

Republic of the Philippines PROVINCE OF CAGAYAN City of Tuguegarao

EIGHTH CITY COUNCIL

EXCERPTS FROM THE MINUTES OF THE 66th REGULAR SESSION
OF THE EIGHTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
HELD ON DECEMBER 03, 2020 IN LIEU OF DECEMBER 01, 2020, 1:00 P.M., THURSDAY
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

PRESENT:

Hon. Bienvenido C. De Guzman II

Hon. Maila Rosario T. Que

Hon. Imogen Claire M. Callangan

Hon. Gilbert S. Labang

Hon. Danilo L. Baccay Hon. Ronald S. Ortiz

Hon. Arnel T. Arugay

Hon. Mary Marjorie P. Martin-Chan

Hon. Winnoco R. Abraham

Hon. Grace B. Arago

Hon. Raymund P. Guzman

Hon. Karina S. Gauani

Hon. Gil G. Pagulayan Hon. Karen L. Taguinod City Vice Mayor/Presiding Officer

Sangguniang Panlungsod Member (via Teleconferencing)

-do-

Sangguniang Panlungsod Member

Sangguniang Panlungsod Member (via Teleconferencing)

-do-

Sangguniang Panlungsod Member

Sangguniang Panlungsod Member (via Teleconferencing)

Sangguniang Panlungsod Member

-do-

Sangguniang Panlungsod Member (via Teleconferencing)

Sangguniang Panlungsod Member

Ex Officio Member Ex Officio Member

CITY ORDINANCE NO. 86-08-2020

AN ORDINANCE AMENDING SECTION 10 (C) OF ORDINANCE NO. 48-08-2020 "AN ORDINANCE REGULATING THE CONSTRUCTION, INSTALLATION, OPERATION, UPGRADING AND MAINTENANCE OF COMMUNICATION TOWER (CELLULAR SITES/TOWERS), DRUMB/REPEATER TRANSMITTER OR ANY INSTRUMENT OF TRANSMITTING COMMUNICATION WITHIN THE JURISDICTION OF TUGUEGARAO CITY AND PRESCRIBING FEES AND IMPOSING PENALTIES THEREOF"

WHEREAS, the Eighth City Council approved City Ordinance No. 48-08-2020 during its 50th Regular Session held on July 21, 2020;

WHEREAS, Section 10 (c) of the said ordinance provides that "the minimum setback from any property line, public and private road and right of way, building, or structure, except for accessory buildings or equipment structures, for a cellular tower shall not be less than five (5) meters";

WHEREAS, two (2) telecommunication companies which applied for a cell site construction requested to waive the 5-meter setback reserved under said section;

WHEREAS, in a meeting held on November 10, 2020 by the Committee on Rules, Laws and Ethics and the Committee on Infrastructure and Public Utilities, it was decided to amend Section 10 (c) of the said ordinance.

NOW, THEREFORE, be it ORDAINED by the Sangguniang Panlungsod in session assembled, to enact:

SECTION 1. TITLE. This Ordinance shall be known as "An Ordinance Amending Section 10 (C) of Ordinance No. 48-08-2020 "An Ordinance Regulating the Construction, Installation, Operation, Upgrading and Maintenance of Communication Tower (Cellular Sites/Towers,) Drumb/Repeater Transmitter or Any Instrument of Transmitting Communication Within the Jurisdiction of Tuguegarao City and Prescribing Fees and Imposing Penalties Thereof."

SECTION 2. AMENDMENT. Section 10 (c) shall be amended, to wit:

The minimum setback from any property line, public and private road and right of way, building, or structure, except for accessory buildings or equipment structures, for a cellular tower shall not be less than five (5) meters.

GUIDELINES:

- 1. Exemptions should only apply to those proposed cell site towers where the five (5)-meter setback as required in City Ordinance No. 48-08-2020 could not be complied with.
- 2. If a proponent who decides to construct a cell site tower can comply with the city ordinance, the variance of setback does not apply.
- 3. If the five (5)-meter setback as required in City Ordinance No. 48-08-2020 could not be complied with, the provision of the National Building Code of the Philippines on setback shall be followed/applied.
- 4. A telecommunication tower that is located adjacent to a residence/house/structure should have a concrete fence of 3 meters from the level of the existing road and on top is a barb wire or interlink wire of .75 meter with a total of 3.75 meter height in all the 4 sides of the perimeter of the cell site, which shall be complied with by existing communication towers as well as new applicants.

SECTION 3. PUBLIC HEARING. This ordinance is enacted under unusual and extreme condition the country is experiencing in general and Tuguegarao City in particular as declared by the National Government through a number of proclamation orders and other rules and regulations promulgated by His Excellency President Rodrigo Duterte and the Provincial Government, hence, the public hearing shall be dispensed with, considering further the urgency and importance of the instant measure.

SECTION 4. REPEALING CLAUSE. All prior issuances or parts thereof inconsistent with this Ordinance are hereby repealed, amended or otherwise modified accordingly.

SECTION 5. SEPARABILITY CLAUSE. If, for any reason or reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in force and effect.

SECTION 6. EFFECTIVITY. This Ordinance shall take effect ten (10) days after its complete publication in any newspaper of general circulation within the city and posting in three (3) conspicuous places in the city.

X-X-X

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:

Secretary to the Sanggunian, and

ATTESTED:

HON. BIENVENIDO C DE GUZMAN II

City Vice Mayor/Presiding Officer Date:

APPROMED

HON. ATTY. JEFFER ON P. SORIANO

Date: 12 /0 - 2014

cel