



Republic of the Philippines
PROVINCE OF NEGROS ORIENTAL
City of Bayawan
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON JANUARY 30, 2023 AT 10:00 AM AT THE LEGISLATIVE BUILDING GOVERNMENT CENTER.

RECORD OF ATTENDANCE

HON. HENRY E. CARREON, JR.	Vice Mayor	Present
HON. MARK FIDENCIO L. AURELIA	Acting Presiding Officer	Present
HON. NARCISO N. CASIPONG		Present
HON. RUSMAR IAN D. TIJING		Present
HON. MERLITA R. GAUDIEL		On Leave
HON. NICO ANGELO L. LIM		Present
HON. ROLANDO B. ABRASALDO		Present
HON. KARL T. SARAÑA		Present
HON. LUIS J. SUMALPONG		Present
HON. FELIPE O. SANTIAGO, JR.		Present
HON. MA. LUCIANA T. TIZON		Present
HON. SEVERINO SALVADOR M. CAPULSO	(LNMB President)	Present
HON. TRISTAN GOLD T. TORRILLO	(SK Federated President)	Present

RESOLUTION NO. 138

AUTHORED BY: HON. RUSMAR IAN D. TIJING
CO-AUTHORED: HON. FELIPE O. SANTIAGO, JR., HON. KARL T. SARAÑA

“WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that “Every Local Government Unit shall exercise the powers, expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effected governance, and those of which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, convenience of their inhabitants;

“WHEREAS, Section 458 (50 (viii) of the same Code empowers the Sangguniang Panlungsod of every city to: xxx, regulate the placing of poles, and xxx; adopt measures to ensure public safety against xxx, live wires, and other similar hazards, to the life and property;

“WHEREAS, it is the policy of the City Government to adopt measures to suppress nuisances and illegal structures that pose risk to the safety of the populace of Bayawan City;

“WHEREAS, the operation of public utility companies is a matter of privilege vested by authority of a legislative franchise and is thus vested with public interest;

“WHEREAS, there are existing laws and ordinances that govern the operations and infrastructural standards of utility companies such as the National Building Code, the Philippine Electrical Code, Philippines Electronics Code and the rules and guidelines set by proper administrative agencies, yet those laws need to be supplemented by a local legislation that will further assure safety, convenience and protection of the people who are directly served by these public utility companies;

“WHEREAS, the promotion and enhancement of the aesthetics of roads, plazas, building and public places is one of the urban upgrading thrust of the city government;

“WHEREAS, hazardous dangling wires and cables not only have become eyesore which divest the beauty of the city’s historic buildings and cityscape, to the impairment of our growing tourism industry but also, poses safety and health hazard among our people, which cause fire, accident and disaster;

“WHEREAS, there are rampant incidents of electrical, cable, phone and internet wires dangling and leaning poles that may cause inconvenience and panic hazards. Many of such wires are dead including poles which are dilapidated or non-functional;

“WHEREFORE, on motion of Honorable Rusmar Ian D. Tijing duly seconded by Honorable Felipe O. Santiago Jr., the Council

“RESOLVED, To enact, as it hereby enacts the following ordinance:

ORDINANCE NO. 6

AN ORDINANCE CREATING A TASK FORCE TO REGULATE AND MONITOR DANGLING UTILITY WIRES OF POWER OR ELECTRICITY-GENERATING, TELEPHONE, COMMUNICATION, INTERNET AND CABLE ANTENNA TELEVISION UTILITIES OPERATING WITHIN BAYAWAN CITY, ALLOWING SUMMARY CORRECTION OF HAZARDOUS DANGLING WIRES AND SUBSTANDARD POLES, AND OTHER RELATED PURPOSES

Be it ordained that:

ARTICLE 1. – GENERAL PROVISIONS

SECTION 1. SHORT TITLE – This ordinance shall also be known as the “**Anti-Dangling Wire Ordinance of Bayawan City**”.

SECTION 2. PRESCRIBED ACT – There is hereby created a Joint Executive-Legislative Task Force called Anti-Dangling Wire Task Force to regulate and monitor utility wires and cables of power or electric-generating , telephone, internet communications and cable antenna television utilities operating within Bayawan City, allowing summary correction of hazardous dangling wires and substandard poles, and other related purposes.

SECTION 3. DEFINITION OF TERMS – As used in this Ordinance, the following terms shall have the meaning below:

