



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



TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2291

Introduced by **Representative MA. VICTORIA CO-PILAR**

EXPLANATORY NOTE

The 1987 Constitution provides that the State is mandated to “promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all” (Art. II, Sec. 9). Digital connectivity has become a prerequisite to these aspirations. Yet, even in densely populated urban areas, many Filipinos still struggle with dropped calls, slow data, and dead zones—problems that are often most acute inside residential subdivisions and socialized-housing communities where towers and other support facilities were never planned for or were actively resisted.

The legal architecture already recognizes connectivity as a public necessity. Republic Act (RA) 10844 created the Department of Information and Communications Technology (DICT) and declared as policy “the development of a reliable and cost-efficient ICT infrastructure” nationwide. RA 7925, the Public Telecommunications Policy Act, enshrines the principle of universal access, while RA 11032, the Ease of Doing Business and Efficient Government Service Delivery Act, directs all government offices to harness ICT to cut red tape. Recent reforms—such as RA 11659 amending the Public Service Act and Executive Order 32, series of 2023, which streamlines the permitting of shared passive telecommunications tower infrastructure—confirm the State’s determination to accelerate network roll-out.

Housing law, however, has not kept pace. Presidential Decree (PD) 957, the Subdivision and Condominium Buyers’ Protective Decree, and its amendment PD 1216, require developers to reserve at least thirty per cent (30 %) of the gross area for roads, parks and other open spaces, but they make no explicit provision for digital infrastructure. This omission seemed unremarkable in 1976; today it is a critical gap. Homeowners’ associations cite deed restrictions to bar or delay construction of towers. Developers hesitate to reallocate portions of open space for fear of violating PD 957, while

ICT providers face protracted negotiations and overlapping approvals. The result is a patchwork of poorly served residential pockets, undermining the country's National Broadband Plan and stunting opportunities for work-from-home employment, online learning, telemedicine, e-commerce, and e-government.

The COVID-19 pandemic laid bare the social cost of this digital divide. Students lost precious instructional time when they could not connect to virtual classrooms; patients in lockdown could not access telehealth; businesses faltered because cashless transactions were unreliable. In the New Normal, connectivity is no longer a luxury but an essential public utility, akin to water and power. The "Housing Development Digital Connectivity Act" therefore seeks to embed that reality in land-use and housing policy.

This measure seeks to empower every Filipino household whether in a gated village or a socialized-housing block to participate fully in the digital economy, close the education gap, and access government services without needless travel or queueing.

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

A handwritten signature in black ink, appearing to be "S. Garcia", with a checkmark at the end.

1 The State shall ensure the provision of ICT infrastructure and facilities in
2 subdivisions and housing development projects in order to provide interoperability
3 among government, industry players, and citizens to facilitate access to information and
4 processing of licenses, clearances, permits, certifications and other requirements of the
5 government.

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7 **SEC. 3. *Definition of Terms.*** – As used in this Act:

8 (a) *Critical ICT infrastructure* refers to ICT systems and assets so vital to the
9 Republic of the Philippines that the incapacity or destruction of such systems or
10 assets would have a detrimental impact on national security;

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

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

1 (d) *Information and communications technology (ICT)* refers to the totality of
2 electronic means to access, create, collect, store, process, receive, transmit, present, and
3 disseminate information as defined under Republic Act (RA) No. 10844, otherwise
4 known as the “Department of Information and Communications Technology Act of
5 2015”;

6 (e) *ICT infrastructure and facilities* refer to telecommunications towers, cell sites,
7 base stations, antenna, commercial power systems, and other telecommunication
8 apparatus such as switches, cables, and poles needed to provide telecommunications
9 service;

10 (f) *ICT provider* refers to any person, firm, partnership or corporation,
11 government or private, engaged in the provision of ICT services including public
12 telecommunications entity as defined under RA 7925, otherwise known as the “Public
13 Telecommunications Policy Act of the Philippines”; and

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

17 (1) Appurtenant shelters, sheds, cabins, cabinets or other similar
18 housing for the base band units, radio units, and related electronic equipment, as
19 well as the cable entrances thereof;

20 (2) Ducts, ladders, arresters, mounts, cable entrances, and the cable
21 trays of the PTTI;

22 (3) Shared fiber optic or radio frequency cables or other similar
23 equipment assemblies that make up the fronthaul;

24 (4) Power supply and back-up power management systems; and

25 (5) All other facilities necessary and pertinent to the proper, resilient,
26 and continuous operation of a PTTI, built either on the ground or installed on
27 buildings, walls, rooftops or other edifice, that are utilized for purposes of

1 mounting antennas, transmitters or receivers, radio frequency modules, and other
2 radio communications systems as macro cell sites for the rendition of information
3 and communications technology services in the telecommunications network.
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5 **SEC. 4. *Housing Development Enhancement.*** – To promote the accessibility of ICT
6 and ensure digital connectivity in urban centers and populated areas of the country, all
7 housing projects, subdivisions, villages, or other residential real property, including
8 mixed residential housing and commercial development project, and socialized or
9 economic housing shall allocate an area within its designated open space for the
10 establishment of ICT infrastructure and related amenities.
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12 **SEC. 5. *Housing Projects.*** – A developer of a subdivision project shall set aside
13 an area for ICT infrastructure and facilities in the open space mandated under Section 31
14 of Presidential Decree (PD) No. 957, otherwise known as “The Subdivision and
15 Condominium Buyers’ Protective Decree”, as amended by PD 1216. Priority shall be
16 given to critical ICT infrastructure.

