DEPARTMENT ORDER NO. 2020 - 009
Series of 2020

REVISED LOCATIONAL GUIDELINES FOR BASE STATIONS AND OTHER INFRASTRUCTURE FOR CELLULAR MOBILE TELEPHONE SERVICE, PAGING SERVICE, TRUNKING SERVICE, WIRELESS LOCAL LOOP SERVICE AND OTHER WIRELESS COMMUNICATION SERVICES

SECTION 1. *Rationale*

Telecommunication plays an important role in the country's development as it has direct and indirect long term effects on investment, employment and social welfare, economic growth and rates of capital formation.

Recognizing the role of information and communication in nation-building, it is the express policy of the state to ensure the provision of strategic, reliable, cost-efficient and citizen-centric information and communications technology (ICT) infrastructure, systems and resources as instruments of good governance and global competitiveness, and universal access to quality, affordable, reliable and secure ICT services; promote the use of ICT for the enhancement of key public services, such as education, public health and safety, revenue generation, and for socio-civic purposes; as well as, empower, through the use of ICT, the disadvantaged segments of the population, including the elderly, persons with disabilities and indigenous and minority groups.

To address the need for greater connectivity and the exponential growth in the demand for telecommunications, broadband internet and other ICT services due to the increasing adoption of and migration to digital platforms in business transactions, public governance and government services, especially under the new normal ushered in by the COVID-19 pandemic, the government must enable the rapid establishment of more ICT infrastructure to expand the coverage of ICT services and ensure its availability, accessibility and quality for people across the country, particularly in the unserved and underserved areas. The enactment of Republic Act No. 10929, otherwise known as the "Free Internet Access in Public Places Act" has further rendered it imperative for the government to promote a positive regulatory environment that will spur the attainment of the vision of providing free access to internet services in public places throughout the country, promoting knowledge-building among citizens, and enabling them to participate and compete in the evolving information and communication age.

Providing support for the growth of the telecommunication industry as wireless connectivity has turned into a basic necessity for business, education and other aspects of human life, the DHSUD, in the exercise of its mandate to ensure rational

land, sees the necessity to amend the existing guidelines for the location of communication infrastructure for the protection of the providers, users and the public in general, while ensuring efficient and responsive communication services throughout the country.

SECTION 2. ***Objectives*** – These guidelines aim to:

2.1 Provide uniform, updated and streamlined procedural guidelines to the local government units (LGUs) or DHSUD Regional Offices, as the case may be, for the processing of applications for issuance of locational clearance for base stations, cell sites and other telecommunication infrastructure, pursuant to Section 15 of Republic Act No. 11032 or the *"Ease of Doing Business and Efficient Government Service Delivery Act of 2018"*; and

2.2 Provide institutional support to the telecommunication industry in the provision of improved, responsive, stable and fast communication services, the same being a priority project of the national government.

SECTION 3. ***Definition of Terms*** **-** As used in these guidelines, the terms listed hereunder are defined as follows:

3.1 Antenna – a device for radiating (transmitting) or absorbing (receiving) radiofrequency (RF) energy.

3.2 Base Station – a part of a cellular network that provides coverage for subscribers. It contains radio, antenna and others.

3.3 Cell Site – a cell site, cell tower, or cellular base station is a cellular-enabled mobile device site where antennas and electronic communications equipment are placed—typically on a radio mast, tower, or other raised structure—to create a cell (or adjacent cells) in a cellular network.

3.4 Cellular Mobile Telephone Service (CMTS) – a public radio telephone service which, by means of mobile, portable, or fixed terminal equipment, gives two-way access to the public-switched telephone network and other mobile telephone stations.

3.5 Independent Tower Company (ITC) – a private entity duly organized and existing under the laws of the Philippines, registered with the DICT as an ITC, and engaged in the business of establishing or operating one or more Shared Passive Telecommunication Tower Infrastructure (PTTI), that is neither a private sector Mobile Network Operator (MNO) nor a "related party" thereto, as defined by the rules and regulations issued by the Securities and Exchange Commission.

3.6 Mobile Network Operator (MNO) – a duly-registered entity authorized to operate in one or more of the telecommunications categories in accordance with the Legislative Franchise and CPCN that grants it the privilege of engaging in the business of being a telecommunications entity that provides wireless

telecommunications services, with or without value-added service, to the public with the ability to own, lease or operate all the active and passive elements of the backhaul infrastructure, marketing and repair organization, billing and customer care, and provisioning computer systems, among others, subject to the provisions of applicable laws, rules and regulations, and other relevant issuances. The term includes Telecommunication Companies (TelCos), Wireless Service Providers (WSPs), Wireless Carrier Service Providers (WCSPs), Cellular Service Providers (CSPs), Mobile Network Carriers (MNCs), and other similar commercial entities.

