

Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD NG MARIKINA



GSO – MARIKINA CITY
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04-0027868

ORDINANCE No. 048
Series of 2004

ORDINANCE IMPOSING USAGE FEES ON ALL TELECOMMUNICATION CARRIERS AND COMMUNITY ANTENNA TELEVISION (CATV) COMPANIES THAT UTILIZE OR ATTACH THEIR APPARATUS TO MERALCO POSTS ENCROACHED ON PUBLIC SIDEWALKS AND ROADS

Introduced by: Councilor LEA ASTRUD T. SANTIAGO

WHEREAS, on July 24, 2002, the City Council of Marikina enacted Ordinance No. 079, Series of 2002, regulating the usage of electrical posts by telecommunication carriers, community antenna television companies (CATV) and other apparatus, and providing penalties for violation thereof;

WHEREAS, regulation of the use of electrical posts by private utility companies entails cost to the City Government;

WHEREAS, under Section 186 of the Local Government Taxation, Local Government Units, may levy taxes, fees or charges on any base or subject not otherwise specifically enumerated or taxed under the provisions of the National Internal Revenue Code;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED by the SANGGUNIANG PANLUNGSOD OF MARIKINA, in session duly assembled, that:

SECTION 1. All private utility companies which shall utilize any Meralco posts by attaching wires to said posts encroached in public sidewalks and roads within the City of Marikina must pay the corresponding annual usage fees to the City Treasurer's Office:

- | | |
|---|--------------------|
| (a) Electrical Telephone
and Television/Internet Cable Post- | Php100.00 per post |
| (b) Electrical Transformer attached to
electrical post- | Php150.00 per post |
| (c) Telephone Circuit Box- | Php500.00 per post |
| (d) Cable Wire- | Php100.00 per post |

SECTION 2. All private utility companies which shall use/or currently using any Meralco post within the City of Marikina must first secure clearance from the City Engineer's Office before paying the aforementioned annual usage fee at the City Treasurer's Office.

SECTION 3. The City Engineer's Office, particularly its Traffic and Electrical Division and the Traffic Signalization Unit, is hereby directed to regularly monitor the status of all utility cable wires within the City and come up with a map that would show the exact locations of Meralco posts, with specifications as to which private utility company is using a particular post.

SECTION 4. The Implementing Rules and Regulations (IRR) shall be formulated by the Office of the City Mayor in coordination with the City Legal Office and the City Engineer's Office.

SECTION 5. Any privately-owned utility company that fails or refuses to pay the annual usage fee shall be fined the amount of Five Thousand Pesos (P5,000.00) per electric post that it utilizes or one year imprisonment or both in the discretion of the court.

The City Engineer's Office shall remove/disconnect all apparatus/cable wires from Meralco electrical post of any private utility company should it fails or refuses to pay the annual usage fee.

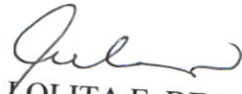
SECTION 6. REPEALING CLAUSE. All existing ordinances, executive orders and other local laws inconsistent with the provision of this ordinance are hereby repealed and/or amended accordingly.

SECTION 7. SEPARABILITY CLAUSE. If for any reason or reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions thereof which are not affected shall continue to be in full force and effect.

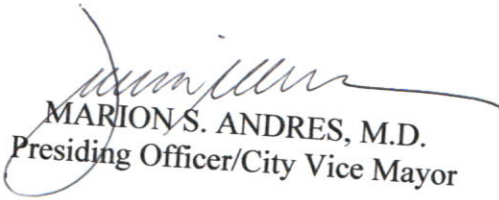
SECTION 8. This Ordinance shall take effect upon approval.

APPROVED by the SANGGUNIANG PANLUNGSOD of MARIKINA CITY this 24th day of March 2004.


I HEREBY CERTIFY TO THE
PASSAGE OF THE FOREGOING
ORDINANCE, WHICH WAS APPROVED
BY THE CITY COUNCIL OF MARIKINA
DURING ITS 12th REGULAR SESSION
HELD ON MARCH 24, 2004.


LOLITA E. DE LEON
Secretary to the Sanggunian

ATTESTED AND CERTIFIED
TO BE DULY APPROVED:


MARION S. ANDRES, M.D.
Presiding Officer/City Vice Mayor

APPROVED by the HONORABLE CITY MAYOR on 08 27, 04


MA. LOURDES C. FERNANDO
City Mayor