



Republic of the Philippines
CITY COUNCIL
Quezon City
16th City Council

49th Regular Session

ORDINANCE NO. SP- **1654**, S-2006
(PO2005-309)

AN ORDINANCE PROHIBITING AND PENALIZING THE PILFERAGE AND THEFT OF TELEPHONE CABLES, LINES AND MATERIALS WITHIN THE JURISDICTION OF QUEZON CITY, AND PRESCRIBING PENALTIES THEREFOR.

Introduced by Councilors EDCCEL B. LAGMAN, JR., BERNADETTE HERRERA-DY, ELIZABETH A. DELARMENTE, VICTOR V. FERRER, JR., ROMMEL R. ABESAMIS, JOSEPH P. JUICO, WINSTON "Winnie" T. CASTELO, RAMON P. MEDALLA, VOLTAIRE GODOFREDO L. LIBAN III, ALLAN BUTCH T. FRANCISCO, JORGE B. BANAL, JR., WENCEROM BENEDICT C. LAGUMBAY, DIORELLA MARIA SOTTO DE-LEON, ANTONIO E. INTON, JR., ALMA F. MONTILLA, RESTITUTO B. MALAÑGEN, BAYANI V. HIPOL and XYRUS L. LANOT.

WHEREAS, the Local Government Code of 1991 mandates the local government units to exercise such powers and discharge such functions and responsibilities that are necessary, appropriate, or incidental to efficient and effective provision of the basic services and facilities such as adequate communication facilities;

WHEREAS, telecommunications networks are public utilities engaged in supplying the public with some commodity or service of public consequence;

WHEREAS, telecommunication plays an important role in the daily lives of the people. Likewise, it is the most extensive form of communication and the most accessible one in making it available to the public;

WHEREAS, incidents of theft of cable wires used for operating telephone lines are on the rise in Quezon City;

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WHEREAS, records of the Philippine Long Distance Telephone Company (PLDT), the leading telecommunications provider in the Philippines, reveal the following incidents: one hundred sixty-five (165) thefts of cable wires; sixty-nine (69) thefts of cabinet covers and batteries; and six (6) theft of other materials from different barangays in the city within this year (2005);

WHEREAS, the series of criminal acts and the rampant cable thefts have seriously affected the telecommunication services in different areas in Quezon City to the disadvantage of the general public and have resulted to losses on the part of the government and of the other telecommunication firms;

WHEREAS, the incidents of cable theft are being repeated but the perpetrators have not been apprehended, prosecuted, nor punished;

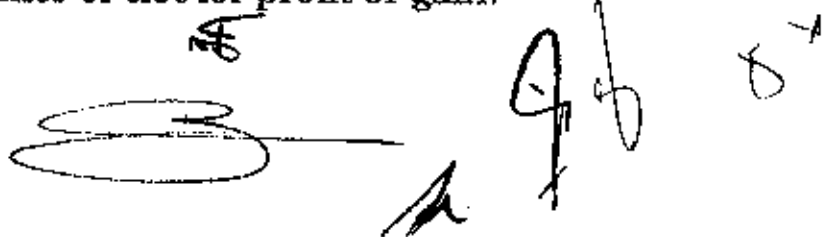
WHEREAS, to intensify campaign against theft of cables, there is an urgent need to prohibit and penalize the pilferage and theft of telephone cables, lines and materials in order to protect the telecommunication industry and provide the public with adequate telephone services that they deserve.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. This Ordinance shall be referred to as the "Anti-Telephone Cable, Lines, and Materials Theft Ordinance of 2005."

SECTION 2. It shall be unlawful for any person to cut, slice, separate, split or remove any telephone cable, line or material from a tower, pole, and other installation, place or site where it may be rightfully and lawfully situated, located, stored, deposited, kept or stocked without the consent of the owner or the PLDT, or other telecommunication firms, as the case may be, whether or not for profit or gain.

