



Republic of the Philippines
PROVINCE OF LEYTE
 Provincial Capitol
 Tacloban City

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Item No.: 28
 Date: 03 2024 SEP

Province of Leyte
Legal Office
 Released: *[Signature]*
 Time: *[Signature]*
 Date: 8-28-24

SANGGUNIANG PANLALAWIGAN PROVINCIAL LEGAL OFFICE

RECEIVED
 AUG 28 2024
 PROVINCE OF LEYTE

2nd INDORSEMENT
 August 22, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 10, S. 2024 of the Sangguniang Panlungsod of Baybay, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 10, S. 2024 entitled: **“An Ordinance Regulating the Installation and Maintenance of Distribution Lines of Various Utilities in the City of Baybay.**

REVIEW/RECOMMENDATION/LEGAL OPINION

This office is of the opinion that the Subject Ordinance is in accordance to its power under Section 16¹ and Section 458 (5)(ix)² of the Local Government Code of 1991 (R.A 7160). Hence, recommending the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

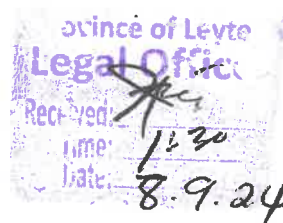
¹ Section 16 Every local government shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. xxx

² Section 458(5)(ix) Regulate the placing, stringing, attaching, installing, repair and construction of all electric, telegraph, telephone wires, conduits, meters and other apparatus and provides for the correction, condemnation or removal of the same when found to be dangerous, defective or hazardous.

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PROVINCE OF LEYTE
Palo, Leyte

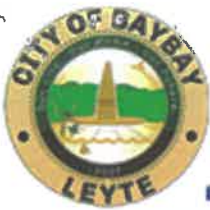
OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
09 August 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **City Ordinance No. 10, S. 2024 of the City of Baybay, Leyte**, entitled: An Ordinance Regulating the Installation and Maintenance of Distribution Lines of Various Utilities in the City of Baybay.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



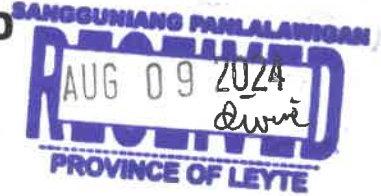
Republic of the Philippines
PROVINCE OF LEYTE
CITY OF BAYBAY
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OFFICE OF THE SANGGUNIANG PANLUNGSOD

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 * panlungsodsangguniang@gmail.com

6th SANGGUNIANG PANLUNGSOD



CITY ORDINANCE NO. 10, S-2024
 27th Regular Session

"AN ORDINANCE REGULATING THE INSTALLATION AND MAINTENANCE OF DISTRIBUTION LINES OF VARIOUS UTILITIES IN THE CITY OF BAYBAY"

Sponsored by: Hon. Ramon Ronald J. Veloso

WHEREAS, Section 16 of the Local Government Code expressly provides that any local government unit shall exercise the powers expressly granted, those necessary implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, Article III, Section 458, Paragraph 4 (IX) of the same Code empowers the Sangguniang Panlungsod to regulate the placing, stringing, attaching, installing, repair and construction of all electric, telegraph, telephone wires, conduits, meters and other apparatus and provides for the correction, condemnation or removal of the same when found to be dangerous, defective or hazardous;

WHEREAS, it is widely observed that various utility companies had been practicing improper and indiscriminate installation of posts, electrical and communication lines/wires/cables resulting in the so-called "spaghetti wires" or tangled and dangling wires along the streets, alleys and sidewalks of the city;

WHEREAS, the installation and stringing of utility poles and cable wires necessitates conformity with required standards and prescribed patterns and orderliness to avoid causing accidents and likewise enhance the aesthetics of the city.

WHEREAS, it is imperative to respond to the changing needs of technology and likewise ensure public safety.

NOW THEREFORE, BE IT ORDAINED, as it is hereby ordained by the 6th Sangguniang Panlungsod of the City of Baybay, Province of Leyte, in its 27th Regular Session duly assembled, that:

Article I TITLE AND SCOPE

Section 1. This ordinance shall also be known as the "ANTI-DANGLING WIRE AND POLE LOCATION ORDINANCE OF THE CITY OF BAYBAY".

