Republika Ng Pilipinas
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
Lungsod ng Bacolod

CITY ORDINANCE NO. 1099
June 17, 2025

AN ORDINANCE ESTABLISHING AN UNDERGROUND CABLING IN THE CITY OF BACOLOD, PROMULGATING GUIDELINES THEREON AND FOR OTHER PURPOSES.

WHEREAS, As enshrined in the Local Government Code of 1991, the Sangguniang Panglungsod has the power to enact ordinances promoting public safety, with due observance of due process, so as further enhance the socioeconomic development of the city.

WHEREAS, to ensure compliance by power, telecommunication and cable network companies to the Philippines Electrical Code and Philippines Electronics Code, National Building Code of the Philippines in the establishment, installation and maintenance of their wires, cables and other paraphernalia the underground cabling and wiring system project was created as one of city government's desire to reduce the number of deaths caused by accidental contact with electrical wires, fire incidents caused by electrical overloading, and theft and pilferage on different utility lines.

WHEREAS, the city aims to remove dangling and unbundled overhead wires "spaghetti wires" which can be toppled down by trees during severe weather conditions, as well as reduce the number of deaths caused by accidental contact with electrical wires, fire incidents caused by electrical overloading, and theft and pilferage on different utility lines;

WHEREAS, in order to promote a resilient Bacolod City, all overhead electrical, telecommunications, cable television, and other wires from posts will need to be transferred in conformity with cabling and connectivity plan of the City;

WHEREAS, the City of Bacolod has established as a policy declaring spaghetti wires as a nuisance per se under Executive Order No. 3, Series of 2022 and mandates its removal;

WHEREAS, it is not only the social responsibilities of all stakeholders (NEPC, TELCOs, cable companies etc.) but their duty and responsibility to maintain its wires. The common provisions on the respective franchise of these stakeholders provide that the operation and maintenance of all its stations, lines, cables, systems, and equipment for the transmission and reception of messages, signals, and pulses shall be in a satisfactory manner at all times, and as far as economical and practicable, modify, improve, or change such stations, lines, cables, systems, and equipment to keep abreast with the advances in science and technology;

WHEREAS, the proliferation of these spaghetti wires clearly establishes the fact of below satisfactory operation and maintenance of these cables and lines;

WHEREAS, as part of the City's power to regulate these activities within its jurisdiction to promote public welfare and good governance, there is a need for the City to come-up with an underground cabling and connectivity plan for the City to address the proliferation of spaghetti wires in the City.

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of Bacolod City in a regular session assembled:

ARTICLE I
GENERAL PROVISIONS

Section 1. SHORT TITLE - For brevity, this Ordinance shall otherwise be known as "**Underground Cabling Ordinance of Bacolod City**".

Section 2. DEFINITION OF TERMS- As used in the Ordinance, the following terms shall mean:

(a) Underground cabling - refers to the bundling of all types of wire and cables, particularly electricity, data and communications cable, in duly pinpointed underground areas;

(b) Telecommunications - pertains to the supply of telephone equipment and communication lines;

(c) Growth areas - development hubs identified in the Annual Investment Plan and future investment perspectives of Bacolod City

(d) Construction - all works related to infrastructures, including excavation and embedding of structures, line hardware and accessories

(e) Fiber Optic Cable - an advanced type of optic cable offering significantly improved performance in terms of bandwidth and data carrying than traditional metal conductor versions.

(f) Dominant Pole Owner- refers to the owner of the pole selected by the affected public utilities which has the capability to meet the technical requirements of said utilities, with respect to loading capacity including other appurtenances of telecommunications carriers.

(g) Joint Pole Agreement - an agreement between the dominant pole owner and the player using the said pole;

(h) Drop Wire/ Multiple Wire/ Dangling Wire and Cable Wire- refers to all wires used as service entrance wire for power, telephone (and) OR cable network;

(i) Installation - all works involving fastening, attachments, connections and layout of underground lines and accessories;

(j) Nuisance - pertains to any act, omission, establishment, condition of property, or anything else which injures or endangers the health or safety of others;

(k) Power - pertains to electrical power supplier or distributor.

In case of ambiguity and need for an interpretation of this Ordinance, the terms hereunder shall be construed in its technical meaning as provided under the National Building Code and Electrical Code of the Philippines.

