



EXCERPT FROM THE MINUTES OF THE 107TH REGULAR SESSION OF THE 5TH SANGGUNIANG PANLUNGSOD (SP) HELD AT THE SP SESSION HALL, LEGISLATIVE BUILDING, EAST POBLACION, CITY OF NAGA, CEBU ON AUGUST 29, 2024.

PRESENT:

- | | |
|------------------------------|--|
| HON. VIRGILIO M. CHIONG | - Vice Mayor /Presiding Officer |
| HON. CLINT ISIDRO A. CHIONG | - Presiding Officer Pro Tempore |
| HON. CARMELINO N. CRUZ, JR. | - Majority Floor Leader |
| HON. SCOTT JUVENAL A. CHIONG | - Assistant Majority Floor Leader/Liga ng mga Barangay President |
| HON. ALEXANDER R. LARA | - Sangguniang Panlungsod Member |
| HON. AURELIO B. ALINSONORIN | - Sangguniang Panlungsod Member |
| HON. CHARMAINE R. NAVARRO | - Sangguniang Panlungsod Member |
| HON. RAY A. MANABAT | - Sangguniang Panlungsod Member |
| HON. JUSTINO L. DAKAY | - Sangguniang Panlungsod Member |
| HON. DOMINADOR A. LIBOR | - Sangguniang Panlungsod Member |
| HON. LETECIA F. ABANGAN | - Sangguniang Panlungsod Member |
| HON. ELMER JOHN R. LAPITAN | - Sangguniang Panlungsod Member |
| HON. FAITH JAMES B. SERVANO | - SK Federation President |



ORDINANCE NO. 2024-45

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Chairperson, Committee on City Government Properties and Public Markets
Co-Author: HON. RAY A. MANABAT
Chairperson, Committee on Consumer and Public Utilities

REGULATING THE INSTALLATION, RESTORATION AND MAINTENANCE OF OVERHEAD AND UNDERGROUND LINES AND OTHER INFRASTRUCTURE ACTIVITIES OF VARIOUS UTILITIES/SERVICE PROVIDERS IN THE CITY OF NAGA, CEBU AND PROVIDING PENALTIES THEREOF

EXPLANATORY NOTE

The City of Naga after earning distinction as one of the pillars of commercial and industrial growth in Metro Cebu, numerous utility infrastructure projects and activities have been undertaken. In addition, various utility companies began to occupy and compete for space in the installation of power, telecommunication, cable TV, water line, and other utility support.

If the installation, restoration, and maintenance works including various infrastructure works such as digging and excavation of overhead and underground main and secondary utility/service lines on thoroughfares/streets and post, are not properly regulated, these may pose a hazard and endanger the life, limbs, and property of motorists and pedestrians.

The existing dangling "spaghetti" overhead utilities and protruding or obstructing water utilities are considered "urban eyesore" which undermines the natural beauty and historical value of the City.

Pursuant to the General Welfare Clause of R.A. 7160 otherwise known as the Local Government Code of 1991, it is vital to adopt a standard of rules and regulations governing road excavation, diggings, restoration, and other related infrastructure activities to minimize, if not prevent, the hazard and inconvenience in pursuing such activities.

NOW THEREFORE, BE IT ORDAINED, as it is hereby **ORDAINED** by the 5th Sangguniang Panlungsod of the City of Naga, Cebu, in a session duly assembled, by virtue of the powers vested in it by law, that:

ARTICLE I. GENERAL PROVISIONS

SECTION 1. SHORT TITLE. - This Ordinance shall be known as the **"ONE-POLE POLICY ORDINANCE OF THE CITY OF NAGA, CEBU."**

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SECTION 2. SCOPE. - Any person, corporation, firm or entity which shall undertake road excavations, diggings, installation, restoration and maintenance of all overhead and underground main and secondary utility/service lines and other related infrastructure activities along any public or private road within the jurisdiction of the City Government of Naga, Cebu, shall be subjected to the provisions of this Ordinance.

SECTION 3. OBJECTIVES. - The main objective of this Ordinance is to establish a coordinated system that will promote a safe, secure, and maximum efficiency and promptness of installation, restoration and maintenance works of all utility/service lines in the City. In addition, to get rid of urban eyesores that pose danger to the public, and may damage the urban design of the City.