3.7 Paging – a method of delivering a message, via a public or private communications system or radio signal, to a person whose exact whereabouts are unknown. Users as a rule carry a small paging receiver that displays a numeric or alphanumeric message displayed on an electronic readout which could also could be sent and received as a voice message or other data.

3.8 Passive Telecommunication Tower Infrastructure (PTTI) – all types of outdoor non-electronic telecommunications infrastructure or civil works, including but not limited to towers, masts, poles, and other similar infrastructure, as well as the facilities auxiliary thereto – built either on the ground or installed on buildings, walls, rooftops or other edifices – that are utilized for purposes of mounting antennas, transmitters/receivers, radio frequency modules, and other radio-communications systems as macro cell sites for the rendition of ICT services in the telecommunications network. The term shall include: (a) the ducts, ladders, arresters, mounts, cable entrances, and the cable trays of the PTTI; (b) the shared fiber-optic and/or radio frequency cables or other similar equipment assemblies that make up the front haul; its appurtenant shelters, sheds, cabins, cabinets or other similar housing for the base-band units, radio units, and related electronic equipment, as well as the cable entrances thereof; and (c) all other ancillary facilities as thereto may be necessary and pertinent for its proper, resilient, and continuous operation as a PTTI.

Shared PTTIs are those for the common use of MNOs and the DICT. Under DICT Circular No. 8, dated May 29, 2020, for the purpose of providing quality, efficient, fast, affordable, reliable, resilient and secure ICT services, all PTTIs built, improved, renovated, retrofitted, upgraded or updated after the effectivity of the Circular shall provide ample access slots for all MNOs and DICT to co-locate, mount or install their respective antennas, transmitters, receivers, radio frequency modules, radio-communications systems, and other similar active ICT equipment, units, and implements for the rendition of their respective telecommunications and ICT services.

3.9 Radiofrequency Radiation (RFR) Evaluation Report – a desktop evaluation of the RFR facility based on the technical documents submitted regarding the RFR emitting device, nature of installation, location and site configuration of the facility. It contains the calculated minimum safe distances from the transmitting RFR equipment that a person must maintain without exceeding the exposure limits for

occupational and non-occupational. It also includes a list of requirements that must be complied with by the facility.

3.10 Trunk Repeater Service – a kind of public repeater network service wherein a large number of subscribers share a group of communication paths.

3.11 Wireless Local Loop (WLL) Service – a fixed wireless telephone replacing copper cable in a conventional telephone to the switching center with wireless link using antenna.

SECTION 4. ***Scope of Application*** – These locational guidelines shall be applicable to all base stations and other infrastructure for the following telecommunication services:

4.1 Cellular Mobile Telephone Service;
4.2 Paging Service;
4.3 Trunking Service;
4.4 Wireless Local Loop (WLL) Service; and
4.5 Other Wireless Communication Services.

SECTION 5. ***Authority to Issue Locational Clearance*** – In accordance with Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the power to issue a Locational Clearance is lodged with the Local Government Unit (LGU) where the telecommunication infrastructure project is proposed to be located. However, where the LGU does not yet have an updated Comprehensive Land Use Plan and Zoning Ordinance, the power to issue such Locational Clearance shall be exercised by the Department through its Regional Offices pursuant to Executive Order No. 72 as amended by RA 11201.

SECTION 6. ***Requirements and Procedure in Securing Locational Clearance*** – The following comprises the requirements and procedure in applying for a Locational Clearance for base stations and other telecommunication infrastructure:

6.1 Documentary Requirements – The following documents shall be submitted in duplicate:

6.1.1 *Vicinity Map,* drawn to a scale of 1:1,000 showing the exact location of the proposed base station and major landmarks within a radius of 200 meters;

6.1.2 *Site Plan, d*rawn to a minimum scale of 1:500 indicating the following features:

a. layout of proposed project showing all structure; and
b. area and boundaries of lot (property line);

6.1.3 *Certified True Copy of the Original or Transfer Certificate of Title (OCT/TCT)* in the applicant's name. In the absence of the latter, the tax

declaration with proof of ownership from the assessor's office; *or a* Contract to Sell or Lease with the owner; or a written and duly notarized owner's consent to the applicant's use of the land/property as site for the project;