Section 3. SCOPE AND COVERAGE. - It shall be the priority program of the City Government of Bacolod to undertake efforts to construct and institute underground cabling for all power and telecommunication networks, and cable companies operating in the territorial jurisdiction of Bacolod City. In pursuit of this, it is the avowed policy of the local government to comprehensively consult all the stakeholders so as to come up with a suitable approach to lessen the impact of this program to the capital outlays of the concerned utility companies, which includes the phasing of its implementation.

Section 4. PURPOSE. - This Ordinance is enacted for the following purposes:

(a) To make public utilities in Bacolod City adoptive and responsive to the challenges brought about by the different calamities and minimize the disruptions and damages caused by the same to the city's inhabitants and to the economy;

(b) To adopt measures that will compel the power, telecommunications, cable and other public utility firms in Bacolod City to catch up with the most recent and sophisticated technologies;

(c) To ensure compliance by power, telecommunication, cable network and other public utility companies with the provisions of the Philippines Electrical Code, Philippines Electronics Code and National Building Code of the Philippines in the establishment, installation and maintenance of poles, wires, cables and other implements and tools required in their operations;

(d) To improve the existing standards and prescribe new regulations in the installation of electrical power, telecommunications and cable lines;

(e) To maintain, at all times, an orderly and properly marked cables and lines that are installed underground to avoid future accidents.

REGULATED ACTS

ARTICLE II

Section 5. PROHIBITIONS- It shall be unlawful for any electrical power supplier, Telecommunication Company, cable network or any other person to:

(a) Install, erect or construct telephone posts, electric posts, telecommunication posts, cable network and the like without securing a permit from the City Engineer, duly approved by the City Mayor, or from the Department of Public Works & Highways for projects along National Highways, as the case may be;

(b) Install a pole or construct an edifice in a location duly-identified for underground cabling purposes;

(c) Install unmarked telecommunication wires and cables or temporary wires and cables without permission from concerned authorities;

(d) Retain idle poles, wires and cables and other overhead lines accessories without further use;

(e) Failure to remove idle poles, wires and cables and other overhead line accessories within two (2) months from issuance of notice to remove the same;

(f) Dig and excavate in the streets for purposes of laying electric wires, telecommunication and television cables without securing a permit from the City Engineer's Office, duly-approved by the City Mayor, or from the Department of Public Works and Highways for projects along National Highways, as the case may be.

(g) Unauthorized removal of any cable/wires placed inside the underground system.

Section 5.A EXEMPTIONS - In case of typhoons, earthquakes or any force majeure, the abovementioned acts may be allowed by the City Mayor in order to expedite the recovery and restoration efforts of cable, power and other public utility companies.

Section 5.B UNIFORM APPLICATIONS - All building/house owners shall provide service entrances compatible for underground electrical and telecommunications wires and cables.

a. For new construction, service entrance shall be in accordance to the design standard that will be provided under the underground conduit plan.

b. For existing structures, service entrance shall be subject to the approval of the City Engineering Office.

ARTICLE III
MISCELLANEOUS PROVISIONS

Section 6. JOINT POLE AGREEMENT - The Joint Pole Agreement entered into by the existing Bacolod electric companies and other concerned parties before the approval and implementation of this ordinance shall be respected, and any modification thereto relative to underground cabling may be used as a basis for its continuance until such that the provisions thereof become incompatible with the spirit and letter of this ordinance.

Section 7. COSTS- The cost for placing underground the electrical and telecommunications wires and cables, including the restoration of the excavated streets/sidewalks, shall be jointly shared among the electric companies, public telecommunication carriers and other concerned public utility firms, as determined and stated in a unified Underground Connectivity Plan.

In the meantime that the telcos are preparing for the transition to underground cabling, the city government may initiate construction, in whole or in part hereof, subject to the payment of pass-through fees as determined by the Task Force.

Section 8. BUDGETARY REQUIREMENTS. The budgetary requirements for the implementation of the approved City's Underground Connectivity Plan (UCP) including any phase thereof shall be sourced from the City General Fund. The City of Bacolod shall allocate an initial amount of One Hundred Million Pesos (P100,000,000,00)

Section 9. THIRD PARTY PARTICIPATION. For the implementation of any phase of the underground cabling plan, the development, management and administration of these underground cabling facilities may be delegated to a Third-Party Sector provided it has undergone public bidding under Republic Act No. 9184, as amended by Republic Act no. 12009, "An Act Revising Republic Act No. 9184, otherwise known as the "Government Procurement Reform Act and for other purposes", and any amendatory laws thereon, and Republic Act No. 11966, "The Public-Private Partnership (PPP) Code of the Philippines".