17 (a) In order to maintain the area reserved for parks, playgrounds and
18 recreational use, and other public space for social infrastructure and community
19 activities, the developer may opt to provide an area for ICT infrastructure and facilities
20 from the net saleable lots outside the mandatory thirty percent (30%) of the gross area for
21 open space, and the use for ICT infrastructure and facilities of these saleable lots zoned
22 as residential shall be allowed, unless there are express prohibitions under existing laws,
23 regulations, and ordinances, and shall not be used as a reason for denying the certificate
24 of completion for the subdivision project: *Provided, That* prior to the completion of the
25 subdivision project, the developer may enter into agreements for the construction,
26 maintenance, and operation of the communications facilities compliant with the

requirements of this Act of the DICT or the National Telecommunications Commission (NTC), whichever is applicable.

(b) The area set aside for ICT infrastructure and facilities can either be obtained through direct purchase based on the fair market value of the land or used by way of a long-term lease: *Provided*, That the expenses incurred in building the ICT infrastructure and facilities shall be borne by the purchaser or the lessee which is an ICT provider or by a duly registered ITC: *Provided, further*, That developers of future subdivision projects may likewise opt to serve as the ITC, by itself or through its affiliate or subsidiary: *Provided, finally*, That payment of any kind for the establishment of ICT infrastructure and facilities shall be held in trust by the developer in favor of the homeowners' association and turned over once the homeowners' association is constituted in accordance with Section 30 of PD 957 and registered with the DHSUD pursuant to Section 5(IV)(a) of RA 1201, otherwise known as the "Department of Human Settlements and Urban Development Act", in relation to Section 4 of RA 9904, also known as the "Magna Carta for Homeowners and Homeowners' Associations", except in cases under Section 5(a) of this Act where payment shall accrue to the developer.

(c) All ICT infrastructure and facilities, particularly PTIT, 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 but subject to the consent of the developer or the homeowners' association, as the case may be.

SEC. 6. 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 PD 1216, further 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 clearance 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 clearance.

(c) If the area identified for ICT infrastructure and facilities, however, is a lot in an existing subdivision owned by a private individual, consultation with and clearance 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) In all instances, the area set aside for ICT infrastructure and facilities can either be obtained through direct purchase based on the fair market value of the land or used by way of a long-term lease: *Provided*, That the expenses incurred in building the ICT infrastructure and facilities shall be borne by the purchaser or the lessee which is an ICT provider or by a duly registered ITC: *Provided, further*, That the ICT provider shall not be considered as a homeowner of the subdivision project, notwithstanding the definition of homeowner provided under Section 3(j) of Republic Act No. 9904: *Provided*,

1 *furthermore*, That ICT providers shall conform to the guidelines, standards, rules and
2 regulations of the DHSUD, the Department of Health (DOH), and the National Building
3 Code on the design, location, and perimeter distance of the infrastructure and facilities.

4 (e) All ICT infrastructure and facilities, particularly PTTL, to be built in an
5 existing subdivision shall be non-exclusive and shall be accessible for shared use by ICT
6 provider and all installation of active infrastructure such as antennas, transmitters,
7 receivers, radio frequency modules, radio communication systems, and other active ICT
8 equipment, units, and implements for macro cell sites, as well as improvements,
9 renovations, upgrades, or updates thereof, shall be co-located thereon, subject to the
10 consent of the developer or the homeowners' association, as the case may be.

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

14 (g) In any case, the consent of the city or municipality referred to under Section
15 6(a) of this Act and the consultation and consent required in accordance with Section 19
16 of RA 9904 referred under Section 6(b) herein shall be governed by the guidelines
17 provided under Section 15 of RA 11032. The request for the issuance of consent referred
18 hereunder shall be deemed approved and issued by the DHSUD and the Anti-Red Tape
19 Authority in case there is failure to act upon the request within the prescribed period.

20 (h) In case of national emergency, the requirement of clearance from homeowners'
21 associations shall be suspended or waived, pursuant to RA 11517, entitled "An Act
22 Authorizing the President to Expedite the Processing and Issuance of National and Local
23 Permits, Licenses and Certifications in Times of National Emergency", notwithstanding
24 the right of homeowners' associations to regulate access to the subdivision, subject to
25 conditions stipulated under Section 10 of RA 9904.

1 **SEC. 7. *Jurisdiction of Human Settlements Adjudication Commission.*** – In case of
2 denial of clearance by the homeowners’ association under Section 6(b) of this Act, ICT
3 providers may file a case before the Regional Adjudication Branch of the Human
4 Settlements Adjudication Commission. The Regional Adjudication Branch of the region
5 where the subdivision is located shall exercise original and exclusive jurisdiction
6 to hear and decide the case.

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8 **SEC. 8. *Rationalized Locational Plan.*** – The DICT and the NTC shall, in
9 consultation with the relevant stakeholders, prepare a comprehensive locational
10 plan that identifies the sites for the construction and establishment of ICT
11 infrastructure and facilities in accordance with the comprehensive land use plan
12 and zoning ordinance of each local government unit.

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

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

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19 **SEC. 9. *Information Campaign.*** – The DICT shall, in partnership with the DHSUD,
20 DILG, DOH, and the Food and Drug Administration, in coordination with ICT providers,
21 conduct an information campaign to address the safety concerns on the radio frequency
22 radiation emitted by telecommunication towers.

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24 **SEC. 10. *Implementing Rules and Regulations.*** – Within sixty (60) days from the
25 effectivity of this Act, the DHSUD shall, in consultation with the DICT, NTC, DILG, DOH,
26 and the stakeholders, promulgate the necessary rules and regulations for the effective
27 implementation of this Act.

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SEC. 11. *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.

SEC. 12. *Repealing Clause.* – Sec. 31 of PD 957, as amended by PD 1216, is hereby further 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.

SEC. 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,