



Committee on Government Enterprises and Privatization, Public Franchises

COMMITTEE REPORT

Office of the Sangguniang Panlungsod
Received by: PLM
Date: 1/20/2025
Time: 9:11 am

January 30, 2025, 10:00 AM
Session Hall, 6th floor Bacoor Legislative and Disaster Resilience Building.

Subject: AN ORDINANCE REQUIRING ALL PUBLIC UTILITY COMPANIES, ENTERPRISES AND APPLYING FOR PERMITS OR LICENSES TO SUBMIT ALL DOCUMENTARY REQUIREMENTS FOR SUCH ISSUANCE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF. (PCO 217-2024 dated 04 November 2024)

FINDINGS :

As defined, "Public Utility" is a business or service engaged in regularly supplying the public with some commodity or service of public consequence such as electricity, gas, water, transportation, telephone or telegraph service. In order to constitute a public utility, the facility must be necessary for the maintenance of life and occupation of the residents. It has been recognized by the Supreme Court in Manila Electric Company v. Matilde Macabagdal Ramoy (G.R. No. 1587911, 4 March 2008) that the public utilities have the obligation to discharge its functions with utmost care and diligence. The City Government of Bacoor learned that some Public Utilities were issued licenses or franchises to operate and conduct business in the city of Bacoor, who have actually engaged in some other company who were not issued said licenses or franchises. In case of accidents or incidents resulting from current or substandard works conducted by the public utility or their contractor, the helpless victims find it hard to make the public utility or contractor responsible.

RECOMMENDATIONS :

Following careful analysis and deliberation, the Committee thru Honorable Adrielito G. Gawaran, recommended to **APPROVE** the proposed ordinance REQUIRING ALL PUBLIC UTILITY COMPANIES, ENTERPRISES AND APPLYING FOR PERMITS OR LICENSES TO SUBMIT ALL DOCUMENTARY REQUIREMENTS FOR SUCH ISSUANCE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF .

COMMITTEE REPORT GOVT. SERVICES NO. -05-2024

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(PCO 217-2024 NOV. 4, 2024) AN ORDINANCE REQUIRING ALL PUBLIC UTILITY COMPANIES, ENTERPRISES AND APPLYING FOR PERMITS OR LICENSES TO SUBMIT ALL DOCUMENTARY REQUIREMENTS FOR SUCH ISSUANCE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.





WE HEREBY CERTIFY that the contents of the foregoing report are true and correct.

Signed this 3rd day of February 2025 at the City of Bacoor, Cavite.

**COMMITTEE ON GOVERNMENT ENTERPRISES AND PRIVATIZATION,
PUBLIC FRANCHISES**

HON. ADRIELITO G. GAWARAN
Chairman

HON. REYNALDO D. PALABRICA
Vice Chairman

HON. ALEJANDRO F. GUTIERREZ
Member

HON. ROBERTO L. ADVINCULA
Member





Committee on Government Enterprises and Privatization, Public Franchises

COMMITTEE MINUTES
NO. GEPPF-04-S-2024

Office of the Sangguniang Panlungsod
Received by: [Signature]
Date: 1/30/2024
Time: 4:05 pm

Subject: AN ORDINANCE REQUIRING ALL PUBLIC UTILITY COMPANIES, ENTERPRISES AND APPLYING FOR PERMITS OR LICENSES TO SUBMIT ALL DOCUMENTARY REQUIREMENTS FOR SUCH ISSUANCE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF. (PCO 217-2024 dated 04 November 2024)

The hearing was held on Thursday, January 30, 10:00 a.m at the 6th Flr., New Legislative and Disaster Resilience Bldg., Bacoor Government Center, Bacoor City, Cavite. It was led by Committee on Government Enterprises and Privatization, Public Franchises and presided over by Committee Chairman Hon. Adrielito G. Gawaran. Present during the hearing were Committee Vice Chairman, Hon. Reynaldo D. Palabrica, Committee Member, Hon. Alejandro Gutierrez, Hon. Roberto Advincula and individuals concerned with the above mentioned subject.

