ORDINANCE NO. 95-52

AN ORDINANCE ALLOWING SMART COMMUNICATION, INC. (SMART) TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN AN INTEGRATED TELECOMMUNICATIONS NETWORK IN THE CITY OF MUNTINLUPA.

Sponsored by: Counc. Alejandro L. Martinez

WHEREAS, SMART is a corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, engaged in the Telecommunications business;

WHEREAS, pursuant to Republic Act 7294, SMART was granted Congressional Franchise to establish, install, maintain and operate integrated telecommunications/computer/electronic services and stations throughout the Philippines for public domestic and international telecommunications, and for other purposes;

WHEREAS, SMART was granted provisional authority to construct, install, operate and maintain an integrated local exchange telephone service, domestic toll service, private line service, public pay phone facilities and public calling offices (FCO) in South Metro Manila compose of the municipalities of Taguig, Las Pinas, Parañaque, Pateros and the Cities of Muntinlupa and Paray and in Regions 1 and 3 by the National Telecommunication Commission (NTC);

WHEREAS, SMART requested the City Government of Muntinlupa in order that it could install, operate and maintain its own integrated telecommunications network within the territorial jurisdiction of the City;

WHEREAS, the operation of SMART will fill up the requirements of the City residents for fixed, cellular telephones and other telecommunications services to supplement the services being rendered by PLDT and other telecommunications companies;

WHEREAS, the Sangguniang Panlungsod of Muntinlupa is empowered by Republic Act 7160 to impose fees and charges under such term and conditions intended to promote the general welfare of the City inhabitants;

NOW THEREFORE be it ordained, as it is hereby ordained, by the Sangguniang Panlungsod of Muntinlupa, in session duly assembled and approved, as it is hereby approves the request of SMART COMMUNICATION, INC. (SMART) to install, operate and maintain its own integrated telecommunications network within Muntinlupa, provided that:

SECTION 1. COMPLIANCE TO EXISTING LAWS. The herein authority granted is subject to the grantee’s compliance of the terms and conditions imposed by the Congressional Franchise and its provisional authority granted by the NTC;
SECTION 2. RIGHT OF WAY. The right of way over all city properties is hereby granted to SMART Communications Inc., provided the same is in accordance with law for the installation, operation and maintenance of its integrated telecommunications networks, including but not limited to: erection of telecommunication poles, towers, antennas, installation of microwave repeater stations, cell sites, mobile base stations, constructions of building for office and telecommunications equipment requirement such as switching, transmission fiber optic, radio metallic and non-metallic media, power generating sets, roadsides telephone cross-connect cabinets, remote switching units, remote switching stations, installation of telephone cables and paraphernalia on underground duct system and overhead/arial installation facilities, civil works such as road excavation for manholes, conduit, joint boxes, cross-connect cabinets, telecommunication poles, towers, antennas and such other related facilities and equipment now known, developed and be made available by science, provided further that SMART shall make the said installation at its own expense without prejudicing the City service operations. If the properties of the City Government is used by SMART Communication Inc., prior approval and conformity of the Sanggunian shall be secured.

SECTION 3. DEPOSIT AND RESTORATION. SMART shall restore at its own expense, to its former condition, all excavations it may cause within 15 days from the date of completion of its underground conduit and manholes and shall post a surety bond equivalent to 10% of the underground conduit and manhole restoration costs to insure the faithful compliance of its obligations imposed by the provision. The restoration cost shall be subject to the approval of the City Council and must be submitted prior to the commencement of the project. All excavations which were not restored within the said period and prosecuted by the City Government, all cost and expenses for the restorations shall be refunded by SMART Communication Inc. without prejudice to the provision of Section 8.

SECTION 4. INSTALLATION OF MAIN SWITCH. The SMART Communication Inc. shall install its main switch not only in Daang Hari (boundary of Muntinlupa and Las Pinas) but also in Muntinlupa.

SECTION 5. PERCENTAGE OF TELEPHONE LINES AND OUTSIDE PLANT. The SMART Communication Inc., shall submit to the Committee on Public Works the right percentage of telephone lines to be distributed to different Barangay to determine its allocation to the whole of Muntinlupa and its outside plant where it can determine the location where the telephone lines will pass.

SECTION 6. PERMITS AND LICENSES. SMART shall be granted all necessary authorities and licenses in order to install, operate and maintain its integrated telecommunication networks including but not limited to: cell sites, mobilebase stations, constructions of buildings for office and telecommunications equipment requirement such as switching, transmissins-fiber optic, radio, metallic and non-metallic media, power generating sets, roadsides, telephone cross-connect cabinets, remote switching units, remote switching station, installation of telephone cables and paraphernalia on underground duct system and overhead/arial installation facilities, civil works such as road excavation for manholes conduit, joint boxes, cross-connect cabinets, telecommunication poles, tower, antennas and such other related hereinafter be known, developed and may be made
available by science, subject to existing laws and the payment of proper fees, and charges for the
said authorizations, permits and licenses. Nothing herein shall be construed as exempting SMART
from compliance with the building rules and regulations.

SECTION 7. COMPLIANCE WITH ORDINANCE NO. 88-11. SMART shall comply
with the city ordinance mandating business establishment operating within the City include in its
work force 70% of the residents of the City. This may be in form of sub-contractual jobs or other
arrangement which the Council must approved.

SECTION 8. REVOCAITION. Violation of any provision of the terms and conditions of
this Ordinance is sufficient ground to withdraw the authority herein granted.

SECTION 9. EFFECTIVITY. This ordinance shall take effect upon its approval.

ENACTED in the City of Muntinlupa this 11th day of December, 1995 during the
Council's 21st Regular Session.

APPROVED:

ATTY. JAMIE R. FRESNEDI
Vice Mayor

HON. MELCHOR R. TEVES

HON. DANTE S. ALMARIO

HON. RAFAEL R. ARCIAGA

HON. VICTOR L. ULANDAY

HON. ALDRIN L. SAN PEDRO

HON. REYNALDO A. ABAS, JR.

HON. JO JASON T. ALCARAZ

HON. BRYLYN BULAY

HON. ROMAN E. NIEVES

HON. ALEJANDRO L. MARTINEZ

[Signatures]
SANGUNIANG PANLUNGSOD

HON. PATRICIO L. BONCAYAO, JR.

HON. VICENTE Y. CHUA

HON. RUPINO B. JOAQUIN

HON. MIGUEL LUIS F. RIOS, JR.

ATTESTED:

NECITO M. GUITO
Secretary (Temporary)
SANGUNIANG PANLUNGSOD

APPROVED:

ATTY. IGNACIO R. BUNYE
Mayor