Once, qualified and after a Notice of Award is issued to the said Third Party, a Memorandum of Agreement shall be executed with the City stating and embodying the terms and conditions of the agreement pursuant to the provisions of this ordinance.

Section 10. TERMS OF REFERENCE. The following shall be the terms of reference in the event that a public bidding shall be made for the Third Party to develop, operate and manage the underground cabling facilities, to wit:

i. The Third Party must have been duly registered with the Department of Trade and Industry for Natural Person (Single Proprietor) and Securities and Exchange Commission (SEC) and Cooperative Development Authority (CDA) for Corporation or Cooperative;

ii. Valid Business Permit in the City of Bacolod;

iii. Capable to develop underground cabling facility thru presentation and production of its completed projects;

iv. Has been in the business for the past five (5) years;

v. Willing to post a bond which will serve as a guarantee for the faithful performance of the Third Party of its obligations under the Memorandum of Agreement and to answer for any claim in the event that the City will be held liable pursuant to any court Order or Decision;

Section 11. PRIORITY AREAS - The City Mayor may determine other priority areas. New subdivisions and city housing projects, among others, must be highly considered for this purpose.

Section 12. IMPLEMENTING OFFICES/AGENCIES -This Ordinance shall be implemented by the following:

a) The City Engineer's Office shall issue road right of way clearance as to street diggings intended to lay electric, telecommunication wires and cables, except for national roads which are under the jurisdiction of the Department of Public Works and Highways, including the issuance of notice for failure to remove idle poles, wires and cables and other overhead line accessories within appropriate period as prescribed under this Ordinance;
b) The Office of the Building Official shall accept, evaluate and issue permits and other authorization for the laying of lines, monitor compliance of the permit and issue notice of violation if warranted;
c) The City Administrator shall accept, hear and evaluate appeals and submit recommendation to the City Mayor;
d) The City General Services Office shall safe keep all removed nuisance structures and the disposal of which shall be subjected to the guidelines to be promulgated by the Task Force;
e) Bacolod shall be furnished with copies of the approved plan of the telecommunication and utility companies in order to evaluate those which may affect existing and proposed waterlines. During implementation, all the utility companies concerned shall coordinate first with the concerned office and request for supervision during excavation activities. The guidelines for these will be laid down by the Task Force as well as the One-Stop-Shop created under the expanded powers and functions of said task force as stipulated under the preceding section hereof.

Section 13. CREATION OF INTER AGENCY TASK FORCE – otherwise known as Bantay Cable Task Force.

There is hereby created an Inter-Agency Task Force that will coordinate actions for purposes of this ordinance.

(a) COMPOSITION

Chairman - City Mayor

Vice Chair- Chairperson Committee on Public Works

Members

1. Chairperson- Committee on Energy and Public Utilities
2. Representative from the City Planning and Development Office

3. Representative from the City Legal Office
4. Representative from the City Treasurer
5. Representative from the City Assessor
6. Representative from the City Budget
7. Representative from Bacolod Environment and Natural Resources Office
8. Representative from the General Services Office
9. Representative from Department of Public Works and Highways (DPWH)
10. Representative from Negros Electric and Power Corporation (NEPC)
11. Representative from Globe Telecom (Globe)
12. Representative from DITO Telecommunication (DITO)
13. Representative from Converge Solutions Inc., (CONVERGE)
14. Representative from Philippine Long Distance Telephone Company (PLDT) / Smart Telecommunications (SMART)
15. Representative from Sky Cable Corporation (Skycable)
16. At least 3 representative from the private sector (as maybe determined by the task force)

(b) FUNCTIONS

A. To conduct strategic planning and recommend plans of action pertaining to underground cabling in Bacolod City;

B. To develop a unified and comprehensive Underground Connectivity Plan (UCP);

C. To provide guidelines, subject to the approval of the City Mayor, for one-stop shop to process applications for permits to excavate, use the sidewalk, and manage traffic during digs;

D. Establish coordinative and working relationship among members of the task force;

E. To recommend to the City Mayor other priority areas for underground cabling as well as the period or timetable of its implementation;

F. To recommend actions and strategies that will promote and realize the objectives of this Ordinance.

G. To recommend to the City Mayor, for his approval/ concurrence, other member/s, whether as an individual or representing an office/ institution, to assist in the performance of its functions.

H. To monitor, check, and supervise the full implementation of the ordinance.

l. To prevent and suppress proliferation and stealing/robbery of the telco/electric cables.