SECTION 4. RESPONSIBILITY OF THE LOCAL GOVERNMENT UNIT (LGU). - The Office of the City Engineer in coordination with the Office of the Building Official (OBO), and the Office of the City Planning and Development Coordinator shall develop an Approved Utility Installation Location Plan (shortened as "Location Plan") which shall be the basis for the regulation of all installation, restoration and maintenance of distribution lines. In addition, the LGU shall create an Advisory Board to assist the City Mayor in discharging his functions under this Ordinance.

The LGU shall convene all existing utility providers in order to prepare a pole location plan that will serve as a master plan for the city, and will serve as a guide for the review and approval of all proposed repair, maintenance, transfer, and installation of utility lines.

SECTION 5. RESPONSIBILITY OF UTILITY/SERVICE PROVIDER. All corporations, firms or entities shall submit wire maps, pole locations, water line maps, and other documents necessary to develop the Location Plan. In addition, shall secure permits and submit corresponding requirements before the conduct of installation, restoration and maintenance works.

For overhead utilities, all existing wires attached to their own poles shall be removed, transferred and installed to one common pole. Correspondingly, this pole shall be able to carry the weight of all existing wires being transferred and reinstalled and shall further carry additional wires to be affixed thereafter. Redundant, idle and obsolete poles shall be removed accordingly.

In the absence of approved Location Plan, nearest existing traverse points shall be used as traverse points of new installation, restoration, and maintenance work or as deemed identified by the Technical Infrastructure Committee (TIC) City of Naga.

SECTION 6. LOCATION PLAN. - The approved Utility Installation Location Plan shall contain the following:

1. Exact location and/or relocation of poles.
2. Exact location and alignment of wires, and water lines.
3. For Electrical Distribution Lines - Pole Type and Number, Allowed Voltage, Clearances, Traversing Points.
4. For Telecommunication/Cable Television Distribution Lines - Pole type and Number, Clearances, Traversing Points.
5. For Water Distribution Lines - Location of stub-outs and number of connections, impounding tanks, distribution tanks, waterlines, traversing points.
6. Other details necessary for the effective implementation of this Ordinance.

SECTION 7. DEFINITION OF TERMS. For purpose of this Ordinance, the following terms shall be understood according to their corresponding definitions:

Approved Permits/Clearances - Official documents issued by the relevant government offices (such as the OBO and the likes) that authorize the commencement of installation, restoration, or maintenance work on utility/service lines.

Blasting and Demolition - Activities involving the use of explosives or heavy machinery to break down existing structures or rock formations as part of infrastructure projects.

Clearances - The required physical distance between utility lines and other objects (such as buildings, trees, or other utility lines) to ensure safety and compliance with regulations.

Dangling/Sagging Wires - Wires that hang loosely or droop below their intended height, posing potential hazards such as electrocution, fire, or obstruction of passageways.

Dead Wires - Utility wires that are no longer in use and do not carry any current or signal, often left hanging on poles.

Early Warning Devices - Safety equipment such as cones, signs, blinkers, and reflectors used to alert pedestrians and motorists of ongoing infrastructure work or potential hazards in the area.

Environmental Impact Assessment (EIA) Report - A report required from developers or building owners that assesses the potential environmental effects of proposed infrastructure projects, ensuring they comply with environmental standards and regulations.

Excavation/Digging - The process of breaking and removing soil, rock, or pavement to access underground utility/service lines for installation, maintenance, or repair.

Fortuitous Events - Unforeseeable and unavoidable events such as natural disasters (earthquakes, typhoons) or accidents that may necessitate emergency repair or replacement of utility/service lines.

Idle Wires - Wires that are installed but are not currently in active use, though they may be intended for future service.

Location Plan - The Approved Utility Installation Location Plan developed by the City Engineering Office, detailing the exact locations for poles, wires, water lines, and other utility infrastructure. This plan is used as a guide for the installation, restoration, and maintenance of these utilities.

Main Utility/Service Lines - The primary infrastructure lines that carry the bulk of utility services such as electricity, water, or telecommunications from the source to distribution points across the city.

Overhead Lines - Electrical, telecommunication, cable television, or other utility/service lines that are installed above ground, typically mounted on poles or towers.

Overload Protection Devices - Safety devices such as fuses, circuit breakers, or surge protectors installed in utility systems to prevent overloads and protect against electrical faults or damage.

Pole Attachment Agreement - A legal contract between utility/service providers and the city or other entities, outlining the terms and conditions under which poles may be used or shared for mounting wires, cables, and other equipment.