ROWELO B. ALCALA
 SP Member

 SIMONE L. ASTORGA
 SP Member

 DR. FULTON J. ARRADAZA
 SP Member

 JOSE L. BACUSMO
 SP Member

 FILEMON E. LAVILA
 SP Member

 CARMEN L. CARI
 SP Member

 RAMON RONALD J. VELOSO
 SP Member

ATTY. JOSE ROMMEL A. PENARANDA
 SP Member
 DOMINIC JUNE F. MURILLO
 SP Member
 JORGE Y. REBUCAS
 SP Member
 JULES LUCAS G. CARI
 President, LIGA ng mga Barangay
 Ex-Officio SPM
 KYLA SHAWN T. VIDAL
 SK Chair, City Federation
 Ex-Officio SPM

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Section 2. Scope. The provisions of this ordinance shall cover the construction, installation, removal, and maintenance of electrical poles and wires, cables for television and telephone poles, and all other cables and wires crossing public roads within the territorial jurisdiction of the City of Baybay.

**Article II
DEFINITION OF TERMS**

Section 3. As provided in this ordinance, the following terms shall mean:

- a. Pole Location Plan (PLP) – a detailed plan designed to regulate the location and installation of poles and distribution lines by various utility companies within the City of Baybay
- b. Rehabilitation Plan (RP) - a detailed plan designed to correct defective poles, dangling and unused wires of utility companies
- c. Utility company – as used in this Ordinance, this refers to entities providing electricity, cable television and telephone services in the City of Baybay
- d. Distribution line – this refers to electric wires, cable wires, and telephone wires
- e. Sag – the difference in elevation between the highest point of support of the conductor/wire and the lowest point of the conductor/wire in a span.
- f. Service Drop – the overhead service wire of electric utility from the pole to the service entrance of a building or structure.
- g. Drop wire - The overhead service wire of the cable or telephone utility from the pole to the service entrance of a building or structure.

**Article III
GENERAL REQUIREMENTS**

Section 4. Primary Responsibility. The City Engineer’s Office (CEO) shall be the primary office task to implement the provisions of this Ordinance. Within thirty (30) days from the effectivity hereof, the CEO shall formulate the Implementing Rules and Regulations (IRR) of this Ordinance for its effective implementation.

Section 5. Preparation of a Pole Location Plan (PLP) and Rehabilitation Plan (RP). The CEO, in coordination with the Office of the Building Official (OBO) and the City Planning and Development Office (CPDO), shall, within sixty (60) days from the effectivity of this Ordinance, develop a Pole Location Plan (PLP) which will define the standards and location of poles on the roads, streets, avenues, and alleys within the City. The PLP shall be the basis for regulating the installation of utility poles and the distribution lines of various utility companies. The herein mentioned local government offices shall likewise prepare a Rehabilitation Plan (RP) for the correction of any damaged or defective utility poles and wires, and for the removal of unused service drops, cables and telephone wires.

Section 6. General Requirements. In the formulation of the PLP and the RP, the following shall be taken into account;

- a. The exact location and/or relocation site of the pole
- b. Pole type and length
- c. The exact traverse point for all wires or lines
- d. Labelling of wires for easier identification

 ROMULO B. ALCALA
SP Member

 SIMOUNE L. ASTORGA
SP Member

 DR. FUKUNIKE C. ARRADAZA
SP Member

 JOSE L. BACUSMO
SP Member

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JULES EDENS C. CARI
President, LIGA ng mga Barangay
Ex-Oficio SPM

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SK Chair, City Federation
Ex-Oficio SPM



- e. Mechanisms in the removal of unused or hazardous poles and wires
- f. Minimum height distance or sag standards of wires on streets
- g. Other details deemed necessary for the effective implementation of this ordinance

Article IV INSTALLATION

Section 7. Utility companies must first secure a clearance from the CEO prior to any installation of poles and distribution lines within any road, street, avenue or alley in the City of Baybay. Provided, however, that it shall submit a detailed plan of the installation work to be done before the issuance of the clearance. The detailed plan must conform to the standards set forth in the PLP and by existing laws.