The lead Committee Chairman Hon. Adrielito G. Gawaran explained the purpose of the hearing and requested Atty. Nathaniel De Leon from the City Legal Office to enlighten the body on the proposed ordinance who explained that the accidents happening in the City of Bacoor involves excavations, incomplete construction and lack of early warning systems from the concerned public utilities which led to this suggested regulation. It is challenging for the local government to identify who caused the accidents that ends the life of our fellow Bacooreños. He also expressed that with the leadership of Mayor Strike B. Revilla, aside from the usual requirements, the City Government will request for additional documents mentioned in Section 4 of the proposed city ordinance, to wit:

Section 4. LIST OF DOCUMENTARY REQUIREMENTS. The following.....license, or franchise:

1. Certified true copy of the most...
2. Certified true copy...

COMMITTEE MINUTES NO. GEPPF-04-S-2024

AN ORDINANCE REQUIRING ALL PUBLIC UTILITY COMPANIES, ENTERPRISES AND APPLYING FOR PERMITS OR LICENSES TO SUBMIT ALL DOCUMENTARY REQUIREMENTS FOR SUCH ISSUANCE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF. (PCO 217.2024)

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3. Certified true copies...
4. Certified true copy..
5. A standard
6. Such other documents....by the City Mayor

Coun. Palabrica asked the reaction of the resource persons present with regard to the said Proposed Ordinance.

Ms. Ethel Joy Mesia mentioned that their only concern is the data privacy act.

According to the Atty. Nathaniel De Leon, the Proposed City Ordinance calls for publicly available documents that can be provided after payment of costs. The Securities and Exchange Commission's (SEC) most recent general information sheet (GIS) is one example.

Councilor Gawaran claimed that the Proposed City Ordinance will enable the City Government to determine who would be the appropriate authority to respond with regard to all the incidents involving incomplete road excavations, phone lines and water pipe installations.

Councilor Palabrica reassured the resource persons from Meralco that the council will consider their issues with the data privacy act. He then recognized Mr. Christian Gawaran from the Business Permit and Licensing Department (BPLD) who shared that the city has registered 24 Public Utility Companies including water, power, cable, etc., which have yearly permission to run.

Additionally, he said that a current law requires that all services offered by subcontractors before they can obtain a permit must go through BPLD to obtain the contractors tax.

Ms. Mesia, on the other hand inquired about the subcontractors who also had to turn in the paperwork; what would happen if they were sole proprietors instead of incorporated?

Councilor Palabrica advised to include DTI permits into the criteria in case of a solo proprietorship.

Councilor Gawaran asked the meralco resource person whether they would be liable should their company be involved in mishaps.

Ms. Mesia responded that the Public Utility like Meralco would be the one responsible if they are involved in such mishaps.





She also inquired about the consequences, such as whether it was the first infraction, etc.

Atty. De Leon said that as long as it stays within the bounds, there is no difference between a first, second, or third infraction.

Having been enlightened on all the queries raised during the conduct of committee hearing, Councilor Palabrica moved that this proposed ordinance entitled, " An ordinance requiring all Public Utility Companies, Enterprises and Applying for permits or licenses to submit all documentary requirements for such issuance and providing penalties for the violation thereof," be recommended for approval on their next regular session of the 5th Sanggunian, pending the improvements, modifications and revisions on the concerns raised by the resource persons present. All members of the committee seconded on the motion.

Chairman Gawaran asked the panel if there were more matters to discuss, and Councilor Gutierrez moved to adjourn the meeting, seconded by other members at 11:00AM.

Prepared:


MARY JANE G. PASCUAL
Administrative Aide I

Attested:


COUN. ADRIELITO G. GAWARAN
Chairman

COMMITTEE MINUTES NO. GEPPF-04-S-2024

AN ORDINANCE REQUIRING ALL PUBLIC UTILITY COMPANIES, ENTERPRISES AND APPLYING FOR PERMITS OR LICENSES TO SUBMIT ALL DOCUMENTARY REQUIREMENTS FOR SUCH ISSUANCE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF. (P/CO 217-2024)

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Committee on Government Enterprises and
Privatization, Public Franchises