Protruding Water Lines - Water pipes or accessories that extend above ground level or beyond the confines of the designated installation area, creating potential trip hazards or other obstructions.

Public Thoroughfares - Roads, streets, highways, and other public pathways where utility/service lines may be installed, restored, or maintained.

Redundant Poles - Extra poles that are no longer necessary due to changes in the utility network layout, such as the consolidation of wires onto fewer poles.

Rehabilitation Plan - A comprehensive plan developed by utility/service providers, outlining the steps to be taken to repair, upgrade, or replace existing infrastructure to meet current safety standards and service requirements.

Restoration Work - The process of repairing or returning roads, pavements, and other surfaces to their original condition following excavation, digging, or other disruptive activities related to utility installation or maintenance.

Secondary Utility/Service Lines - Lines that branch off from the main utility/service lines to deliver services directly to individual consumers or smaller areas.

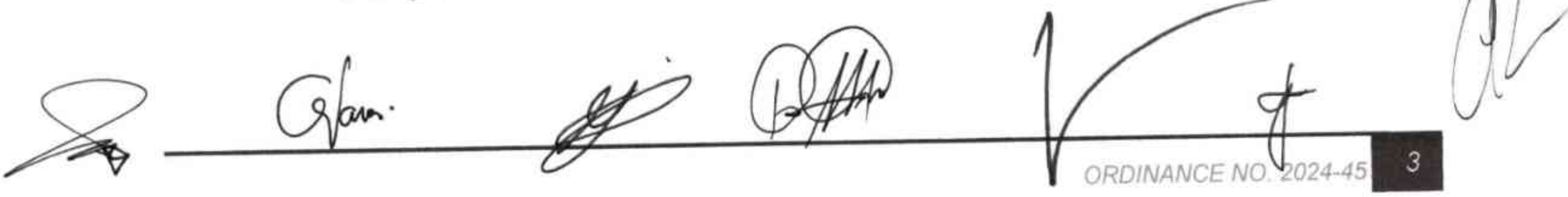
Service Interruption - A temporary disruption or cessation of utility services (such as electricity, water, or telecommunications) that may occur due to maintenance work, accidents, or unforeseen circumstances.

Serviceable Poles - Utility poles that are currently in use and capable of supporting utility lines without posing any safety risks.

Sidewalk Obstructions - Any object or structure (such as water meters, stub-outs, poles, or pipes) placed on a sidewalk that hinders free movement and poses potential hazards to pedestrians.

TIC City of Naga - Refers to the Technical Infrastructure Committee created by this Ordinance, which is responsible for assisting the City Government in regulating and coordinating the installation, restoration, and maintenance of utility/service lines.

Traverse Points - Designated points on a road or path where utility lines are allowed to cross or run parallel to the road, as identified in the Location Plan or by the TIC City of Naga, Cebu.



Underground Lines - Utility/service lines installed below the ground surface. This can include water lines, electrical cables, telecommunication cables, and other similar infrastructure.

Unserviceable Poles - Utility poles that are no longer fit for use, either due to damage, deterioration, or obsolescence, and need to be removed.

Utility Easement - A legal right granted to utility/service providers to install and maintain infrastructure such as poles, wires, and pipelines on property owned by others, typically with specific terms and conditions.

Utility/Service Provider - Refers to any corporation, firm, or entity, whether public or private, that provides essential services such as electricity, telecommunications, cable television, water supply, and other similar utilities to the public. This includes companies responsible for the installation, maintenance, and restoration of overhead and underground utility/service lines.

SECTION 8. - CREATION OF AN ADVISORY BOARD, OTHERWISE KNOWN AS TECHNICAL INFRASTRUCTURE COMMITTEE (TIC City of Naga). - This committee shall assist the City Government, through the Local Chief Executive (LCE), in discharging the functions under this Ordinance.

