



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
CENTRAL OFFICE
Manila

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DEPARTMENT MEMORANDUM)

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FOR / TO: **SENIOR UNDERSECRETARY**
UNDERSECRETARIES
ASSISTANT SECRETARIES
SERVICE DIRECTORS
BUREAU DIRECTORS
REGIONAL DIRECTORS
HEAD OF UPMOS
DISTRICT ENGINEERS
HEAD OF ATTACHED AGENCIES
OTHERS CONCERNED
This Department

For information and guidance, attached is certified copy of **Executive Order No. 32** dated July 04, 2023 signed by President Ferdinand R. Marcos, Jr., with the subject: **"STREAMLINING THE PERMITTING PROCESS FOR THE CONSTRUCTION OF TELECOMMUNICATIONS AND INTERNET INFRASTRUCTURE"**.

A copy of the said Executive Order may also be downloaded from the DPWH Website: <http://dpwhweb>. If an office cannot access the DPWH website, a hard copy may be obtained from the Records Management Division, HRAS, upon request.

For dissemination to all concerned.

MARICHU A. PALAFOX, CESO II
Assistant Secretary for Support Services

Encl: Executive No. 32, dated July 04, 2023

cc: Office of the Secretary

10.1.4 JSC/VGV/MSV



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 32

**STREAMLINING THE PERMITTING PROCESS FOR THE CONSTRUCTION
OF TELECOMMUNICATIONS AND INTERNET INFRASTRUCTURE**

WHEREAS, Section 2 of Republic Act (RA) No. 9485 or the "Anti-Red Tape Act of 2007," as amended by RA No. 11032 or the "Ease of Doing Business and Efficient Government Service Delivery Act of 2018," declares it a policy of the State to take appropriate measures to promote transparency in each agency with regard to the manner of transacting with the public, which shall encompass initiating and maintaining a program for the adoption of simplified procedures that will reduce red tape and expedite business and non-business transactions in government;

WHEREAS, Section 15 of RA No. 9485, as amended, mandates the Anti-Red Tape Authority (ARTA), together with the Department of Information and Communications Technology (DICT), to develop a fast and reliable interconnectivity infrastructure that will expedite the processing of licenses, clearances, permits, certifications or authorizations;

WHEREAS, Section 4(ii) of RA No. 11494 or the "*Bayanihan* to Recover as One Act," which took effect on 15 September 2020, temporarily suspended the requirements for securing permits and clearances for the construction of telecommunications and internet infrastructure, for a period of three (3) years, and directed the streamlining of regulatory processes and procedures for the development and improvement of digital, internet, and satellite technology infrastructure;

WHEREAS, to ensure the continuous development of digital infrastructure in the Philippines, there is a need to institutionalize a set of streamlined guidelines for the issuance of permits, licenses, and certificates for the construction of telecommunications and internet infrastructure similar to the prescribed streamlined requirements and regulatory processes and procedures provided under Section 4(ii) of RA No. 11494;

WHEREAS, Section 15 of RA No. 9485, as amended, mandates national government agencies (NGAs) and local government units (LGUs) to expedite the processing and approval or disapproval of licenses, clearances, permits, certifications or authorizations for the installation and operation of telecommunication systems, broadcast towers, facilities, equipment and service; and

THE PRESIDENT OF THE PHILIPPINES

WHEREAS, Section 17, Article VII of the Constitution vests in the President the power of control over all Executive departments, bureaus, and offices, and the mandate to ensure the faithful execution of laws;

NOW THEREFORE, I, FERDINAND R. MARCOS, JR., President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

Section 1. Coverage. This Order shall cover all NGAs and instrumentalities, including government-owned or -controlled corporations, as well as LGUs, involved in the issuance of permits, licenses, clearances, certifications, and authorizations that are required for the following:

- a. Construction, installation, repair, operation, and maintenance of Shared Passive Telecommunications Tower Infrastructure; and
- b. Erection of poles, installation of aerial and underground cables and facilities, underground fiber ducts, ground terminals and other transmission or similar telecommunications and internet infrastructure and facilities, and other passive infrastructures.