6.1.4 If the applicant is an MNO, *Certified True Copy of National Telecommunication Commission's Provisional Authority (PA).* In the absence of the foregoing, a *Certificate of Public Convenience and Necessity (CPCN)* or *Certificate of Registration to Provide Telecommunication Services*; or

If the applicant is an ITC constructing a PTTI or other passive structures, *Certified True Copy of the ITC Certificate of Registration issued by the DICT;*

6.1.5 If the telecommunication infrastructure is proposed to be located on a privately-owned land within a residential subdivision, the applicant shall submit:

a. A written certification under oath executed by the responsible officer of the company that there is no other available or suitable site within the coverage area except the subject property inside the subdivision project and said location will best serve the purpose of interconnectivity effectively and efficiently; and

b. An undertaking that they will conduct social preparation among the affected homeowners, households or families;

6.1.6 *Radiofrequency Radiation (RFR) Evaluation Report from the* Center for Device Regulation, Radiation, Health, and Research of the Food and Drug Administration (FDA-CDRRHR). Passive infrastructure are not covered by this requirement *;*

6.1.7 Barangay Clearance;

6.1.8 Bill of Materials and Estimated Cost;

6.1.9 Proof of Payment of Locational Clearance Processing Fee; and

6.1.10 If the applicant is a juridical entity or cannot personally receive the approved Locational Clearance, a *board resolution, duly notarized authorization, or SPA of persons allowed to receive the same for the applicant.*

6.2 ***Site Inspection*** **-** Inspection of the proposed site shall be conducted to validate location and land use as per the approved CLUP or dominant land uses within a radius of 100 meters if the LGU has no approved CLUP. A verification/ocular

inspection report using the attached format *(See Annex A)* shall be accomplished by the inspector.

6.3 ***Evaluation and Issuance*** **-** Upon submission of complete documents, the evaluator shall complete processing of the Locational Clearance application and issue the same within seven (7) calendar days. In all instances, the evaluation of the requirements should strictly adhere to Republic Act No. 11032, otherwise known as Ease of Doing Business Act, and Republic Act No. 10929, otherwise known as Free Internet Access Program in Public Places Act." The Locational Clearance issued by the LGU or DHSUD, as the case may be, does not exempt the project from pertinent requirements of other government agencies.

SECTION 7. ***Minimum Locational Guidelines*** **-** In the evaluation of the application, the following minimum locational guidelines shall be observed:

7.1 ***Zoning Classification*** **-** Base stations and other similar telecommunication infrastructure for cellular mobile telephone, paging, trunking, wireless local loop and other wireless communication services are allowed in the following zones or sites, unless there are express prohibitions under existing laws, regulations, and ordinances:

7.1.2 On the ground

a. Air rights of transportation routes and railroads;
b. Within commercial, industrial, agricultural, residential, institutional and tourism zones; and
c. Along existing buffer strips or buildable open spaces such as those within areas for community facilities and area for utilities where constructions are permitted.

7.1.3 On top of existing structures which are structurally sound as attested to and signed by a duly licensed/registered structural engineer.

7.2 ***Setback Requirement*** **-** Base stations shall conform with the setback requirements of the National Building Code and the Department of Health.

7.3 ***Perimeter Fence*** **-** For on-the-ground structures, a perimeter fence, as per specifications of the Radiofrequency Radiation (RFR) Safety Evaluation Report of the FDA-CDRRHR, shall be constructed for safety and to prevent access of the public to the site.

SECTION 8. ***Application Fees*** **-** Locational Clearance application fees for projects under these guidelines shall be in accordance with the schedule of fees provided under the LGU's approved Zoning Ordinance/other appropriate local issuances or the schedule of fees of the Department. If none is specifically provided for telecommunication infrastructure, the fees shall be those under the special use project.

SECTION 9. ***Fines and Penalties*** **-** Fines and penalties for violation of any of the provisions of these guidelines shall be in accordance with the approved Zoning Ordinance of the LGU or, when issued by the Department's Regional Office, the schedule of fines and penalties currently in force.

SECTION 10. ***Appeal or Continuing Opposition to the Grant of Locational Clearance or Determination of Conforming or Non-Conforming Use***

A party unsatisfied with the determination of the Local Zoning Administrator or the equivalent official of the LGU as to whether or not the project conforms to the use of the land in the proposed site of the telecommunication infrastructure project may file an appeal to the Local Zoning Board of Appeals in accordance with the procedure provided in the city or municipality's approved Zoning Ordinance. The Decision of the LZBA is appealable to the Human Settlements Adjudication Commission in accordance with its Rules of Procedure.