Office of the Sangguniang Panlungsod
Received by: Janet Pineda
Date: 13 FEB 2025
Time: 2:14 PM

Subject: AN ORDINANCE REQUIRING ALL PUBLIC UTILITY COMPANIES, ENTERPRISES AND APPLYING FOR PERMITS OR LICENSES TO SUBMIT ALL DOCUMENTARY REQUIREMENTS FOR SUCH ISSUANCE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF. (PCO 217-2024 dated 04 November 2024)





Committee on Government Enterprises and
Privatization, Public Franchises

Office of the Sangguniang Panlungsod
Received by: *[Signature]*
Date: 03 FEB 2025
Time: 8:41 am

Subject: AN ORDINANCE REQUIRING ALL PUBLIC UTILITY COMPANIES, ENTERPRISES AND APPLYING FOR PERMITS OF LICENSES TO SUBMIT ALL DOCUMENTARY REQUIREMENTS FOR SUCH ISSUANCE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF. (PCO 217-2024 dated 04 November 2024)





Committee on Government Enterprises and
Privatization, Public Franchises

Office of the Sangguniang Panlungsod
Received by: *[Signature]*
Date: 01/20/2025

Subject: AN ORDINANCE REQUIRING ALL PUBLIC UTILITY COMPANIES, ENTERPRISES AND APPLYING FOR PERMITS OR LICENSES TO SUBMIT ALL DOCUMENTARY REQUIREMENTS FOR SUCH ISSUANCE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF. (PCO 217-2024 dated 04 November 2024)





Committee on Government Enterprises and
Privatization, Public Franchises

Office of the Sangguniang Panlungsod
Received by: [Signature]
Date: 13 FEB 2025
Time: 1:30pm

NOTICE OF COMMITTEE HEARING
(PROOF OF RECEIPT)

January 30 2025, 10:00 AM

MSBR Conference Room, 4th floor Bacoor Legislative and Disaster Resilience Building.

SUBJECT: AN ORDINANCE REQUIRING ALL PUBLIC UTILITY COMPANIES, ENTERPRISES AND APPLYING FOR PERMITS OR LICENSES TO SUBMIT ALL DOCUMENTARY REQUIREMENTS FOR SUCH ISSUANCE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF. (PCO 217-2024 dated 04 November 2024)

NAME	BUSINESS/OFFICE AFFILIATION	CONTACT NUMBER	SIGNATURE/DATE
Coun. Rey Palabrica	SP		[Signature] 1/27/25
Coun. Alejandro Gutierrez	SP		[Signature] 1/27/25
Coun. Roberto Advincula	SP		[Signature] 1/27/25
Engr. Jicky D. Jutba	OBO	local 236	[Signature] 1/27/25 ALVIN A. JUTBA
Mikka Palmor	CESD	303	[Signature] 1-27-25 Mikka Palmor
Heidee Villamin	BPLD	204	[Signature] 1-27/25 Heidee Villamin
MR DANIE LLIN	OCHS		[Signature] 1-27-2025
EDWIN TALEN JAVE	GLOBE (PLDT)	09176881250	[Signature] 1/27/25
Jerry Paraji	SLFM / Fasman	0999-229-5222	[Signature] 1/27/25 Jerry Paraji
Jhon Ernest Tamasi	Converge	09477437650	[Signature] 1-27-25 Jhon Ernest Tamasi





Republic of the Philippines
Province of Cavite
CITY OF BACOOR
Office of the City Mayor



Seal of
Good
Local
Governance
2023 Awardee
OFFICE OF THE CITY MAYOR

CGMR-AM042-FIS 02
05/30/2024

22 October 2024

HON. ROWENA BAUTISTA-MENDIOLA
Vice Mayor, City of Bacoor
6th Flr. New Bacoor Legislative Building
Bacoor City, Cavite

OFFICE OF THE
SANGGUNIANG PANLUNGSOD
RECEIVED
By: RUTH *[Signature]*
DATE: 10/22/2024 TIME: 3:32
BACOOR CITY CAVITE

THRU: Atty. Khalid Atega, Jr.
Sanggunian Panlungsod Secretary

SUBJECT: REQUEST FOR A CITY ORDINANCE REQUIRING
PUBLIC UTILITY COMPANIES AND THEIR
CONTRACTORS SUBMIT DOCUMENTARY
REQUIREMENTS.