Section 8. All installation of poles and distribution lines must likewise conform to the following;

- a. Horizontal and vertical clearances of distribution lines shall be maintained at all times in accordance with Revised Philippine Electrical Code and other existing laws
- b. Installation of poles shall be done at a time which will cause less interruption or inconvenience to the public with proper notice to the public affected at least three (3) days before the intended work;
- c. All utility poles shall maintain a ninety-degree (90 °) angle.
- d. The height of electric poles in the poblacion area shall be twelve meters or above (12m).
- e. Sag of electric conductors, cable and telephone wires shall be maintained at least point thirty meters (0.30m) per span.
- f. All secondary wires shall be bundled and allowed to cross the street in one predetermined location
- g. The vertical clearance of cable television and telephone wires from the road shall be 5.5 meters;

Article V MAINTENANCE

Section 9. Preventive maintenance work by utility companies on its poles and distribution lines must be done at a time which will cause less interruption or inconvenience to the public. Safety warning devices must be placed at all times during the period of the maintenance.

If the maintenance work exceeds 24 hours, the utility company must inform the CEO and shall likewise notify the affected area prior to the actual maintenance work. However, if the maintenance work is an emergency due to system outage or other causes requiring immediate attention, the notice herein mentioned shall no longer be required. Provided, however, that after the completion of the emergency maintenance work, the utility company must report to the CEO the cause of such emergency.

Article VI REHABILITATION

Section 10. After the CEO shall have finalize the Rehabilitation Plan, all utility companies operating in the City shall have a period of one (1) year


ROMULO B. ALCALA
SP Member

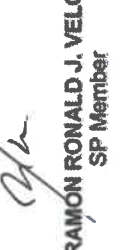

SIMOUIREL ASTORGA
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President, LIGA ng mga Barangay
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SK Chair (City Federation)
Ex-Officio SPM

within which to implement the rehabilitation plan for its existing poles and distribution lines in coordination with the CEO.

Section 11. All rehabilitation works for the existing poles and distribution lines must likewise conform to the following additional guidelines;

- a. All idle drop wires and service drops of concerned utility companies shall be removed.
- b. All telephone wires passing the road shall be bundled per utility company and shall maintain a clearance of at least 5.5 meters from the road to the lowest point of the wire
- c. All telephone lines shall maintain a sag of not more than point thirty meters (0.30) per span.

Section 12. Penal Provisions. The Manager, Administrator or Head of Office of utility companies and their contractors found in violation of the provisions of this ordinance shall be penalized as follows:

- First Offense – a fine of Two Thousand Pesos (₱ 2,000.00)
- Second Offense – a fine of Three Thousand Pesos (₱ 3,000.00)
- Third Offense – a fine of Five Thousand Pesos (₱ 5,000.00) and cancellation of business permit, if applicable

Section 13. Separability Clause. If any provision or portion of this ordinance is found to be in violation of the constitution and declared invalid, the provisions or portions hereof which are not so declared shall remain in full force and effect.

Section 14. Repealing Clause. All ordinances, executive orders, and rules and regulations or parts thereof, which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed, amended, or modified accordingly.


Section 15. Effectivity. This Ordinance shall take effect upon due compliance with all the requirements as provided for under R.A. 7160, otherwise known as the Local Government Code of 1991.

Enacted: July 10, 2024
Baybay City, Leyte, Philippines

CARRIED BY ALL OF THE MEMBERS PRESENT:


ROMULO B. ALCALA
SP Member


DR. FULTON IKE C. ARRADAZA
SP Member


FILEMON F. AVILA
SP Member


RAMON RONALD J. VELOSO-
SP Member


SIMOUNE L. ASTORGA
SP Member

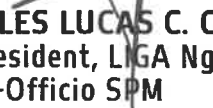

JOSE L. BACUSMO
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JULES LUCAS C. CARI
President, LIGA Ng Mga Barangay
Ex-Officio SPM


KYLA SHANNEN T. VIDAL
SK Chair, City Federation
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Florante Cayunda Jr.; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Jay Ryan Austero; City Treasurer Alberta A. Manatad, CLGOO Juvy C. Pedrera, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.


ATTY. VIVIAN C. ENARIO-VIDALLON
SP Secretary

Attested & Certified True & Correct:


ATTY. ERNESTO M. BUTAWAN
City Vice Mayor, Presiding Officer

Approved by His Honor:


ENGR. JOSE CARLOS L. CARI
City Mayor

Date Approved: 2/06/24



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PROVINCE OF LEYTE
CITY OF BAYBAY
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OFFICE OF THE SANGGUNIANG PANLUNGSOD

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 • panlungsodsangguniang@gmail.com