- a) **UTILITY PROVIDER**– refers to organizations and business entities and similar establishments responsible for the installation, operation and maintenance of electrical power supply, telephone, internet communications and cable antenna television line systems operating within the territorial jurisdiction of the City of Bayawan.
- b) **DANGLING WIRES** – refers to any electrical, cable, phone, internet, television and other utility wire (collectively, “utility wires”) that is loosely hanging, dead or installed in any manner that poses a danger to the public, or otherwise fails to comply with the standards required under National Building Code of the Philippines, Philippine Electrical Code Part 2, Philippine Electronics Code and other applicable rules or guidelines.
- c) **UTILITY POLES** – refers to poles installed and maintained by licensed and registered utility companies who are engaged in public utility services.
- d) **UNLICENSED WIRES AND POLES** – refers to any utility poles and wires that do not have any proper approved pole permit or certificate prescribed under National Building Code of the Philippines, Philippine Electrical Code Part 2, Philippine Electronics Code.
- e) **SUBSTANDARD POLES** – refers to utility poles that are not in compliance to the approved plans of building permit or the standards required under National Building Code, Philippine Electrical Code Part 2 and Philippine Electronics Code including those poles that already are dilapidated and excessively weathered, torn, broken, significantly damaged or structurally unsound. For purposes of this ordinance, excessively weathered shall mean, including but not limited to, signs where the condition of the paint or structural material has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, fading, dry rot or warping.
- f) **DEAD WIRES** – refers to wire or cable that is not carrying current.

SECTION 4. COMPOSITION OF THE TASK FORCE – The Anti-Dangling Wire Task Force shall be composed of the following:

- a. The City Mayor as Task Force Chairperson;
- b. The Head of the Office of the Building Official or the authorized representative and the Head of the City Legal Office or the authorized representative as Task Force Co-Vice- Chairperson;

- c. The Head of the City Public Safety Office or the duly authorized representative as Secretariat;
- d. The Head of the City Engineering Office or the authorized representative as member;
- e. The Head of the City Planning and Development Office or the duly authorized representative as Member;
- f. The Chairman of the SP Committee on Public Order and Safety as Member;
- g. The Chairman of the SP Committee on Infrastructure, Zoning, Housing and Urban Development as Member;
- h. President of the Liga ng mga Barangays as Member;
- i. Representative from the Philippine National Police as Member;
- j. Representative from the Bureau of Fire Protection as Member;
- k. Representatives from the Board of Directors or the Area Manager of Negros Oriental Electric Cooperative as Member;
- l. Representative from the Operations & Maintenance Engineer of NORECO II as Member;
- m. Representatives from the Business sector as Member;
- n. Representatives from each Utility Providers as Member;
- o. Representative from the City Administrator Office as Member;
- p. Representative from the Provincial National Telecommunication Commission as Member;
- q. Representative from the DENR as member;
- r. Representative from BAWAD as member

The City Mayor can detail additional available officers and staff as members of the task force.

SECTION 5. POWERS AND FUNCTIONS OF THE TASK FORCE - The Anti-Dangling Wire Task Force shall have the following powers:

- a. To ensure compliance, examine and determine whether suppliers, installers and contractor of utility wires, cables of telephone, communications, internet and community cable antenna television companies, complies with the safety standards and qualifications set out by applicable laws, rules and regulations, specifically in terms of maintenance and installation of cable, transmission and distribution lines, observing proper construction and installation methodology, and compliance with safety protocols in personal protective equipment (PPE), and other related accessories. Accordingly, the task force can call for appearance of the concerned utility line providers and organizations to resolve reported related concerns.
- b. To summarily take down dangling wires and dilapidated poles, within 24 hours from discovery without need of notice or court action, when in reasonable determination of the task force, such dangling wires pose an impending and serious hazard, and that immediate action is necessary to prevent electrocution, fire or other irreversible harm or damage to persons or property.
- c. To enforce the rules and regulations, code requirements and governing laws regarding the aforesaid poles and utility lines such as those embodied in the Philippine Electrical Code part 1 and 2, and the National Building Code (P.D. No. 1906) including applicable local ordinance and relevant laws and orders imposed by the regulatory agencies.
- d. To take down and confiscate any unlicensed wires and poles when the responsible utility company has failed to apply for the necessary pole and wiring permit, or to pay proper fees in this regard, within 30 days from receipt of notice from the Task Force to apply for such permit and certificate, or pay such fees.
- e. Gather, review, assess and address accordingly all reports, notices, complaints and such other relevant information submitted to the Task Force relating to hazardous dangling wires and hazardous poles within the jurisdiction of Bayawan City.

- f. Provide recommendation for policy and legislation measures to the City Council and the City Mayor for the improvement, governance and maintenance of utility wires and poles.
- g. Conduct regular meetings with the members of the task force and arrange for its logistics, in order to monitor the progress of the implementation of this ordinance.
- h. Coordinate with every barangay in getting data and receiving reports and complaints with regard to any hazardous dangling wires, cables and poles.
- i. Promulgate related implementing rules and regulations that will govern the administration of the Task Force in the execution of its functions and powers.

SECTION 6. ROLE OF THE UTILITY COMPANIES/PROVIDERS - The representatives of the electricity utilities, Internet, Cable Companies, CCTV companies and Telephone Companies shall undertake the following:

- a. Act as the representative and serve as liaison with their proper private companies who own, operate and control wires, cable, transmission lines and poles.
- b. Expeditiously take down or repair identified hazardous dangling wires and dilapidated poles.
- c. Actively participate in the task force's goal of taking down, clearing and/or repairing unused and dead wires, and hazardous dangling wires, cables and transmission lines and repair or abate poles which are in danger of falling.
- d. Report to the Task Force regarding concerns of their companies and their utility wires and poles in order to open rooms for discussions that will lead to prompt and appropriate action.
- e. Ensure proper maintenance of existing lines.
- f. Ensure that the utility providers secure the necessary working permits for the installation, operation and rehabilitation of service lines from the Office of the Building Official.
- g. Ensure that all service personnel from different utility providers shall wear the proper uniform, identification cards and personal protective equipment (PPE) during their regular office hours when servicing their utility wires, lines and connections.