Dear Hon. Bautista-Mendiola,

Greetings in the name of public service!

It has been generally observed that there are Public Utilities which were issued licenses or franchises for them to operate and conduct business in the City of Bacoor, who have actually engaged some other company who were not issued said licenses or franchises. In case of accidents or incidents resulting from current or substandard works conducted by the public utility or their contractor, the helpless victims find it hard to make the public utility or contractor responsible.

In order to remedy this, it is requested that a city ordinance be enacted mandating the submission of documentary requirements such as but not limited to the general information sheet of the company, its DIR registration, and such other documents showing legitimacy of the public utility or the subcontractor engaged by the former.

Section 11 of Article IV of RA No. 10160 or the Bacoor City Charter has empowered the Sangguniang Panlungsod to enact an ordinance regulating the activities involving the business of public utilities. In the same manner, Section 11 of the same Act provides that the Sangguniang Panlungsod is empowered to enact ordinances for the general welfare of our constituents.

Attached herewith is a draft of the proposed city ordinance for the consideration of the Sangguniang Panlungsod.

Thank you.

Respectfully yours,

[Signature]
STRIKE B. REVILLA
City Mayor



Address: Bacoor Government Center, Bacoor Blvd,
Bay, Bayanan, City of Bacoor, Cavite
Telephone: 432-1531
Website: www.bacoor.gov.ph



Cell No. 28191000

PROPOSED CITY ORDINANCE NO. _____

AN ORDINANCE REQUIRING ALL PUBLIC UTILITY COMPANIES, ENTERPRISES AND APPLYING FOR PERMITS OR LICENSES TO SUBMIT ALL DOCUMENTARY REQUIREMENTS FOR SUCH ISSUANCE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

Authored By:

Sponsored By:

WHEREAS, the Supreme Court in the case of Bonifacio Communication Corp. v. National Telecommunications (G.R. No. 201944, 19 April 2023) defined a "Public Utility" as a business or service engaged in regularly supplying the public with some commodity or service of public consequence such as electricity, gas, water, transportation, telephone or telegraph service. To constitute a public utility, the facility must be necessary for the maintenance of life and occupation of the residents;

WHEREAS, it has been recognized by no less than the Supreme Court in *Manila Electric Company v. Matilde Macabagdal Ramoy* (G.R. No. 158911, 4 March 2008) that public utilities have the obligation to discharge its functions with utmost care and diligence;

WHEREAS, it has noticed that there are Public Utilities which were issued licenses or franchises for them to operate and conduct business in the City of Bacoor, have actually engaged some other company who were not issued said licenses or franchises. In case of accidents or incidents resulting from current or substandard works conducted by the public utility or their contractor, the helpless victims find it hard to make the public utility or contractor responsible;

WHEREAS, Section 11 (5)(viii) of Article IV of Republic Act No. 10160 or the Charter of the City of Bacoor empowered the Sangguniang Panlungsod to enact an ordinance to regulate the drilling and excavation of the ground for the laying of Water, gas, sewer and other pipes, and the construction, repair and maintenance of public drains, sewers, cesspools, tunnels and similar structures; regulate the placing of poles and the use of crosswalks, curbs and gutters; adopt measures to ensure public safety against open canals, manholes, live wires and other similar hazards to life and property; and regulate the construction and use of private water-closets, privies and other similar structures in buildings and homes

WHEREAS, Section 11 (5)(ix) of Article IV of Republic Act No. 10160 or the Charter of the City of Bacoor empowered the Sangguniang Panlungsod to enact an ordinance to Regulate the placing, stringing, attaching, installing, repair and construction of all gas mains, electric telegraph and telephone wires, conduits, meters and other apparatus; and provide for the correction, condemnation or removal of the same when found to be dangerous, defective or otherwise hazardous to the welfare of the inhabitants;

WHEREAS, Section 11 of Republic Act No. 10160 or the Charter of the City of Bacoor, generally provides for the authority of the Sangguniang Panlungsod to enact ordinances, approve resolutions and appropriate funds for the general welfare of the City and its inhabitants pursuant to Section 16 of the Local Government Code;

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod in regular session duly assembled that

SECTION 1. TITLE. This Ordinance shall be entitled the "Mandatory Availability of Desludging Services Ordinance".

