

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 3394



Introduced by Representative Ma. Victoria Co-Pilar

EXPLANATORY NOTE

The "Housing Development Digital Connectivity Act" is a forward-thinking piece of legislation that strategically links digital readiness with housing development. By removing bureaucratic obstacles and mandating the provision of modern digital infrastructure in all housing projects, the bill serves as a critical enabler. It does not just build houses; it builds digitally-connected communities, thereby modernizing the housing sector and significantly contributing to the overarching goal of providing adequate and affordable homes for all Filipinos in a faster and more efficient manner.

While not a direct housing production bill, this proposed measure significantly contributes to the efforts to address the country's housing backlog through a two-pronged approach: streamlining processes and modernizing housing standards.

1. Expediting Housing Development by Reducing Bureaucracy

A primary challenge in addressing the housing backlog is the often-lengthy and complex bureaucratic process that developers must navigate. The bill tackles this by:

Enabling a Faster Clearance System: The Act mandates that all housing projects, subdivisions, and residential properties must allocate an area for ICT infrastructure. Crucially, it leverages the principles of the "Ease of Doing Business and Efficient Government Service Delivery Act of 2018" for the processing of clearances. It also includes a "deemed approved" clause, where a request for consent or clearance from government agencies is automatically considered approved if no action is taken within the prescribed period. This provision is designed to combat bureaucratic delays, which are a major impediment to the timely completion of housing projects. By removing red tape, the bill helps developers accelerate project timelines, leading to a faster and more efficient delivery of homes to Filipino families.

Facilitating Government Services: The bill's declaration of policy explicitly states that the provision of ICT infrastructure will "facilitate access to information and processing of licenses, clearances, permits, certifications and other requirements of the government." This means that the very process of getting a housing project approved could become more efficient through digital means, creating a positive feedback loop that speeds up the entire development cycle.

2. Enhancing the Attractiveness and Value of Housing

The bill ensures that every new and existing housing project is equipped with the necessary infrastructure for modern living. By mandating the allocation of space for telecommunications towers, cell sites, and other related facilities, the Act ensures that:

New Housing is Future-Proof: Prospective homeowners can be assured that the homes being built are equipped with essential connectivity, which has become a non-negotiable part of daily life for work, education, and social interaction. This makes the newly constructed homes more desirable and marketable.

Incentivizing Development: By standardizing and simplifying the process for integrating ICT, the government reduces a potential point of friction for developers. This makes the housing sector a more attractive investment, encouraging the private sector to ramp up production and help close the housing gap.

This bill recognizes that in the pursuit of affordable and decent housing, the State must also ensure that communities are equipped with the necessary digital infrastructure to thrive. The overarching policy is to promote an integrated approach to urban and housing development, where the creation of affordable homes goes hand-in-hand with the establishment of sustainable physical infrastructure, including robust and reliable Information and Communications Technology (ICT) services.

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

A handwritten signature in black ink, appearing to be 'S. Gandhi', located at the bottom right of the page.

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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”.

SEC. 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.

Recognizing the need for such an integrated approach in nation-building, the State 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.

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

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

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

(b) *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 housing units and lots or lots 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;

(c) *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;

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

(e) *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;

(f) *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 RA 7925, otherwise known as the “Public Telecommunications Policy Act of the Philippines”; and

(g) *Passive telecommunications tower infrastructure (PTTI)* refers to all types of 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 PTTI;

(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 to the proper, resilient, and continuous operation of a PTTI, 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.

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

SEC. 5. *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 Presidential Decree (PD) No. 957, otherwise known as “The Subdivision and Condominium Buyers’ Protective Decree”, as amended by PD 1216. Priority shall be given to critical ICT infrastructure.

(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: *Provided*, That prior to the completion of the subdivision project, the developer may enter into agreements for the construction, 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 11201, 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 PTTI, 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, furthermore*, That ICT providers shall conform to the guidelines, standards, rules and regulations of the DHSUD, the Department of Health (DOH), and the National Building Code on the design, location, and perimeter distance of the infrastructure and facilities.

(e) All ICT infrastructure and facilities, particularly PTTI, to be built in an 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 ICT equipment, units, and implements for macro cell sites, as well as improvements, renovations, upgrades, or updates thereof, shall be co-located thereon, subject to the consent of the developer or the homeowners' association, as the case may be.

(f) 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.

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

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

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

SEC. 8. *Rationalized Locational Plan.* – The DICT and the NTC shall, in consultation with the relevant stakeholders, 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.

Such 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.

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

SEC. 10. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, 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.

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,