A. POWERS AND FUNCTIONS. The TIC City of Naga shall exercise the following powers and functions:

- A.1 TIC City of Naga shall coordinate with both private and government infrastructure utility agencies in formulating with the detailed location plan
- A.2 TIC City of Naga shall coordinate with private individuals, firms, corporations, and government agencies of existing drainage and road rehabilitation projects, existing installations of telecommunication, cable TV, and water lines. In addition, shall ensure sidewalks are free from obstructions.
- A.3 TIC City of Naga shall require developers/building owners (new applications) an Environmental Impact Assessment (EIA) Report in the application and approval of Engineering Permits (excavation, demolition, building construction). In addition, shall require to submit a detailed Utility Map inside and surrounding vicinity of the building showing (vertical) clearances, connections, and traversing points.
- A.4 TIC City of Naga shall gather and collate existing and future projects from Various utility/service providers to improve and enhance the Approved Location Plan.
- A.5 TIC City of Naga shall take active participation in assessing, and evaluating applications together with the relevant approval bodies.
- A.6 TIC City of Naga shall monitor on-going applications vis-a-vis approved plans (permit) and submit reports to the LCE.
- A.7 TIC City of Naga shall deliberate and assess all applications within 15CD upon receipt thereof for approval of the LCE.
- A.8 TIC City of Naga shall recommend to the LCE the suspension, cancellation, revocation, or to the Executive Officer of the committee the denial of application of permits/clearances of entities which have failed to comply with any of the provisions of this Ordinance.
- A.9 TIC City of Naga shall form a group in coordination with the representatives and/or contractors of utility service providers to conduct removal, bundling, and clearing of all overhead and underground utility/service lines on periodic basis or as deemed needed.

B. COMPOSITION. The TIC City of Naga shall be composed of the following:

- Chairman : City Mayor or his/her Authorized Representative
- Vice-Chairman : SP Chairperson on Committee on Infrastructure or his/her authorized representative
- Executive Officer(s) : City Engineer
Building Official
- Auxiliary Members : Representative of utility/service providers with operations within the City of Naga, Cebu
Representative of Non-Government Organization

C. REGULAR MEETINGS. The committee shall convene every Third Wednesday of the month or as often as needs arises upon the call of the Chairman or by the majority of the members, with at least twenty-four (24) hour notice.

D. SECRETARIAT. There shall be a designated secretariat who shall provide documentary and technical support to the Committee.

ARTICLE II - STRATEGIES OF IMPLEMENTATION

SECTION 9. BUNDLING, CLEARING, AND REMOVAL OF DANGLING/SAG/DEAD WIRES AND ACCESSORIES. - All dangling/sag wires, and dead wires shall be bundled and cleared, and removed respectively. All utility/service providers shall clear, bundle, and remove, whichever is necessary, upon the request of the committee to prevent electrocution, fire, and other irreversible harm or damage to persons or property.

SECTION 10. BUNDLING, CLEARING, AND REMOVAL OF PROTRUDING WATER LINES AND ACCESSORIES. - All water meters, stub-outs, and other accessories that obstruct the sidewalks and all pipelines that protrude and traverse any road pavement in the City shall be removed. All utility/service providers shall send their technical personnel to clear, bundle, and remove, reinstall if necessary, upon the request of the committee to prevent injury, harm or damage to persons or properties.

SECTION 11. - LEANING POLES, DEAD POLES, AND UNSERVICEABLE WATER METER. - Utility/service providers shall initiate the correction of all leaning-serviceable poles, and the removal of all leaning-unserviceable poles and dead poles to prevent interruption of services, and to prevent undue injury, harm or damage to persons and properties.

All dilapidated, unserviceable, and/or protruding water meters shall be removed by the water service provider to prevent undue injury, harm or damage to persons and properties.

SECTION 12. - NEW INSTALLATION, RESTORATION, AND MAINTENANCE OF UTILITY LINES. - All utility/service providers shall secure permits/clearance prior to any new installation, restoration, and maintenance works from the OBO. CNTMA shall be given copies of the approved permits.

ARTICLE III – REQUIREMENTS

SECTION 13. - It shall be prohibited for all corporations, firms and entities to commence work without securing approved permits/clearances from the OBO.

SECTION 14. - Horizontal and vertical clearances of distribution lines shall be maintained at all times in accordance with Philippine Electrical Code (PEC) I and II.

SECTION 15. - All redundant poles including poles mentioned in Article II Section 11 of this Ordinance shall be removed.

SECTION 16. - Installation, restoration, and maintenance of water systems including pipings and accessories shall be in accordance with R.A. 1378 or the National Plumbing Code of the Philippines and PD 1067 or the Water Code of the Philippines.

SECTION 17. - Contractors and administrative personnel of the Department of Public Works and Highways (DPWH) undertaking street diggings/excavations and other infrastructure works in the national highway shall submit a notice to the Office of the City Mayor.

SECTION 18. APPLICATION REQUIREMENTS. - Any person, corporation, firm, and entity, except the City Government of Naga and the DPWH undertaking projects, must submit documents to the OBO such as:

- a.) Mayor's/Business Permit to operate in the City;
- b.) Barangay Clearance;
- c.) List of Manpower with contact numbers and equipment for the project;
- d.) Schedule of daily activity and time-frame;
- e.) Engineering Plan;

- f.) Traffic Management Plan, if applicable;
- g.) Environmental Impact Assessment, if applicable; and
- h.) Other requirements as deemed required by the TIC City of Naga.

SECTION 19. WORKSITE REQUIREMENTS. - Any person, corporation, firm, and entity which will undertake digging, excavation project, and/or install overhead and underground main and secondary utility/service lines shall made the following requirements available on site:

- a.) Copy of the approved permit;
- b.) Early warning devices, blinkers, and reflectorized signage to be placed ten (10) meters surrounding the vicinity of the project;
- c.) Sufficient barriers with company name, color and logo for the safety and security of the pedestrians and commuters to be placed 10 meters surrounding the vicinity of the project.
- d.) Personnel at work must wear company uniform with logo, ID and personal protective equipment; and
- e.) No stockpiles, tools and equipment and other obstructions shall be left overnight on the roadway.

SECTION 20. POST-WORK REQUIREMENT. - All work sites shall be clear from obstructions. All installation, restoration, and maintenance of overhead utility/service lines shall be bundled. All installation of water meters, pipings and accessories shall not obstruct sidewalks, and shall not protrude on pavements. All shall traverse in accordance with the traverse points of the Location Plan.

In case of street digging/excavation, and cutting of road pavement, it shall be restored based on its original specification. Restoration work of a damaged and/or disturbed pavement and roadway as a result of the excavation shall be the responsibility of and for the account of the project owner.

Any person, contractor, firm, and/or entity shall submit a report of the completed project attached to the copy of the permit to the Office of the City Engineer.

ARTICLE IV. LIMITATIONS & EXCEPTIONS

SECTION 21. NOTICE REQUIREMENT. - Restoration, Maintenance, and Installation work of overhead utility/service lines may be done anytime of the day provided a written notice is given to the TIC City of Naga, copy furnished CNTMA.

SECTION 22. NOTICE AND TRAFFIC CONTROL. - Repairs for leaking water pipes and accessories may be done anytime provided adequate traffic control shall be put in place provided that a written notice is given to the TIC City of Naga, copy furnished CNTMA. Leaks must be attended immediately to prevent risk of contamination.

SECTION 23. DESIGNATED WORK TIME - All works that involve street digging/excavation, and cutting of pavements along major thoroughfares, city streets, and all other streets as deemed necessary of permit by the TIC City of Naga shall be undertaken only between the hours of 10:00 p.m. and 5:00 a.m.

All on-going works must be cleared of any obstruction or debris by 5:00 a.m. and street diggings/excavations, and cutting shall be covered with one-half (1/2) thick steel plate. In cases of overhead utility lines, installation personnel in charge of the operation shall bundle the lines to prevent displacement for the free passage of any vehicles and pedestrians.

SECTION 24. EXCEPTION. - The following diggings, excavation and/or installation of overhead and underground main and secondary utility/service lines may be exempted from the requirements as mentioned in Article III Section 18 of this Ordinance in cases of emergency such as but not limited to:

- a. Repair or replacement of busted, rotten, broken pole, dilapidated, leaking, and contamination-related problems of water pipes;
- b. Repair of power connection, telecommunications, cables, water line, and other utility support due to tortuitous events; and
- c. The interest of the public requires.

All contractors, firms, and/or entities shall submit a notice twenty-four (24) hours before the commencement of emergency/urgent repair works to the TIC City of Naga. The Office of the

City Engineer shall provide a certificate of urgency approved by the majority of the organic members of TIC City of Naga and signed by the City Mayor.

No installation, restoration and maintenance works which involves street diggings/excavation of more than fifty (50)m in length and 0.6m in depth shall be done in times of:

- a.) Holy Week
- b.) October 29 until November 3 of every year
- c.) Sinulog sa Naga
- d.) Dagitab Festival
- e.) Other activities that involve foot traffic of more than four (4) persons per square meter.

