reserve thirty percent (30%) of the gross area for open space. Such open space shall have the following standards allocated exclusively for parks, playgrounds, recreational use, INFORMATION AND COMMUNICATIONS TECHNOLOGY INFRASTRUCTURE AND FACILITIES, AND OTHER RELATED AMENITIES:

- (a) 9% of gross area for high density or social housing (66 to 100 family lot per gross hectare).
- (b) 7% of gross area for medium-density or economic housing (21 to 65 family lot per gross hectare).
- (c) 3.5 % of gross area for low-density or open market housing (20 family lots and below per gross hectare).

The[se] areas reserved for parks, playgrounds and recreational use shall be non-alienable public lands, and non-buildable. The plans of the subdivision project shall include tree planting on such parts of the subdivision as may be designated by the [Authority] DEPARTMENT OF HUMAN SETTLEMENTS AND URBAN DEVELOPMENT.

Upon their completion as certified to by the [Authority] DEPARTMENT OF HUMAN SETTLEMENTS AND URBAN DEVELOPMENT, the roads, alleys,

sidewalks, [and] playgrounds, AREA SET ASIDE FOR INFORMATION AND COMMUNICATIONS TECHNOLOGY INFRASTRUCTURE AND FACILITIES, AND OTHER RELATED AMENITIES shall be donated by the owner or developer to the city or municipality and it shall be mandatory for the local governments to accept: *Provided*, however, That the parks and playgrounds may be donated to the Homeowners Association of the project with the consent of the city or municipality concerned. No portion of the parks and playgrounds donated thereafter shall be converted to any other purpose or purposes.”

SECTION 6. Housing Projects. – A developer of a subdivision project shall set aside an area for ICT infrastructure and facilities in the open space mandated under Section 31 of PD 957, otherwise known as “The Subdivision and Condominium Buyers' Protective Decree”, as amended.

(a) In order to maintain the area reserved for parks, playgrounds and recreational use, and other public space for social infrastructure and community activities, the developer may opt to provide an area for ICT infrastructure and facilities from the net saleable lots outside the mandatory thirty percent (30%) of the gross area for open space, and the use for ICT infrastructure and facilities of these saleable lots zoned as residential shall be allowed, unless there are express prohibitions under existing laws, regulations, and ordinances, and shall not be used as a reason for denying the certificate of completion for the subdivision project.

(b) All ICT infrastructure and facilities, particularly PTII, to be built in future housing subdivision projects shall be non-exclusive and shall be accessible for shared use by ICT provider and all installation of active infrastructure such as antennas, transmitters, receivers, radio frequency modules, radio communication systems, and other active information and communications technology equipment, units, and implements for macro cell sites, as well as improvements, renovations, upgrades, or updates thereof, shall be co-located thereon.

SECTION 7. Existing Subdivisions. – Homeowners’ associations in existing subdivisions shall provide an area in the open space mandated under Section 31 of PD 957, as amended by this Act, where ICT infrastructure and facilities shall be established.

(a) If the area identified for ICT infrastructure and facilities is located in an open space in an existing subdivision already donated and accepted by the city or municipality, the consent of the city or municipality shall be secured.

(b) If the area identified for ICT infrastructure and facilities is located in an open space in an existing subdivision already donated and turned over to the homeowners’ association with the consent of the city or municipality, the homeowners’ association shall be consulted in accordance with Section 19 of RA 9904 and secure its consent.

(c) If the area identified for ICT infrastructure and facilities, however, is a lot in an existing subdivision owned by a private individual, no such consent from the homeowners' associations shall be required and the deed of restrictions insofar as the subject lot is concerned shall be deemed modified accordingly: *Provided*, That the subsequent related application for clearances before the homeowners' association shall be strictly governed by the guidelines provided under Section 15 of RA 11032, otherwise known as the "*Ease of Doing Business and Efficient Government Service Delivery Act of 2018*" and violation thereof shall be imposed the sanctions set forth in the law.

(d) All ICT infrastructure and facilities, particularly PTI, to be built in existing subdivision shall be non-exclusive and shall be accessible for shared use by ICT provider and all installation of active infrastructure such as antennas, transmitters, receivers, radio frequency modules, radio communication systems, and other active information and communications technology equipment, units, and implements for macro cell sites, as well as improvements, renovations, upgrades, or updates thereof, shall be co-located thereon.

(e) Existing subdivisions with established ICT infrastructure and facilities shall be deemed compliant with this Act: *Provided*, That the ICT infrastructure and facilities are compliant with the requirements of the DICT.

SECTION 8. Jurisdiction of Human Settlements Adjudication Commission. – In case of denial of consent by the homeowners' association under Section 7(b), ICT providers may file a case before the Regional Adjudicator of the Human Settlements Adjudication Commission. The Regional Adjudicator of the region where the subdivision is located shall exercise original and exclusive jurisdiction to hear and decide the case.

SECTION 9. Rationalized Locational Plan. - The DICT and the National Telecommunications Commission (NTC) shall prepare a comprehensive locational plan that identifies the sites for the construction and establishment of ICT infrastructure and facilities in accordance with the comprehensive land use plan and zoning ordinance of each local government unit.

The rationalized locational plan shall be reviewed every five (5) years by the DICT and NTC, in coordination with the DHSUD and the Department of the Interior and Local Government (DILG).

The NTC shall issue the document certifying the necessity for ICT infrastructure and facilities as provided under the rationalized locational plan of proposed sites.

SECTION 10. Information Campaign. – The DICT shall, in partnership with the DHSUD, DILG, Department of Health (DOH), and the Food and Drug Administration

(FDA), in coordination with ICT providers, conduct an information campaign to address the safety concerns on the radio frequency radiation emitted by telecommunication towers.

SECTION 11. Implementing Rules and Regulations. – Within sixty (60) days from its effectivity, the DHSUD shall, in consultation with the DICT, NTC, DILG, DOH, and the stakeholders, promulgate the necessary rules and regulations for the effective implementation of this Act.

SECTION 12. Separability Clause. – If any provision of this Act shall be declared unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SECTION 13. Repealing Clause. – Sec. 31 of PD 957, as amended by PD 1216, is hereby amended. All laws, decrees, executive orders, proclamations and other executive issuances which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

SECTION 14. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,