REGULAR SESSION NO. 189

MANILA CITY ORDINANCE NO. 8448, December 15, 2015

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Acting Majority Floor Leader

PREAMBLE
WHEREAS, the Congress of the Philippines passed Republic Act No. 10639, entitled: "AN ACT MANDATING THE TELECOMMUNICATIONS SERVICE PROVIDERS TO SEND FREE MOBILE ALERTS IN THE EVENT OF NATURAL AND MAN-MADE DISASTERS AND CALAMITIES", otherwise known as "The Free Mobile Disaster Alerts Act";

WHEREAS, to best serve the noble purpose of the R.A. 10639, and pursuant to the express power of the City of Manila to promote the general welfare of its constituents, and under Section 458 (a) (1) (iv) R.A. 7160, otherwise known as the Local Government Code of 1991, it is a mandate of the City Council to "adopt measures to protect the inhabitants of the city, from the harmful effects on man-made or natural disasters and calamities, xxx",

WHEREAS, under the aforesaid act, mobile phone service providers are mandates to send out alerts at regular intervals in the event of an impending tropical storm, typhoon, tsunami or other calamities;

WHEREAS, the alert shall consists of up-to-date information from the relevant agencies, and shall be sent directly to the mobile phone subscribers located near and within the affected areas. The alerts shall include contact information of local government units and other agencies required to respond to the situation. The alerts may contain other relevant information such as, but not limited to, evacuation areas, relief sites and pick-up points.

WHEREAS, the law further requires that the alerts shall be at no cost, whether direct or indirect to the consumers; and shall be included as part of the service providers auxiliary service;

WHEREAS, to encourage the active participation of all telecommunication companies to coordinate with the City of Manila in disseminating information as mandated by R.A. 10639, incentives and benefits should, at the very least, be accorded to them: NOW, THEREFORE,

Be it ordained by the City Council of Manila, in session assembled, THAT:

SECTION 1. Compliance with R.A. No. 10639. – Only those telecommunications companies who will comply with the provisions of R.A. 10639 can avail of the benefits granted in the next succeeding Section. PROVIDED, That a resolution from the City Council shall first be obtained recognizing the said telecommunication company as a partner of the City of Manila in this endeavor.

SEC. 2. Benefits. – The telecommunication company, as a partner of the City of Manila, shall be entitled to the

following benefits as long as it continues to comply with the mandate of R.A. 10639 and has obtained the required resolution from the City Council; to wit:

a) Automatic granting and/or renewal of Special Use Permit for the construction, installation and operation of its Telecommunication sites or facilities;

b) The concerned departments of the Office of the City Mayor, including but not limited to the Office of the Building Official, Business Permits and Licensing Office, Office of the City Treasurer, other agencies and departments of the National Government having regulatory and/or supervisory authority over the sites, and the barangay where these sites and/or facilities may be located, shall hasten, streamline and expedite the application process, issuance and/or renew the permits, licenses and other requisites as may be required to operate these Telecommunications sites or facilities, without delay and with utmost expediency but in no case shall not exceed ten (10) days from submission of all pertinent requirements, taking into consideration that any interruption or disruption in the operation of these sites and facilities will disrupt the delivery of critical and informational messages to the constituents of the City of Manila as provided for in Republic Act No. 10639; and

c) All pending applications for permits and licenses of telecommunication companies to operate the Telecommunication sites or facilities shall be deemed automatically approved upon the lapse of the ten (10) day period from the date of submission of all pertinent requirements as mentioned in the above preceding paragraph.

SEC. 3. Acts to Disrupt or Cessation. – Any illegal act that tend to disrupt the performance of these sites and/or facilities shall be punishable by law and any other act or performance which would cause or tend to cause any form of cessation, disruption or interruption in the operation of these sites and/or facilities, exempting any maintenance and optimization activity of the telecommunication company; shall require a written clearance issued by the Local Disaster Risk Reduction Management Council (LDRRMC) and a resolution from the City Council, to be issued only after due notice and hearing, unless the same is directed by a lawful order from a court of law.

SEC. 4. Effectivity Clause. – This Ordinance shall take effect upon its approval.

This Ordinance was finally enacted by the City Council of Manila on November 24, 2015.

PRESIDED BY:

(Sgd.) ROLANDO M. VALERIANO
Acting Presiding Officer
City Council, Manila

ATTESTED:

(Sgd.) LUCH R. GEMPIS, JR.
City Government Department Head III
(Secretary to the City Council)

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APPROVED BY HIS HONOR, THE MAYOR, ON 15 DECEMBER 2015.

(Sgd.) JOSEPH EJERCITO ESTRADA
Mayor
City of Manila

ATTESTED:

(Sgd.) EDWARD S. SERAPIO
City Government Department Head III
(Secretary to the Mayor)

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