SECTION 2. DECLARATION OF POLICY. It shall be the policy of the City of Bacoor to ensure the safety of its inhabitants from accidents and incidents caused by works conducted by public utilities or their sub-contractors.

SECTION 3. DEFINITION OF TERMS. The following terms used in this Ordinance shall be defined as follows:

- a. **Contractor** – any person or entity engaged in providing services for a specific job or undertaking from a Public Utility Company;
- b. **Public Utility Company** – a corporation or entity engaged in regularly supplying the public with some commodity or service of public consequence, such as electricity, gas, water, transportation, telephone, or telegraph service, and internet;
- c. **Sub-contracting** – an arrangement whereby the Public Utility Company agrees to farm out with a contractor for the performance or completion of a specific job or work within a definite or predetermined period;

SECTION 4. LIST OF DOCUMENTARY REQUIREMENTS. The following documents are required to be submitted by the Public Utility Company and such other companies engaged by the Public Utility as its contractor prior to the issuance of the requested permit, license, or franchise:

1. Certified True Copy of the most updated General Information Sheet (GIS) issued by the Securities and Exchange Commission;
2. Certified True Copy of the most updated Bureau of Internal Revenue Registration;
3. Certified True Copies of accreditations issued by the Occupational Safety and Health Center of the Department of Labor and Employment;
4. Certified True Copy of the Business Permit of the Principal Office of the Public Utility or its contractor;
5. A standard notarized verified undertaking that all the documents submitted are true and correct;
6. Such other documents as may be required by the Implementing Rules and Regulations for this Ordinance or as may be required by the City Mayor.

SECTION 5. SUBMISSION OF THE DOCUMENTARY REQUIREMENTS. Public Utilities and their Contractors are required to submit the aforementioned documents to the Office of the City Administrator who shall be the official repository of the same.

SECTION 6. PRESUMPTION OF MISREPRESENTATION OR FAILURE TO SUBMIT. It shall be presumed that any failure to submit the required documents by the contractor or any misrepresentation on the submission shall be attributable to the public utility which engaged the erring contractor.

SECTION 7. PENALTIES. The penalties for the failure to submit any of the required documents as enumerated in this Ordinance or its Implementing Rules and Regulations shall be as follows:

- a. Suspension or revocation of the permit, license, or franchise issued to the Public Utility Company or its contractor;
- b. An administrative fine of PHP 5,000.00 payable to the Office of the City Treasurer against the personnel who processed or submitted the documentary requirements for the issuance of the requested permit, license or franchise;
- c. A violation of any of the provisions of this Ordinance shall be punishable with imprisonment of not less than one (1) year upon finding of guilt beyond reasonable doubt by the appropriate court of jurisdiction against the personnel who processed or submitted the documentary requirements and against the employer or principal of the public utility company or the contractor who authorized the said personnel.

In case of any misrepresentation in the submitted documentary requirements, or the submission of falsified documentary requirements the license requested by the public utility or the contractor shall be revoked.

SECTION 8. IMPLEMENTING RULES AND REGULATIONS. The City Environmental Services Department, the City Health Office, the Office of the Building Official, and the Business Permit and Licensing Department, with the assistance of the Office of the City Legal Service is mandated to formulate the implementing rules and regulations of this Ordinance.

SECTION 9. MODIFYING CLAUSE. All Ordinances, orders, and rules inconsistent with the provisions of this Ordinance are hereby modified accordingly.

SECTION 10. SEPARABILITY CLAUSE. Any provision of this of this Ordinance not declared void or unconstitutional by the proper court of law shall remain valid.

SECTION 11. EFFECTIVITY CLAUSE. This Ordinance shall take effect immediately after it has been published once in a newspaper of general circulation in the City of Bacoor, Cavite and posted in at least two (2) conspicuous places in the City of Bacoor.