

PROVIDING GUIDELINES ON THE ACCESS TO AND USE OF THE DOTC EMERGENCY TRUNKED RADIO COMMUNICATIONS SYSTEM, SETTING THE RULES AND PROCEDURES ON THE ADMINISTRATIVE CONTROL, MONITORI...

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Consistent with DOTC Memorandum dated 23 April 1993, in order to provide the appropriate guidelines on the access to and use of the DOTC Emergency Trunked Radio Communications System, and set the rules and procedures on the administrative control, monitoring, security, operation and maintenance of the System necessary to enhance its effectiveness and efficiency, the following guidelines for the Emergency Trunked Radio Communications System are accordingly adopted and this Circular hereby promulgated:

General Provisions

1. The Emergency Communications Project Office (ECPO), under the Communications Program Management Office (CPMO), Department of Transportation and Communications (DOTC), shall operate and manage the DOTC Emergency Trunked Radio Communications System, hereinafter referred as the “System”.

As far as this Circular is concerned, “DOTC” refers to “CPMO/DOTC”; and “duly authorized official” of the Secretary shall mean the Project Director of the CPMO.

2. As configured, the System is not a “Radio Telephone System” but a Trunked Radio System where the telephone interphase capability is only one of the optional features of the System.

3. The Department of Transportation and Communications (DOTC) and its Sectoral Offices and Attached Agencies, the Mt. Pinatubo Commission, other national government agencies and offices directly involved and tasked in the Mt. Pinatubo rehabilitation, disaster and relief assistance and related activities and projects, may be allowed access to and use of the System subject to the provisions of this Circular and other pertinent government issuances, rules and regulations.

Authorized User

4. By direct authority of the Secretary or his duly authorized official, other national government agencies and offices may also be allowed access to and use of the System, likewise, subject to the guidelines of this Circular and other pertinent government issuances, rules and regulations.

5. Inasmuch as the System is for emergency communications, such as, but not limited to, disaster and relief assistance and related activities and projects, in no case shall non-government organizations and societies, or private citizens individuals be allowed access to and use of the System.

The above entities may be so allowed only when the purpose is directly related to an emergency, such as, but not limited, to disaster and relief assistance and related activities and projects requiring their assistance as determined by the Secretary or his duly authorized officials and as long as they are licensed or authorized radio users.

6. It is understood, however, that all procedures and approvals allowing access to and use of the System shall be subject to the guidelines of this Circular and other pertinent government issuances, rules and regulations.

Schedule of Fees

7. For purposes of operating and maintaining the System for optimum capability and service, agencies, offices, groups of individuals who may be allowed access to and use of the System shall share in the expenses for operation and maintenance chargeable at cost and based on the following schedule of fees:

7.1 Non-recurring charges

7.1.1 Access fees per unit per Talk Group

7.1.1.1

Portable (Handheld Unit) — P1,500.00

7.1.1.2

Mobile -

2,000.00

7.1.1.3

Base -

2,000.00

7.1.2 Programming fees per unit per Talk Group

7.1.2.1 Portable (Handheld Unit) P1,500.00

7.1.2.2

Mobile -

2,000.00

7.1.2.3

Base -

2,000.00

7.1.3 Installation fees per unit (Labor Only)

7.1.3.1

Portable (Handheld

Unit

Not applicable

7.1.3.2

Mobile

P5,000.00

7.1.3.3

Base

8,000.00

(Within Metro Manila)

7.2 Monthly fees per unit per Talk Group

7.2.1

Portable (Handheld

Unit

P300.00

7.2.2

Mobile

400.00

7.2.3

Base

400.00

(Within Metro Manila)

8. The access to and use of the System are transactions strictly and purely between the DOTC and the agency, office, group or individual, as the case may be. In no case shall Third Parties, like suppliers, system integrators, contractors, consultants, repair/service shops, have the authority or personality to transact or do business, directly or indirectly, with the DOTC.

9. The system software and key programs purchased and owned by the DOTC for the System shall be for the exclusive use, control, and possession of the same; any unauthorized use, control or possession thereof shall be illegal and shall be dealt with accordingly.

