



Republic of the Philippines  
**CITY COUNCIL**  
Quezon City  
15<sup>th</sup> City Council  
86<sup>th</sup> Regular Session

PR2003-360

RESOLUTION NO. SP- **2380**, S-2004

A RESOLUTION AMENDING RESOLUTION NO. 1518, S-2001 WITH REGARD TO THE LOCATION OF THE CELL SITE NEXTEL COMMUNICATIONS PHILIPPINES, INC. WAS AUTHORIZED TO CONSTRUCT.

Introduced by Councilors RICARDO R. DEL ROSARIO, VICTOR V. FERRER, JR, VINCENT P. CRISOLOGO, ELIZABETH A. DELARMENTE, VOLTAIRE GODOFREDO L. LIBAN III, RAMON P. MEDALLA, ERIC. Z. MEDINA, JORGE L. BANAL, JULIAN ML COSETENG, ALMA F. MONTILLA and ANTONIO E. INTON, JR.

WHEREAS, petitioner NEXTEL Communications Philippines, Inc. is an operator of a telecommunications services network;

WHEREAS, petitioner NEXTEL Communications Philippines, Inc. is currently undertaking an expansion program of its telecommunications network facilities, particularly in Quezon City, where a cell site will be constructed;

WHEREAS, petitioner NEXTEL Communication Philippines, Inc. through its contractor, WITCO Construction & Development Corporation, applied with the Sangguniang Panlungsod of the Local Government of Quezon City, for the issuance of a Special Use Permit as required by Ordinance No. SP-22, S-92 otherwise known as the Quezon City Zoning Ordinance of 1992 and its implementing rules and regulations;

WHEREAS, Resolution No. SP-1518, S-2001, granted said application, the pertinent portion of which reads:

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED, to authorize, as it does hereby authorize, the issuance of a Special Use Permit to petitioner Nextel Communications Philippines, Inc., for the construction/erection of a cell site at 18 Catanduanes St., EDSA, Quezon City, PROVIDED, HOWEVER, that the petitioner NEXTEL Communications Philippines, Inc., shall bear the exclusive responsibility for the sound maintenance of such facilities; PROVIDED, FURTHER, that the petitioner shall guarantee that no interference with or damage to local appliances or other properties in the area will likely result therefrom."

WHEREAS, there was an error in the specification of the area on which the cell site is supposed to be constructed, pursuant to the amendment to the Contract of Lease dated June 16, 2002 executed by lessor Virgilio L. Domingo and lessee NEXTEL Communications Philippines, Inc., that instead of the correct address at No. 981 EDSA corner Bulacan Street, Quezon City, the address specified in the application for issuance of a Special Use Permit, and consequently in Resolution No. SP-1518, S-2001, is 18 Catanduanes Street, EDSA, Quezon City.

WHEREAS, under Article III (provisions relating to the Sangguniang Panglungsod), Section 458 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the power to grant said application, which includes the power to amend the same, is vested in and falls under the competence of the Sangguniang Panglungsod as follows:

“Section 458. Powers, Duties, Functions and Compensation.

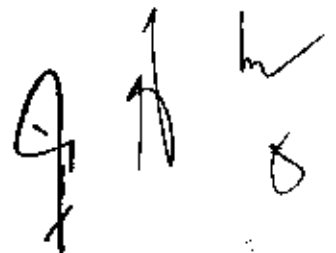
(3) Subject to the provisions of Book II of this Code, enact ordinances granting franchises and authorizing the issuance of permits or licenses, upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the city and pursuant to this legislative authority shall:

(iii) Provide for and set the terms and conditions under which public utilities owned by the city shall be operated by the city government, and prescribe the conditions under which the same may be leased to private persons or entities, preferably cooperatives;”

WHEREAS, an amendment to Resolution No. 1518, S-2001 is necessary in order that the real intention of all concerned parties be reflective in the record;

NOW, THEREFORE,

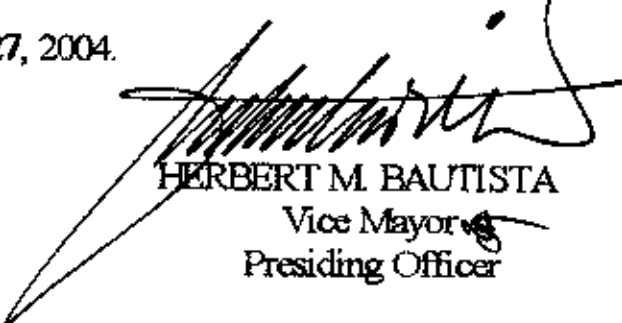
BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED, to amend, as it does hereby amend, Resolution No. SP-1518, S-2001 with regard to the location of the cell site NEXTEL Communications Philippines, Inc., was authorized to construct;



RESOLVED, FURTHER, that instead of 18 Catanduanes Street, EDSA, Quezon City, the address in which the authority to construct said cell site shall be at No. 981 EDSA, Quezon City,


RESOLVED, FINALLY, that except as provided herein, Resolution No. SP-1518, S-2001 shall continue to be in full force and effect.

ADOPTED: January 27, 2004.



HERBERT M. BAUTISTA  
Vice Mayor  
Presiding Officer

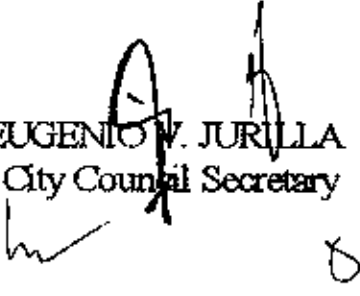
ATTESTED:



EUGENIO V. JURILLA  
City Council Secretary

*CERTIFICATION*

*This is to certify that this Resolution which was APPROVED on Second Reading on January 27, 2004, was CONFIRMED by the City Council on February 03, 2004.*



EUGENIO V. JURILLA  
City Council Secretary