



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod Mandaluyong

ORDINANCE NO. 867, S-2021

**ORDINANCE CONSOLIDATING COLLECTION OF
CORRESPONDING FEES FOR BARANGAY
CLEARANCE OR CERTIFICATION AND OTHER
SIMILAR FEES IN THE APPLICATION FOR ANY
BUSINESS-RELATED TRANSACTIONS AND
CONSTRUCTION - RELATED ACTIVITIES, INCLUDING
SHARED PASSIVE TELECOMMUNICATIONS TOWER
INFRASTRUCTURE (Shared PTTI)**

WHEREAS, there is a need to streamline the process of business registration in the City of Mandaluyong to provide a more efficient and effective revenue collection and to promote a friendlier atmosphere for taxpayers and investors;

WHEREAS, when regulations are simple and transparent, entrepreneurs need not suffer red tape and time-consuming transactions;

WHEREAS, Republic Act 11032 or otherwise known as "An Act Promoting Ease of Doing Business and Efficient Delivery of Government Services" (EODB Act of 2018) was enacted to make the process of putting up and running a business in the Philippines easier and more efficient;

WHEREAS, Section 11(f) of RA 11032 provides that barangay clearances and permits related to doing business shall be applied, issued and collected at the City in accordance with the prescribed processing time of said Act, provided, that the share in the collections shall be remitted to the respective barangays;

WHEREAS, DILG DPWH DICT DTI Joint Memorandum Circular (JMC) 2018-01 dated January 4, 2018 or the "Guidelines in Streamlining the Processes for the Issuance of Building Permits and Certificates of Occupancy" provides for the establishment of One-Stop Shop for Construction Permits (OSCP), which is a mechanism of coordination among the Office of the Building Official (OBO), Zoning Office, Assessor's Office, Treasurer's Office, BFP-City Fire Marshal and the Barangays co-located under one roof;

WHEREAS, Section 15 of EODB Act also provides for "Interconnectivity Infrastructure Development" in order to expedite the processing of licenses, clearances, permits, certification or authorizations, and the Anti-Red Tape Authority (ARTA), together with the Department of Information and Communication Technology (DICT), shall develop a fast and reliable interconnectivity infrastructure;

WHEREAS, on December 20, 2019, Ordinance No. 752, S-2019 was passed and approved implementing the said provision of the EODB Act wherein the City of Mandaluyong is given the authority to collect Barangay Clearance Fee for business-related transactions subject to the remittance to the concerned barangays, which Ordinance do not apply to barangay clearance or certifications for construction-related activities;

WHEREAS, the express inclusion in the Ordinance of the purposes for construction is very essential in order to fully comply with the EODB Act;

NOW, THEREFORE, be it ORDAINED as it is hereby ORDAINED by the Sangguniang Panlungsod of Mandaluyong, in session duly assembled the following:

SECTION 1. COVERAGE. This policy applies only to fees for the issuance of Barangay Clearance, Certifications, and other similar fees for business-related transactions and construction-related activities described at DILG-DPWH-DICT-DTI Joint Memorandum Circular No. 2018-01 under OSCP to include shared Passive Telecommunication Tower Infrastructure (PTTI) in the City of Mandaluyong. Provided however that the OSCP shall cover simple structures 1,500 square meters in floor area and below; (a) Single dwelling residential building not more than three-storeys; (b) Commercial buildings of not more than two storeys; (c) Warehouse not storing hazardous substance; and (d) Renovation within a mall with issued Building Permit and; (e) Shared Passive Telecommunication Tower Infrastructure (PTTI).

Other clearances for other purposes shall still be obtained at the Barangay.

SECTION 2. DEFINITION OF TERMS. The words and phrases used in this Ordinance are hereby defined as follows:

- (a) **BARANGAY CLEARANCE** - refers to any and all documents issued by the barangays with or without corresponding fees as defined in their ordinances relative to or in relation to the issuance of Business Permit and Locational Clearance by the City or any other permit, as may be required (IRR of RA 11032);
- (b) **BARANGAY CLEARANCE FEE** - is an amount imposed by the barangays through an Ordinance and collected by the City in relation to the issuance of Business Permit and Locational Clearance by the City;
- (c) **BUSINESS PERMIT** - is a document that must be secured from the City or Municipal government, usually through its Business Permits and Licensing Department (BPLD) for a business to legally operate in the locality (IRR of RA 11032);
- (d) **LOCATIONAL CLEARANCE** - is a clearance issued by the Zoning Division to a project that is allowed under the provisions of Ordinance No. 664, S-2017. It is a requirement for the issuance of Building Permit under Presidential Decree No. 1096, as amended, or the National Building Code of the Philippines;