C E R T I F I C A T I O N

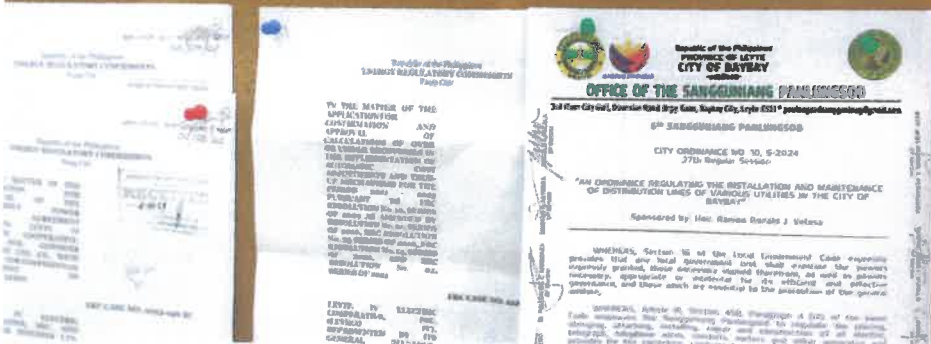
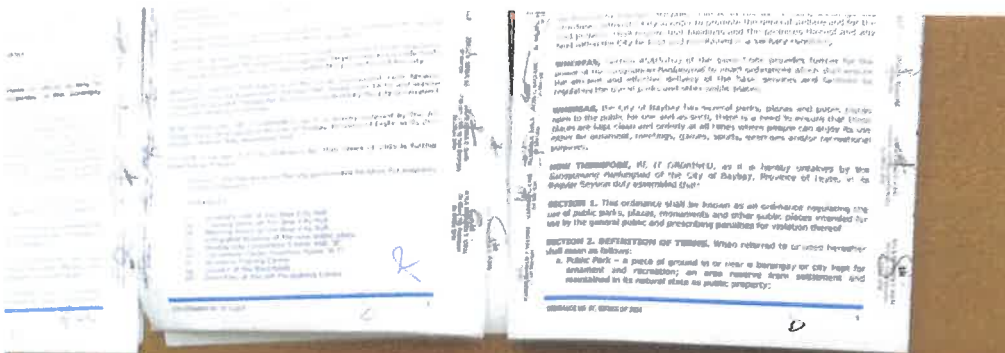
TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that the City Ordinance No. 10 s. 2024 "AN ORDINANCE REGULATING THE INSTALLATION AND MAINTENANCE OF DISTRIBUTION LINES OF VARIOUS UTILITIES IN THE CITY OF BAYBAY" was posted in the bulletin board at Legislative Department, New City Hall, Diversion Road, the public market and Baybay City Bus and Terminal immediately upon approval thereof.

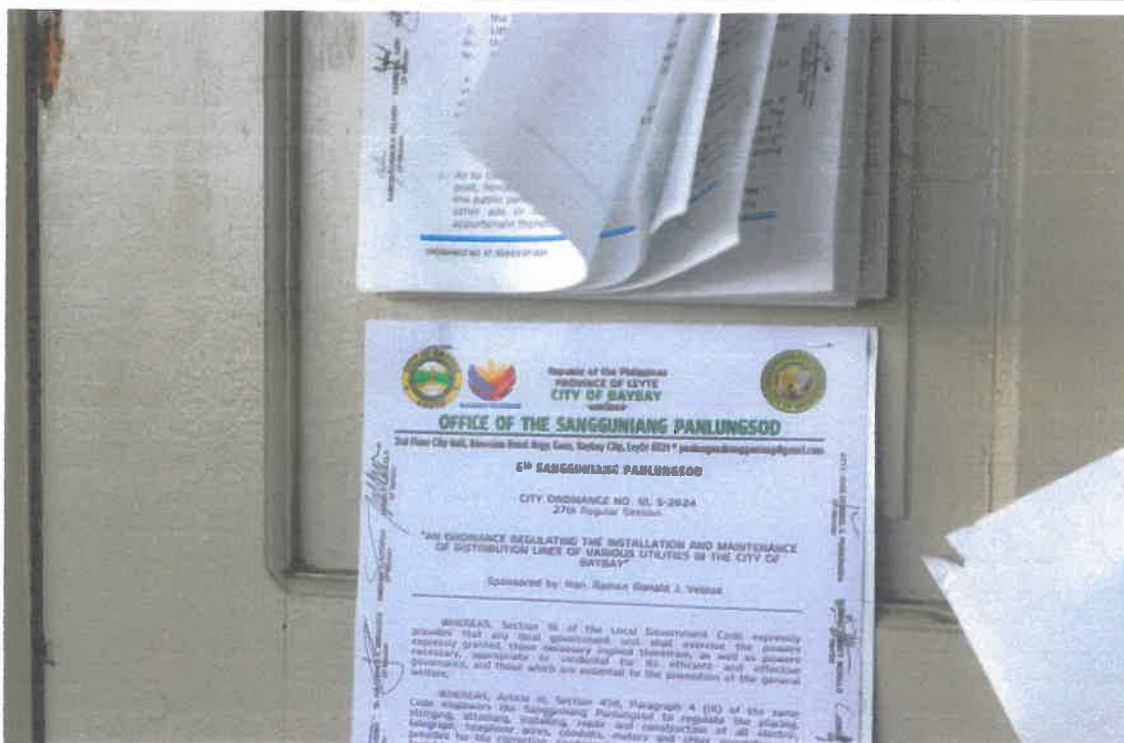
Issued this 6th day of August 2024, at Baybay City, Leyte.