ARTICLE V - ELECTRICAL DISTRIBUTION LINES

SECTION 25. - All new installation, restoration, and maintenance of electrical distribution lines shall be maintained at all times in accordance with Philippine Electrical Code (PEC) I and II. The OBO shall ensure that all provisions in the Code are strictly followed and implemented.

SECTION 26. - OTHER REQUIREMENTS.

- a.) Clearance of all live wires shall be 5.8m measure from the ground to the lowest point of the span (sag) of the wire. Sag shall be maintained at 0.3m.
- b.) Separation of primary lines, transmission, and sub-transmission lines from secondary lines shall be 0.3m.
- c.) Electrical distribution lines must be insulated, and are encouraged to adopt color coding.
- d.) All electrical posts shall maintain 90 degrees vertically. Leaning post shall be repaired and all dilapidated and rotten posts shall be removed immediately.
- e.) Street Lighting installation, and maintenance shall be in accordance with the roadway lighting guidelines of the Department of Energy, and PEC I and II.
- f.) All secondary drop wires shall traverse in accordance with the Approved Location Plan or as deemed determined by the TIC.
- g.) No additional pole shall be erected by the electric utility without prior approval from the Office of the City Engineer/OBO.

SECTION 27. - It shall be prohibited at all times to install portable generators along established sidewalks and thoroughfares.

SECTION 28. - All installation, restoration, and maintenance of electrical distribution lines shall be done by accredited/registered master electricians, registered electrical engineers, and/or professional electrical engineers only.

SECTION 29. - All electrical poles in the City of Naga Park and Boardwalk, and City of Naga Discipline Zone shall be relocated in accordance with the approved location plan.

SECTION 30. - There shall be uniform street lighting in City of Naga Park and Boardwalk, and City of Naga Discipline Zone.

ARTICLE VI - TELECOMMUNICATIONS COMPANY & COMMUNITY CABLE TELEVISION (CCTV)

SECTION 31. - All telecommunications and CCTV companies operating in the City of Naga shall observe the following:

- a.) No building shall be tapped with telephone utility or CCTV connection without prior approval of the local building official. All commercial establishments shall have a central telephone cabinet.
- b.) Major rehabilitation, and installation of telecommunications or CCTV backbone shall be done underground.
- c.) All telephone lines or CCTV lines outside the premises of a building shall be run in an approved conduit.
- d.) All telecommunication wires or CCTV lines clearances shall follow standards in accordance with PEC, NEA, and Article 5 Section 25(a) of this Ordinance.

- e.) All telephone lines or CCTV lines shall not sag more than 0.3m.
- f.) All telecommunication wires or CCTV lines shall traverse in accordance with the Approved Location Plan or as deemed determined by the TIC.
- g.) All telecommunications companies or CCTV lines shall adopt color coding, and bundle their lines with the secondary electrical distribution lines.
- g.) All idle wires, unbundled wires, and wires traversing on areas not indicated in the Approved Location Plan shall be removed by the company/corporation/entity within seventy-two (72) hours upon receipt of the request from the TIC City of Naga.
- h.) No additional communication poles or CCTV poles shall be erected especially at the City of Naga Park and Boardwalk and City of Naga Discipline Zone. All existing communication poles shall be removed and all existing telecommunication wires thereat shall be transferred to nearest electric pole.
In cases that there is a need to erect additional poles, the company/corporation/entity shall secure approval from the TIC City of Naga.
- i.) All wire loops, and accessories incidental to the installation, restoration, and maintenance of telecommunication connections or CCTV connections shall be properly arranged, installed, fastened and secured to electric poles.
- j.) No connection lines and poles shall be erected to private areas without the consent of the property owner.

ARTICLE VII - WATER UTILITY/SERVICE PROVIDER

SECTION 32. - All water utility/service providers operating in the City of Naga, Cebu shall observe the following:

- a.) No building shall be tapped with water connection without prior approval of the local building official. All commercial establishments shall have designated areas within their premises for the water meter, stub-out, and accessories.
- b.) All water utility/service providers operating in the City shall install water meters, stub-outs, and accessories inside the premises of the applicant. No water meters, stub-outs, and accessories shall be installed on sidewalks, and thoroughfares.
- c.) All pipes shall traverse at areas identified in the Approved Location Plan. In the absence thereof, it shall be determined by the TIC City of Naga.
- d.) All traversing pipes shall be embedded below 0.3m from the finish ground line.
- e.) All installation, restoration, and maintenance shall be in accordance with the Section 902 of the National Building Code of the Philippines.
- f.) All water meters, pipes and accessories installed in the sidewalk either idle or serviceable, and protruding pipes traversing on areas not indicated in the Approved Location Plan shall be removed and/or transferred, whichever is applicable, by the company, corporation, and/or entity within 72 hours upon receipt of the request from the TIC City of Naga.
- g.) All installation, restoration, and maintenance of electrical distribution lines shall be done by accredited/registered master plumber, registered sanitary engineers, and/or professional civil engineers only.