Section 2. Streamlined Requirements for the Construction of Telecommunications and Internet Infrastructure. No other national or local permit or clearance shall be required in the construction, installation, repair, operation, and maintenance of telecommunications and internet infrastructure, except for the following requirements:

- a. Building Permit issued by the Office of the Building Official;
- b. Height Clearance Permit from the Civil Aviation Authority of the Philippines (CAAP), except when the proposed structure is outside the CAAP Critical Areas and below fifty (50) meters in height above the elevation of the ground;
- c. Homeowners and other community clearances;
- d. Clearances from other government agencies, whenever applicable:
 - i. Environmental Compliance Certificate (ECC), if the proposed project site is within an environmentally critical area;
 - ii. Special Use Agreement in Protected Areas, if the proposed project site is a protected area;
 - iii. Free and Prior Informed Consent, if the proposed project site is within an ancestral domain;
 - iv. Land Use Conversion from the Department of Agrarian Reform (DAR) Central Office, if the proposed project site requires the conversion of an agricultural land of more than five (5) hectares, or from the DAR Regional Office, if the said land is five (5) hectares and below;
 - v. Clearance from Laguna Lake Development Authority, if the proposed project site is within the Laguna de Bay region;
 - vi. Clearance from the Philippine Economic Zone Authority (PEZA), if the proposed site is within an economic zone or any other area owned, administered or operated by PEZA; and
 - vii. Strategic Environment Plan Clearance from the Palawan Council for Sustainable Development, if the proposed project site is within the Province of Palawan; and
- e. Other requirements as mandated by the Constitution and existing laws.

The following shall not be required from applicants in securing a Building Permit, a Fire Safety Evaluation Clearance, a Barangay Clearance, or a Locational Clearance:

- a. *Sangguniang Panlungsod/Bayan* Resolution;
- b. *Sangguniang Barangay* Resolution;
- c. ECC or Certificate of Non-Coverage, if the proposed site of construction is outside an environmentally critical area;
- d. Certificate of Safety Evaluation from the Department of Health and the Food and Drug Administration; and
- e. Certified True Copy of National Telecommunications Commission (NTC) Provisional Authority or Certificate of Public Convenience and Necessity or Certificate of Registration to Provide Telecommunication Services.

Section 3. Applicability. The streamlined requirements under Section 2 hereof shall apply to all pending and new applications for securing the above permits, licenses, clearances, certifications, and authorizations, submitted by the following:

- a. Public Telecommunications Entities (PTEs), which are holders of Certificates of Public Convenience and Necessity or Provisional Authorities granted by the NTC;
- b. Cable TV (CATV) Operators, which are registered as Value-Added Service (VAS) Providers and authorized to offer internet access service;
- c. VAS Providers, which are registered with the NTC to offer internet access service and contracted by the DICT under the Free Public Internet Access Program in Public Places;
- d. ICT Technology Providers or Physical Infrastructure Contractors, which are contracted by PTEs or CATV Operators to rollout or construct, install, and/or establish their infrastructure;
- e. Independent Tower Companies, which are registered with the DICT;
- f. Distribution Utility Owners, which are covered by a franchise issued by the Congress of the Philippines; and
- g. All authorized contractors of the foregoing entities.

Section 4. Action on the Application. All covered applications not acted upon within the prescribed period as provided under existing laws, shall be deemed approved pursuant to Section 10 of RA No. 9485, as amended, provided, that all documentary requirements and required fees indicated in the Citizen's Charter of the covered agencies and LGUs have been submitted and paid, respectively.

Section 5. One-Stop Shop for Construction-Related Applications. All cities and municipalities shall set up a One-Stop Shop for Construction Permits, preferably at the Office of the Building Official, which will provide frontline services to applicants who are securing building permits and other related certificates, including permits and certificates for construction of telecommunications and internet infrastructure.

Section 6. Zero Backlog Policy. Subject to existing laws, rules and regulations, all covered government agencies and LGUs are enjoined to implement the Zero Backlog Policy in all applications for permits and clearances covered by this Order. They shall annually submit their list of pending applications and compliance reports to the ARTA, copy furnished the Office of the President.

Section 7. Technical Working Group. A Technical Working Group (TWG) on Telecommunications and Internet Infrastructure is hereby created as an oversight body to

ensure the effective and efficient implementation of this Order. The TWG shall be chaired by the DICT, with the ARTA, NTC, Department of Public Works and Highways, and Department of the Interior and Local Government as members thereof.

Section 8. Implementing Rules and Regulations. Within sixty (60) working days from the effectivity of this Order, the TWG shall formulate rules and regulations necessary to effectively implement this Order.

Section 9. Repeal. All orders, rules and regulations, and other issuances or parts thereof which are inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

Section 10. Separability. If any part or provision of this Order shall be held invalid or unconstitutional, the provisions not affected thereby shall remain in full force and effect.

Section 11. Effectivity. This Order shall take effect immediately upon publication in the Official Gazette or in a newspaper of general circulation.

DONE, in the City of Manila, this 4th day of July , in the year of Our Lord, Two Thousand and Twenty-Three.

By the President:


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LUCAS P. BERSAMIN
Executive Secretary