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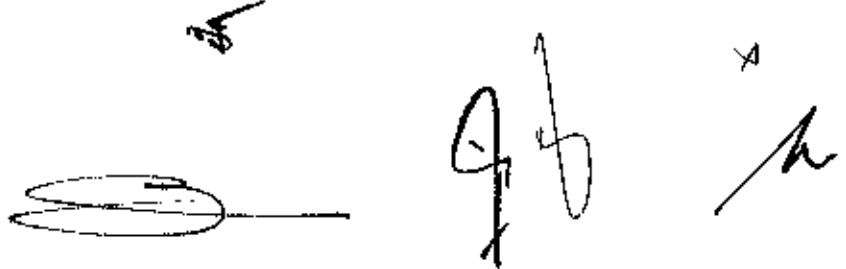
SECTION 3. The possession, control or custody of telephone cable, line, or material by any person not engaged in the business of supplying the public with telephone services or in the manufacture of such telephone cable, line, or material shall be prima facie evidence of the violation of this ordinance as defined in Section 2 hereof and that such cable, line, or material is the fruit of said offense and therefore may be confiscated from the person in possession, control or custody thereof.

SECTION 4. Any person found to be violating the provision of Section 2 hereof shall be penalized by imprisonment of not more than six (6) months or fine of not more than Five Thousand Pesos (P5,000.00) or both, at the discretion of the Court.

If the violation is committed by, or in connivance with an officer or employee of the telephone company concerned, such officer or employee shall, upon conviction, be punished with imprisonment of not more than six (6) months or fine of not more than Five Thousand Pesos (P5,000.00) or both, at the discretion of the Court, and forthwith be dismissed and disqualified from employment in any public or private utility or service company.

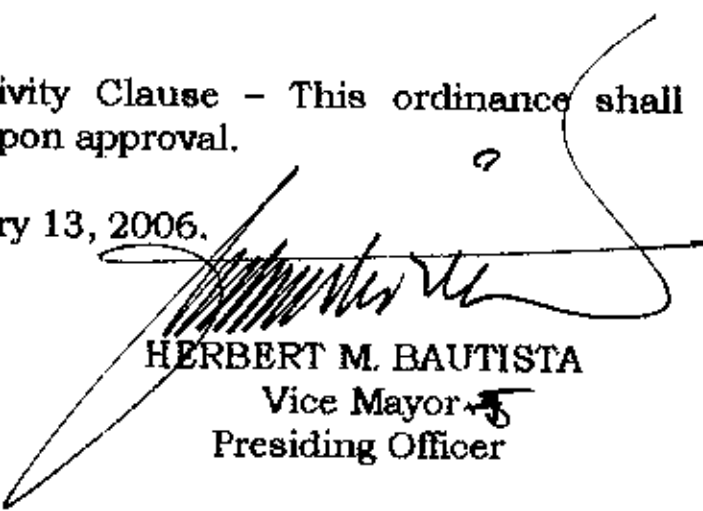
SECTION 5. For the implementation of the provisions of this ordinance, the Chairman of the Committee on Transportation and Communication in coordination with the Department of Public Order and Safety Enforcers, and the Quezon City Police District Operatives, or their duly authorized representatives are hereby granted the authority to conduct investigation and on-site inspection of the area/s where the reported theft incident was committed.

SECTION 6. Separability Clause - In the event that any provision of this ordinance is declared unconstitutional or, otherwise, invalid, all other provisions that could stand independently thereof shall remain in force.

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SECTION 7. Effectivity Clause - This ordinance shall take effect immediately upon approval.

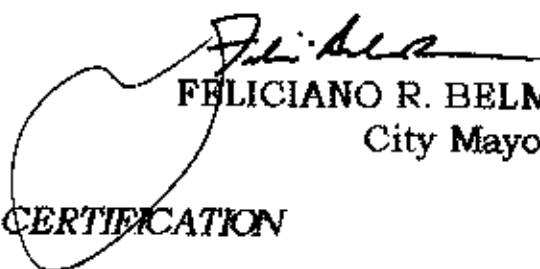
ENACTED: February 13, 2006.


HERBERT M. BAUTISTA
Vice Mayor
Presiding Officer

ATTESTED:


EUGENIO V. JURILLA
City Secretary

APPROVED: _____


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on February 13, 2006, was finally PASSED on Third/Final Reading by the City Council on February 20, 2006.


EUGENIO V. JURILLA
City Secretary