ARTICLE IX - PROHIBITED ACTS, FEES & PENALTIES

SECTION 33. PROHIBITED ACTS. - Non-compliance with any requirements and limitations set forth in this Ordinance are declared unlawful and shall be penalized in accordance with the penalties prescribed in Section 33 hereof. Every violation committed, TIC Enforcement Team shall issue a citation ticket stating the specific violation/s committed.

SECTION 34. PENALTIES. Any person, corporation, utility firm or entity who fails to remove or relocate any pole, wire, cable, apparatus, equipment, or promotional material found to be in violation of this Ordinance shall be given seven (7) calendar days to voluntary correct, remove or relocate the same. Failure to comply within the reglementary period shall suffer the fines and penalties as follows:

- a. First Offense - a fine of Php1,000.00;
- b. Second Offense - a fine of Php 1,500.00;
- c. Third Offense - a fine of Php 3,000.00 or an imprisonment of not more than three (3) months or both such fine and penalty upon the discretion of the proper court.

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SECTION 35. FEES. With respect to the foregoing, the sum of Php 230.00 of processing fee shall be charged and paid to the City Treasurer's Office (CTO) upon application of permit, and additional fees in accordance with the 2022 Revised Revenue Code of the City of Naga, Cebu, and the National Building Code of the Philippines and its Implementing Rules and Regulations (IRR).

SECTION 36. CREATION OF TIC FUND. The City Government of Naga shall hereby create a special account in the General Fund to be known as TIC Fund.

Fines shall be paid to the CTO.

All fees collected shall be ensured to the Technical Infrastructure Fund. All funds shall be used to support the powers and functions of the TIC.

SECTION 37. IMPLEMENTING RULES AND REGULATIONS. The TIC shall formulate the IRR of this Ordinance within ninety (90) days after its approval. Such rules and regulations shall take effect fifteen (15) days after the approval of the Sangguniang Panlungsod.

SECTION 38. REPEALING CLAUSE. All ordinances or any issuance by the City Mayor inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

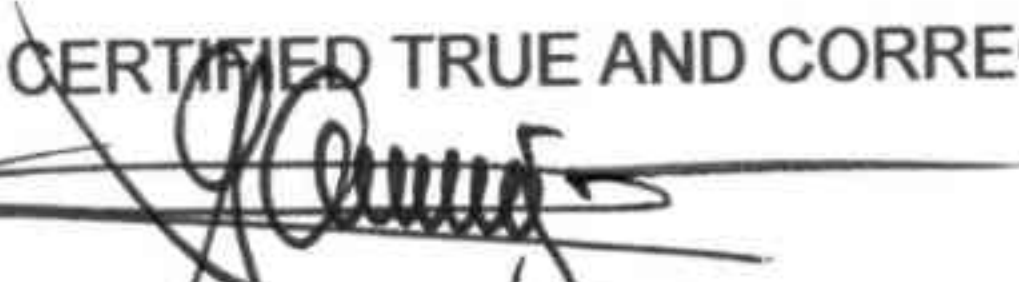
SECTION 39. SEPARABILITY CLAUSE. Should any provisions hereof be declared illegal or unconstitutional by any court of competent jurisdiction, those provisions not so declared shall remain valid and in full force and effect.

SECTION 40. EFFECTIVITY. This Ordinance shall take effect immediately upon its approval, subsequent posting and publication in accordance with law.

ENACTED BY THE SANGGUNIANG PANLUNGSOD, CITY OF NAGA, CEBU, on motion of Hon. Aurelio B. Alinsonorin, seconded by Hon. Carmelino N. Cruz, Jr., in its regular session held on the 29th day of August 2024.

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CERTIFIED TRUE AND CORRECT:


GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY:


VIRGILIO M. CHIONG
City Vice Mayor/Presiding Officer

APPROVED BY:


VALDEMAR M. CHIONG
City Mayor

9/2/2024