10. The DOTC reserves the right to deny, interrupt, or cut-off access to and use of the System or reject radio units purchased from illegal sources, unauthorized dealers and suppliers, those found having violated any provision of this Circular or other pertinent laws; and, those under investigation by the DOTC for alleged illegal selling, possession or use of aforesaid system software and key programs, and other related illegal activities.

11. Those allowed access to and use of the System shall provide their own radio units which must be purchased in accordance with Guideline No. 10 herein and other pertinent laws, rules and regulations.

12. All data or information determined as confidential and classified by the Secretary or his duly authorized official, shall be treated accordingly and shall not be divulged or declassified to any other party without prior written authority.

Repair, Maintenance and Programming

13. Those allowed access to and use of the System shall be responsible for the repair and maintenance of their radio units.

14. Only radio units compatible with the System and programmed in the manner that the same will neither destroy nor affect the integrity of the System shall be allowed access to and use of the System.

15. Programming of the radio units shall be done only by duly authorized personnel of the DOTC.

Administrative Control and Security

16. For security, administrative control and protection of the System, radio units not technically capable of being monitored through the DOTC "System Watch", both on their individual Identification Numbers (IDs) and corresponding "Talk Group", IDs, shall not be allowed access to and use of the System in terms of, but not limited to, usage, abuse, illegal cloning and in cases contrary to the Radio Laws, Rules and Regulations, and other appropriate rules and regulations of the Department.

17. All radio units that cannot be regulated, as stated in No. 16, either due to technical limitations or concealment of technical information to avoid monitoring, shall not be allowed access to and use of the System.

18. All radio "Call Signs" shall emanate from the ECPO/CPMO and the same shall correspond to a specific radio unit Identification Number.

Disabling Access and Use

19. All radio units found having gained access to the System without authority from the DOTC or using an unregistered "Call Sign" shall be immediately and completely disabled without prior notice.

20. The DOTC shall have the sole and full authority to disable completely or partially any radio unit, without prior notice, found having violated the Radio Law, Rules and Regulations, any provision of this Circular; and, in unavoidable technical cases impairing the configuration and service of the System.

21. Accredited group users shall be responsible and jointly liable for the conduct and action of their authorized radio users.

Requirements for Access and Use

22. The following requirements shall be submitted and complied with prior to allowing access to and use of the System, to wit:

22.1 An official request to the DOTC Secretary, duly signed by the Head of the agency, office, or group attesting to the following:

22.1.1 Intention to avail of the services of the System;

22.1.2 Compliance to submit all the requirements prior to being allowed access to and use of the System;

22.1.3 Subject radio units shall be for "Official Use Only" and no fees shall be collected from its users; and,

22.1.4 Willingness to abide by herein Circular, Radio Laws, and other rules and regulations being implemented or

to be implemented by the Department.

22.2 Certificate of Ownership, signed by the Head of Agency, office or group indicating the model and serial numbers of the radio units;

22.3 Official receipts of the radio units to establish the source thereof;

22.4 NTC — approved Dealer's Report on the radio units;

22.5 Written approval from a duly authorized CPMO/DOTC official; and,

22.6 Memorandum of Agreement (MOA) between the Head of agency, office or group and the DOTC.

23. The DOTC shall have the right to require as additional proof documents it may deem necessary to establish the legitimacy of the radio units.

Memorandum of Agreement

24. Guided by the provisions of this Circular, a Memorandum of Agreement (MOA), referred to in No. 22.6, shall be entered into between the DOTC and the Applicant-agency, office or group, as the case may be. The latter shall accept the MOA, which is attached hereto and made an integral part of this Circular, as Exhibit "A"[*], as a requirement for allowing access to and use of the System.

25. Any violation of the foregoing provisions shall be considered sufficient ground for immediate denial of access to and use of the System; and, shall be dealt with accordingly.

26. Any Department Circular, Memorandum, Order, Rules and Regulations or other Issuances inconsistent herewith are hereby deemed modified, altered, amended or repealed accordingly.

Effectivity

This Department Circular shall take effect fifteen (15) days after its registration with the University of the Philippines Law Center consistent with the provisions of the Administrative Code of 1987.

Adopted: 4 Feb. 1994

(Sgd.) JESUS B. GARCIA, JR.

Secretary

[*] Text available upon request at the Office of the National Administrative Register (ONAR), U.P. Law Center, Diliman, Quezon City

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