ATTY. VIVIAN E. VIDALLON
SP Secretary

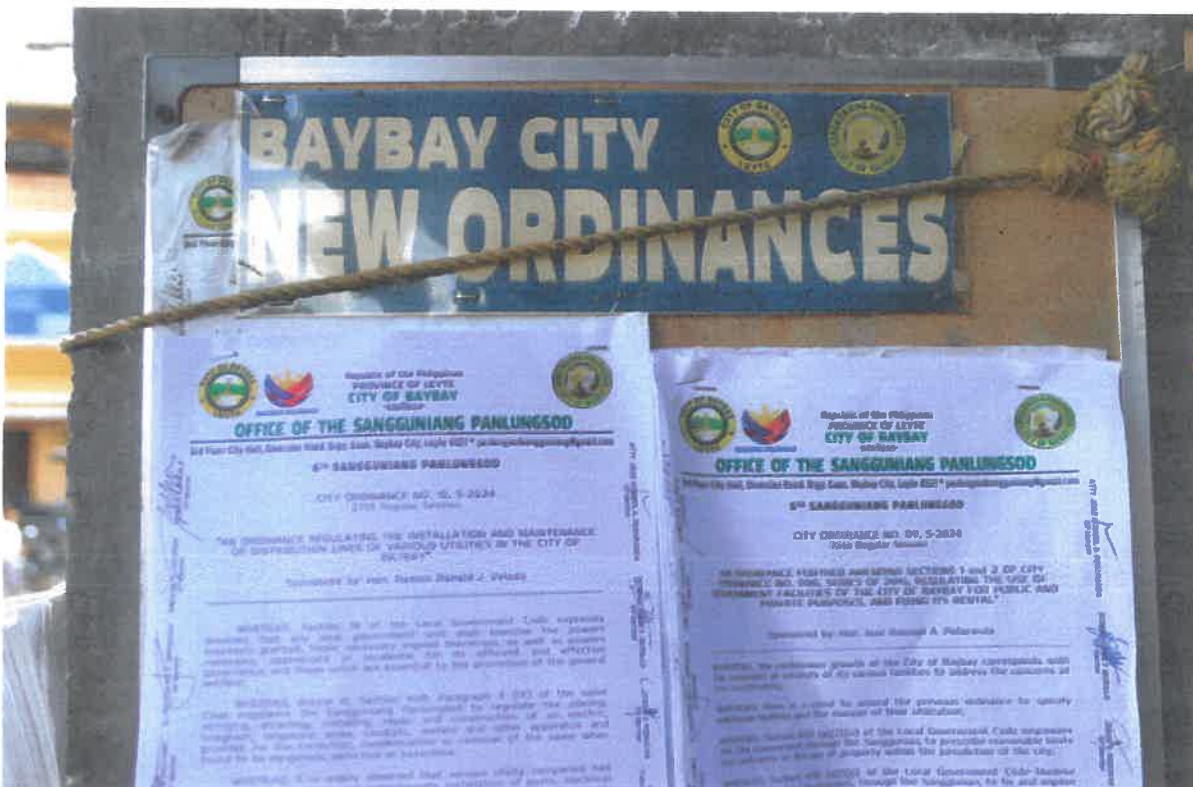
A handwritten signature in black ink, appearing to read "V. Vidallon", written over the typed name.



SANGGUNIANG PANLUNGSOD BULLETIN BOARD



BAYBAY CITY BUS TERMINAL



BAYBAY CITY TRICYCLE TERMINAL