Section 14: DUTIES OF PUBLIC UTILITY COMPANIES, PUBLIC TELECOMMUNICATIONS ENTITIES, AND CABLE SERVICE PROVIDERS

1. To ensure the safety of the integrated underground wiring system. In this view, an assessment and evaluation shall be done on a yearly basis with a written status report as stated under Section 16 hereof.
2. To coordinate and cooperate with the City through the Inter Agency Task Force in furtherance of the policies and objectives that this Ordinance seeks to uphold.
3. To provide a tagging system for the convenient determination of their owned and installed wires and cables,
4. Upon the implementation and enforcement of the system, the public utility companies, public telecommunications entities and cable service providers should perform its regular functions including but not limited to the repair and maintenance of the utility wires integrated in the system whenever sought for by the end consumers

ARTICLE IV
FINAL PROVISIONS

Section 15. IMPLEMENTING RULES AND REGULATIONS. – Within six (6) months after the effectivity of this Ordinance, the Inter Agency Task Force as constituted herein, with the participation of the cable and telecommunication companies, shall formulate Implementing Rules and Regulations (IRR), which shall henceforth form part of this Ordinance.

The drafting of a unified and comprehensive Underground Connectivity Plan (UCP) shall be the top most priority of the Task Force. This plan shall serve as basis of the drafting of the IRR.

Section 16. PERIODIC INSPECTION- The inter-agency taskforce shall conduct a periodic mandatory inspection of the underground installations to ensure strict compliance with the standards and regulations provided by the Philippine Electrical Code and other relevant laws and regulations.

Section 17. PENALTY – For violators relating to Section 5 and 14 of this Ordinance, particularly the duty of public utility company, public telecommunications entity, and cable television service provider to conduct clearing activities and comply with their reportorial requirements and the following penalties shall be imposed on any or all violators of this Ordinance:

A. First Offense- Fine of Two Thousand Pesos (Php 2,000,00)

B. Second Offense - Fine of Three Thousand Pesos (Php 3,000,00)

C. Third Offense Fine of Five Thousand Pesos (Php 5,000,00)

Section 18. NOTICE TO THE PUBLIC. Upon the approval of this Ordinance, copies thereof shall be posted by the Secretary to the City Council at the entrance of the Bacolod City Hall/ Bacolod City Government Center, and the Sangguniang Panlungsod building and be given to the Negros Electric and Power Corporation, and telecommunication carriers and all establishments within the area covered.

Section 19. TRANSITORY PROVISIONS. The existing agreements entered into by the City Government of Bacolod with various public utility companies regarding removal/transfer of lines shall be honored in so far as it shall not defeat the intents and purposes of this Ordinance.

Section 20. REPORTORIAL REQUIREMENTS. The public utility company, public telecommunications entity, and cable television service provider as defined in the Ordinance shall be required to submit annually a detailed

Status Report on its activities relating to duties and responsibilities under the provision of the ordinance.

Section 21. SEPARABILITY CLAUSE. – If any part of this Ordinance is declared as unconstitutional or unlawful, such declaration shall not affect the other parts or sections hereof that are not declared unlawful or unconstitutional.

Section 22. REPEALING CLAUSE. – All previous ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

Section 23. EFFECTIVITY. – This ordinance shall take effect upon its approval and publication in a newspaper of general circulation.

CARRIED BY THE VOTE OF:

Affirmative :

Councilors : Cindy T. Rojas, Al Victor A. Espino, Vladimir S. Gonzalez, Renecito S. Novero, Jason Isidro S. Villarosa, Claudio Jesus Raymundo A. Puentevella, Simplicia Z. Distrito, Psyche Marie E. Sy, Lady Gles Gonzales-Pallen, Danna Marie C. Barzo.

Official Travel : Councilor Em L. Ang.
Councilor Celia Matea R. Flor.

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Councilor Simplicia Z. Distrito.
Councilor Psyche Marie E. Sy.
Councilor Lady Gles Gonzales-Pallen
Councilor Danna Marie C. Barzo.

Passed : June 17, 2025 (155th Regular Session of the 11th Council).

Comments : P a s s e d .

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JUDE THADDEUS A. SAYSON
Acting Vice Mayor
Presiding Officer

ATTESTED:

ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian

APPROVED: JUN 25 2025

ALFREDO ABELARDO B. BENITEZ
City Mayor

VCP/CGT/llt

SP LEGISLATIVE
SERVICES SECTION
DATE: June 26 2025 TIME: 2:25 pm
BY: