RESOLUTION NO. R-779, S. OF 2005, AMENDING HLURB BOARD RESOLUTION NO. 626, S. OF 1998, BY TREATING DEPARTMENT OF AGRARIAN REFORM (DAR) CONVERSION ORDER AS A POST REQUIREMENT IN ...

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Attached herewith is the subject resolution which was approved by the Board on 19 May 2005.

Said resolution was published in the Philippine Daily Inquirer on 30 July 2005 and in accordance with the provisions of law, shall take effect fifteen (15) days from the date of publication.

Please be guided accordingly. Adopted: 05 Aug. 2005

(SGD.) ROMULO Q. FABUL

Board Resolution No. 779

Amending HLURB Board Resolution No. 626, s. of 1998, by Treating Department of Agrarian Reform (DAR) Conversion Order as a Post Requirement in the Issuance of Locational Clearance for Base Stations of Cellular Mobile Telephone Service, Paging Service, Trunking Service, Wireless Loop Service and Other Communication Services

WHEREAS, HLURB Resolution No. 626, series of 1998, established the Locational Guidelines on base stations of cellular mobile telephone service, paging service, trunking service, wireless local loop service and other wireless communication services;

WHEREAS, Section IV-A of said Resolution enumerates the requirements of securing a locational clearance for base station projects, which includes among others, Department of Agrarian Reform (DAR) Conversion Order;

WHEREAS, base stations can be located on top of buildings or on the ground hence requires relatively small areas and do not necessarily alter the general character of the area;

WHEREAS, the Board continue to receive feedback from stakeholders on the lengthy process of securing a DAR Conversion Order, regardless of the size or area subject of application;

WHEREAS, Section IV-C of the same Resolution states that the "Locational Clearance approved by the HLURB or the local government unit concerned does not exempt the project from pertinent requirements of other government agencies,'" hence DAR conversion order can be treated as a post requirements for locational clearance;

WHEREAS, there is a need to support the current thrust of the government to promote economic activity through streamlining of procedures for securing permits and clearances;

WHEREFORE, be its resolved, as it is hereby resolved to amend Section IV-A of HLURB Resolution No. 626, series of 1998, as follows:

"IV. Requirements and Procedures in Securing Locational Clearance

A. The following documents shall be submitted in duplicate:

a. Vicinity Map

Drawn to a scale of 1:1,000 showing the exact location of the proposed base station and major land marks within a radius of 200 meters.

b. Site Plan

Drawn to a minimum scale of 1:500 indicating the following features:

b.1 layout of proposed project showing all structures

b.2 area and boundaries of lot (property line)

c. Evidence of ownership in the form of Certified True Copy of original Transfer Certificate of Title. In the absence of the foregoing, a Contract to Sell or Lease; or written and duly notarized owner's consent to use; or tax declaration with proof of ownership from assessor's office will do.

d. Certified true copy of National Telecommunications Commission's Provisional Authority (PA). In the absence of the foregoing, Certificate of Public Convenience and Necessity (CPCN) or Certificate of Registration to Provide Telecommunication Services which may operate the Wireless Services will do.

[e. Conversion Order from the Department of Agrarian Reform if the project is located within an agricultural zone]

e. Radiation Protection Evaluation Report from Radiation Health Service of the Department of Health.

f. Written Consent:

f.1 Subdivisions

f.1.1.Approval of the governing board/body of the duly constituted Homeowners Association (HOA) if base station is located within a residential zone with established HOA and including all members whose properties are adjoining the proposed site of the base station. (Refer to Figure 1)

f.1.2 In the absence of an established HOA, consent/affidavit of non-objection from majority of actual occupants and owners of properties within a radial distance equivalent to the height of the proposed base station measured from its base, including all those whose properties is adjoining to the proposed site of the base station. (Refer to Figure 2)

f.2 Buildings

f.2.1 If base station shall be constructed on top of an unoccupied building, consent from the owner/developer. (Refer to Figure 3)

f.2.2 If base station shall be constructed building, the following shall be obtained:

a. consent/affidavit of non-objection from owner/developer unless he has divested himself from all interest in the building and turned over ownership of common areas to the condominium or building association; and

b. approval of the governing board/body of the duly constituted condominium association or building association including all tenants occupying the top most floor directly below the base station and in addition, the consent of the owner and majority of tenants of the adjoining buildings. (refer to Figure 4)

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g. Barangay Council Resolution endorsing the base station h. Bill of Materials and Estimated Cost

i. Locational Clearance Fees payable to HLURB or to LGU with approved CLUP after 01 January 1989

j. Authorization of persons allowed to follow-up the clearance.

Adopted: 19 May 2005

(SGD.) THE HONORABLE NOLI L. DE CASTRO

Vice-President of the Philippines & HUDCC Chairman

(SGD.) RAMON J. LIWAG

(SGD.) ROMULO Q.M. FABUL

Undersecretary, DOJ

Commissioner and Chief Executive Officer

(SGD.) EDUARDO R. SOLIMAN, JR.

(SGD.) TERESITA A. DESIERTO

Undersecretary, DILG

Commissioner

(SGD.) AUGUSTO B. SANTOS

(SGD.) FRANCISCO L. DAGNALAN

Deputy Director General, NEDA

Commissioner

(SGD.) JOEL I. JACOB

(SGD.) JESUS YAP PANG

DPWH

Commissioner

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Attested:

(SGD.) CHARITO B. LANSANG

Board Secretary

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