(e) One-stop Shop for Construction Permits (OSCP) - refers to a mechanism of coordination among the OBO, Zoning Office, Assessor's Office, Treasurer's Office, other concerned departments or offices at the local government, and the Office of the City Fire Marshall through co-location of related functions and through a practical system of linkages as described under the DILG-DPWH DICT-DTI Joint Memorandum Circular No. 2018-01 cover simple structures 1,500 square meters in floor area and below; (a) Single dwelling residential building not more than three-storeys; (b) Commercial buildings of not more than two storeys; (c) Warehouse not storing hazardous substance; and (d) Renovation within a mall with issued Building Permit and; (e) Shared Passive Telecommunication Tower Infrastructure (PTTI). Other clearances for other purposes shall still be obtained at the Barangay.



(f) Passive Telecommunications Tower Infrastructure (PTTI) - refers to 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 on the ground or installed in buildings, walls, rooftops or other edifice—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; (c) its appurtenant shelters, sheds, cabins, cabinets or other similar house for the base-band units, radio units, and related electronic equipment, as well as the cable entrances thereof; (d) its power supply and back-up power management systems; and (e) all other ancillary facilities as thereto may be necessary and pertinent for its proper, resilient, and continuous operation as a PTTI.



These auxiliary and ancillary facilities need not necessarily have to be owned or managed by each mobile network operator.



SECTION 3. **AUTHORITY TO COLLECT BARANGAY CLEARANCE FEES OF BUSINESS-RELATED TRANSACTIONS AND CONSTRUCTION-RELATED ACTIVITIES** - The City of Mandaluyong is given the authority to collect Barangay Clearance and Certification Fees subject to the remittances to the concerned barangay.

SECTION 4. **RATE OF BARANGAY CLEARANCE FEE TO BE COLLECTED FOR BUSINESS-RELATED TRANSACTIONS** - The rate of Barangay Clearance Fee to be collected by the City for the issuance of clearance for business-related transactions shall be computed in accordance with the Barangay Revenue Ordinances duly reviewed and approved by the Sangguniang Panlungsod.

 **SECTION 5. SCHEDULE OF FEES FOR CONSTRUCTION-RELATED ACTIVITIES AND PASSIVE TELECOMMUNICATIONS INFRASTRUCTURE (PTTI)** - In order to ensure uniform procedure in setting reasonable fees and charges for Barangay Clearance for OSCP as provided for by the provisions of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 and in order to set a balance between recovering the cost of services and the ease of doing business in compliance with the EODB Act, fees shall be as follows:

Residential	₱ 500.00
All others (e.g. commercial and PTTI)	₱ 1,000.00

The above fees shall cover only simple structures 1,500 square meters in floor area and below and fall under any of the four structure categories:

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- a.) Single dwelling residential building not more than three-storays;
 - b.) Commercial buildings of not more than two-storays;
 - c.) Warehouse not storing hazardous substance;
 - d.) Renovation within a mall with issued Building permit;
 - e.) Shared Passive Telecommunication Tower Infrastructure (PTTI).

Other applications other than above are to be regarded complex structures that should directly obtain clearances and certifications from the concerned barangay and will be accordingly charged fees pursuant to their Barangay Revenue Ordinance as approved by the City Council.

 **SECTION 6. BARANGAY CLEARANCE SIGNATORY** – Electronic Signature of Punong Barangay concerned shall appear in all barangay clearance issued.

SECTION 7. REPORTING AND REMITTANCES – The City shall remit the fees thus collected to the concerned barangay not later than thirty (30) days of the ensuing month with the list of the issued Building and Business Permits and Locational Clearance. Failure on the part of the Accounting & Treasury Departments to ensure the timely remittances of the fees to the Barangay may hold them administratively liable under existing Civil Service Rules and Regulations.

SECTION 8. SEPARABILITY CLAUSE – If for any reason, a part of this Ordinance is declared illegal or invalid, other parts or provisions hereof, which are not affected thereby, shall remain valid and in full force and effect.



SECTION 9. REPEALING CLAUSE – All Ordinances which are inconsistent with the foregoing are hereby deemed modified or repealed accordingly.

SECTION 10. EFFECTIVITY CLAUSE – This Ordinance shall take effect immediately after complete publication in a newspaper of general circulation in Mandaluyong City

ENACTED on this 28th day of December, 2021 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS ADOPTED AND APPROVED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN A SPECIAL SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.

MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:

ANTONIO DLS. SUVA
City Vice Mayor &
Presiding Officer

APPROVED:

CARMELITA A. ABALOS
City Mayor

Date: DEC 29 2021