



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
22nd City Council

PR22CC-706

53rd Regular Session

RESOLUTION NO. SP- **9552**, S-2024

A RESOLUTION AUTHORIZING THE CITY MAYOR, HONORABLE MA. JOSEFINA G. BELMONTE, ON BEHALF OF THE QUEZON CITY GOVERNMENT, TO ENTER INTO LEASE AGREEMENTS WITH INDEPENDENT TOWER COMPANIES IN BUILDING AND MANAGING TELECOMMUNICATION INFRASTRUCTURES WITHIN CITY-OWNED PROPERTIES WHICH SHALL BE CALLED AS "MOBILE NETWORK CONNECTIVITY PROJECT"

Introduced by Councilors ALBERT ALVIN "Chuckie" L. ANTONIO III, JOSEPH JOE VISAYA and DOROTHY A. DELARMENTE, M.D.

Co-Introduced by Councilors Bernard R. Herrera, Tany Joe "TJ" L. Calalay, Joseph P. Juico, Nikki V. Crisologo, Charm M. Ferrer, Fernando Miguel "Mikey" F. Belmonte, Candy A. Medina, Aly Medalla, Dave C. Valmocina, Tatay Rannie Z. Ludovica, Godofredo T. Liban II, Kate Galang-Coseteng, Geleen "Dok G" G. Lumbad, Don S. De Leon, Wencerom Benedict C. Lagumbay, Atty. Anton L. Reyes, Edgar "Egay" G. Yap, Raquel S. Malañgen, Irene R. Belmonte, Marra C. Suntay, Alfred Vargas, MPA, Ram V. Medalla, Shaira "Shay" L. Liban, Aiko S. Melendez, Mutya Castelo, Maria Eleanor "Doc Ellie" R. Juan, O.D., Kristine Alexia R. Matias, Eric Z. Medina, Emmanuel Banjo A. Pilar, Vito Sotto Generoso, Victor "Vic" Bernardo and Jose Maria M. Rodriguez and Jhon Angelli "Sami" C. Neri

WHEREAS, Section 2(c) and (d) of Republic Act No. 10844, otherwise known as the "Department of Information and Communications Technology Act of 2015," ensure universal access to quality, affordable, reliable and secure ID services, promote the development and widespread use of emerging ICT, and foster and accelerate the convergence of ICT and ICT-enabled facilities;

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WHEREAS, Section 2 of Republic Act. No. 10929, otherwise known as the "Free Internet Access in Public Places Act," declares it the policy of the State to promote an environment for the development of structures which would ensure the availability and accessibility of reliable and secure internet access suitable to the needs and aspirations of the nation, and allow the shared use of ICT infrastructure under its Free Public Internet Access Program (FPIAP);

WHEREAS, a Tower Company should be engaged in the business of being an Independent Tower Company ("ITC" or "TowerCo") in accordance with the Department of Information and Communications Technology (DICT) Department Circular No. 8 Series of 2020;

WHEREAS, a Tower Company must have the desire and capacity to lease for its telecommunications site and/or rendition of telecommunications services, a portion of any one or more of the Quezon City properties, where the Tower Company will erect a small tower, small cell site, antennas, outdoor unit, and/or a structure to house the equipment room and the necessary appurtenances, if applicable, and where the identification of specific properties will be determined;

WHEREAS, Section 17 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991," mandates the Local Government Unit (LGU) to provide basic services and facilities, such as telecommunication services and adequate communication facilities, to its constituents;

WHEREAS, Section 129 of the Local Government Code of 1991 states that the LGU shall exercise its power to create its own sources of revenue and to levy taxes, fees, and charges subject to the provisions herein, consistent with the basic policy of local autonomy. Such taxes, fees, and charges shall accrue exclusively to the LGUs;

WHEREAS, Section 153 of the Local Government Code of 1991 states that LGUs may impose and collect such reasonable fees and charges for services rendered;

WHEREAS, the City is the absolute and registered owner and/or the rightful occupant or possessor of several parcels of land, buildings, properties, poles, and other structures located across various locations in Quezon City, Metro Manila;

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WHEREAS, Mobile Network Connectivity Project aims to enhance the provision of digital services by helping in the provision of reliable and accessible connectivity within the City, through the utilization of City-owned properties to support the development and expansion of telecommunication infrastructures within Quezon City;

WHEREAS, the City will and shall use the approved standard lease agreement to negotiate with the ITC or TowerCo, and it shall be referred to as "Lease Agreement"; any additional inclusions or exclusions of the terms of the approved standard lease agreement will and shall be determined as valid as long as the negotiated terms are still in favor of the City;

WHEREAS, the collected lease revenue shall be deposited to the City General Fund;

WHEREAS, Executive Order No. 05, Series of 2023 issued by the City Mayor, Honorable Ma. Josefina G. Belmonte, also known as the "Creation of the Quezon City Mobile Network Connectivity Technical Working Group (TWG) and the Secretariat" or its future revisions is for monitoring all activities, including but not limited to constructions, renovations, implementations and payments of the ITC or TowerCo;

WHEREAS, pursuant to Section 455 (b)(1)(vi) of the Local Government Code of 1991, the City Mayor, as the Chief Executive of the City Government, shall represent the City in all its business transactions and sign in its behalf all bonds, contracts and obligations, and such other documents upon authority of the Sangguniang Panlungsod or pursuant to a law or ordinance.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED, to authorize, as it does hereby authorize, the City Mayor, Honorable Ma. Josefina G. Belmonte, on behalf of the Quezon City Government, to enter into Lease Agreements with Independent Tower Companies in building and managing telecommunication infrastructures within City-owned properties which shall be called as "Mobile Network Connectivity Project".

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RESOLVED FURTHER, that copies of the subject Lease Agreements shall form integral parts of this Resolution.

ADOPTED: January 29, 2024.



GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:


ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)

CERTIFICATION

This is to certify that this Resolution was APPROVED by the City Council on Second Reading on January 29, 2024 and was CONFIRMED on February 5, 2024.


ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)