Where the Locational Clearance in question is issued by a Regional Office of the Department, the appeal shall be filed before the Office of the Secretary pursuant to the Implementing Rules and Regulations of RA 11201. The Secretary shall resolve the appeal within a period of seven (7) days from the filing thereof.

SECTION 11. ***Repealing Clause*** **-** This Department Order supersedes Resolution No. 626, Series of 1998 of the Housing and Land Use Regulatory Board.

SECTION 12. ***Effectivity*** **-** These guidelines shall take effect immediately after certified copies hereof are furnished to the Office of the National Administrative Register of the University of the Philippines Law Center pursuant to Executive Order No. 292, otherwise known as the Administrative Code of 1987.

August 18, 2020, Quezon City.

EDUARDO D. DEL ROSARIO
Secretary

ANNEX "A"

EVALUATION REPORT

A. APPLICATION AND PROJECT INFORMATION

Name of Applicant (Last, First, Middle)

Address of Applicant:

Name of Corporation:

Address of Corporation:

Project Type:

Area (in sq.m.)
Lot
Bldg.
Others

Location (No., Street, Bgy., City/Mun., Prov.:

B. PROJECT EVALUATION

Project Lifespan:
/ / Permanent
/ / Temporary
(Specify years)

Project Significance:
/ / Local
/ / National

Project Classification:

Site Zoning Classification:

Right Over Land:

Existing Land Uses in the Vicinity:

(a) If LGU has approved/updated CLUP and ZO, indicate existing land uses within
/ / 100 m (local significance project)
/ / 1 km (national significance project)
radius covered from lot boundary of project site

(b) If LGU has no approved CLUP and ZO, indicate dominant land uses within 100 meter radius and corresponding percentage

C. LEGAL BASES EVALUATION AND RECOMMENDED DECISION

Legal Bases:

/ / CLUP and ZO for the period _____ to _____ approved per:
- HLURB Board. Res. No. _____ S. _____
- DHSUD Cert. of Approval dated _____
- Sangguniang Panlalawigan Res. No. _____ S. _____

/ / Others (specify law, implementing rules, standards, or guidelines)

Findings & Evaluation of Facts:

Decision Recommended:

D. SITE INSPECTION FINDINGS (FILL-UP SITE WAS INSPECTED)

Date of Inspection:

Project Status as of Inspection Date:
/ / Proposed / / Completed
/ / Operational / / % Completed
/ / Others,_____ Specify_____

Are information provided by applicant true?
// Yes // No
(If no, specify findings)

Existing Land Uses Abutting Lot Boundaries of Project:
(a) North (b) South
(c) East (d) West

Land Uses & Distances of the surrounding properties from the lot boundary of project within the prescribed distance requirements provided in the laws, implementing rules/standards/guidelines.
(Fill-up, if applicable):

Land Uses : _____
Distance (in meter from project lot boundary): _____

Existing Land Uses within lot boundaries of project site:
(a) Land Uses

In cases of agricultural:
(b) Specify crop:

(c) Indicate tenancy status:
// Tenanted
// Not Tenanted

E. DRAW YOUR SKETCH MAP HERE AS INSPECTED

Additional Conditions:

Additional conditions may be recommended pertaining to specific use restrictions, setback, area, height restrictions, noise abatement compliance to specific requirements of other agencies based on and as provided for in local zoning ordinance, other laws and/or HLURB/DHSUD rules, standards and guidelines.

F. SIGNATORIES

Prepared by:	Noted by:
Signature :	Signature:
Date :	Date :

G. REPORT ATTACHMENTS

/ / Vicinity Map as Inspected
/ / Supplementary Report
/ / Others (Specify)._____

REFERENCES:

1. Locational Guidelines for Base Stations of Cellular Mobile Telephone Service, Paging Service, Trunking Service, Wireless Local Loop Service and other Wireless Communication Services, per HLURB Board of Commissioners Resolution No. R-626 Series of 1998.

2. Streamlined Guidelines for the Issuance of Permits, Licenses and Certificates for the Construction of Infrastructure (PTTIs), per DICT Joint Memorandum Circular No 1, s. 2020.

3. https://en.wikipedia.org/wiki, for the Cell Site definition.

4. simple-telecom.blogspot.com>2008/11, for the paging defition.