SECTION 7. MANDATORY IDENTIFICATION OF CABLES AND WIRES - In order to easily distinguish the ownership of cables and wires, all cables, wires and lines must be company color coded or tagged and bundled within six (6) months upon approval of this ordinance in every pole in the territorial jurisdiction of Bayawan City. The guidelines shall be formulated by the task force.

SECTION 8. REMOVAL OF SUBSTANDARD POLES – Any structure and accessory that is not removed after the lapse of Sixty (60) days from receipt of written notice, or such period required by the Office of the Building Official, shall be removed by the City Engineer's Office to be assisted by the City Public Safety Office subject to the permission of the City Mayor's Office. The Department of Public Works and Highways (DPWH) Memorandum Circular prescribing the guidelines and procedures on the proper payment of compensation and/or recovery of cost in the event of the need to relocate an electrical pole shall be implemented.

SECTION 9. MEETINGS - The task force shall have a regular meeting, at least once every quarter or as often as necessary, to exercise the functions and duties defined in this ordinance. Members of the task force shall be notified of the time and date of the meeting or any changes concerning the same.

SECTION 10. BARANGAY PARTICIPATION - All local barangay units within the jurisdiction of Bayawan City are instructed to investigate, receive complaints and thereafter report to the task force any hazardous dangling wires, cable, transmission lines and poles that are in need of take down, repair or requires to be abated on account of the same posing serious threat or danger to safety of the general public if left unrepaired. The barangay officials shall coordinate and cooperate with the task force concerning their areas of jurisdiction.

SECTION 11. APPROPRIATION – The City Government shall allocate and appropriate fund to be taken from the General Fund for the preparation and operation activities on the clearing and taking down of hazardous dangling wires and hazardous poles. Financial assistance will be allocated to the Task Force members in case of accidents during operation and implementation of this ordinance.

SECTION 12. PENALTIES AND FINES – Any person or entity found guilty of violating any provision of this Ordinance, shall be penalized with:

- a) Notice of Violation for the **FIRST OFFENSE**;
- b) Fine of ₱ 5,000.00 per violation (per attachment) for the **SECOND OFFENSE**;
- c) Fine of ₱ 5,000.00 per violation (per attachment) and revocation of Business and License Permit for the **THIRD OFFENSE**;

If the violation is committed by a partnership, corporation, association, cooperative, or firm, the penalty shall be imposed on the president or general manager thereof. Where the violator of this Ordinance does not contest the charges and elect to pay the fine imposed, the enforcement officer shall forthwith issue a citation ticket to the violator without resort to the court. The citation ticket shall state or contain (a.) the name, signature, age and address of the person charged, (b.) the material facts obtaining in the commission or omission of the violation defined and penalized under the provisions of this Ordinance, (c.) the amount of fine which is payable in favor of the City Government of Bayawan City and (d.) notice requiring the person charged for extrajudicial settlement of the offense by paying the prescribed fine at the Office of the City Treasurer within Ten (10) working days from issuance thereof, otherwise, appropriate cases shall be filed before the courts of law.

SECTION 13. TRANSITORY PROVISION - All utility providers operating within the territorial jurisdiction of the City of Bayawan is hereby given a period of six (6) months from the effectivity of this ordinance to comply with the requirements herein provided.

SECTION 14. SEPARABILITY CLAUSE- If any provision or portion of this ordinance is found to be a violation of the constitution and is declared invalid, the provisions or portion hereof which are not so declared shall remain to be in full force and effect.

SECTION 15. REPEALING CLAUSE – All ordinances, executive orders and rules and regulations or parts thereof, which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed, amended or modified accordingly.

SECTION 16. EFFECTIVITY – This Ordinance shall take effect after approval in accordance with the provisions of the Local Government Code of 1991.

“Enacted.”

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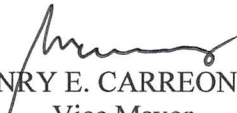
I hereby certify to the correctness of the foregoing resolution.

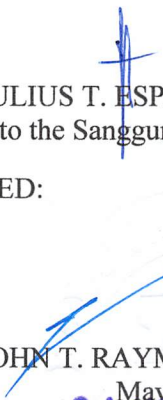
* * *

JULIUS T. ESPARTERO
Secretary to the Sangguniang Panlungsod

ATTESTED:

APPROVED:


HENRY E. CARREON, JR.
Vice Mayor
Presiding Officer


JOHN T. RAYMOND, JR.
Mayor
Date: 21 MAR 2023

Copy for:

- The Honorable Provincial Board, Dumaguete City