DEPARTMENT CIRCULAR NO. 01-1
Series of 2020

JUN 08 2020


WHEREAS, Proclamation No. 922 (s. 2020) declared a State of Public Health Emergency in recognition of the Coronavirus Disease 2019 (COVID-19) as a threat to national security, and to prompt a whole of government approach in addressing the COVID-19 situation in the country;

WHEREAS, Proclamation No. 929 (s. 2020) declared a State of Calamity in the entire country for a period of six (6) months, imposed an Enhanced Community Quarantine (ECQ) over the entire island of Luzon, and enjoined government agencies and Local Government Units to render full assistance to undertake critical, urgent, and appropriate disaster response aid and measures in a timely manner, in light of the COVID-19 situation;

WHEREAS, Republic Act (R.A.) No. 11469, otherwise known as the “Bayanihan to Heal as One Act,” declared a State of National Emergency over the entire country in view of the continuing rise of confirmed cases of COVID-19, the serious threat to health, safety, security, and lives of our countrymen, the long-term adverse effects on their means of livelihood, and the severe disruption of economic activities;

WHEREAS, R.A. 11469 declared that there is an urgent need to immediately mobilize assistance in the provisions of basic necessities to families and individuals affected by the imposition of Community Quarantine, especially indigents and their families, undertake a program for recovery and rehabilitation, partner with the private sector and other stakeholders to deliver these measures and programs quickly and efficiently, and promote and protect the collective interests of all Filipinos in these challenging times;

WHEREAS, Executive Order No. 114, series of 2020, issued by the President on 06 May 2020, which institutionalizes the Balik Probinsya, Bagong Pag-asa Program of the government, provides that infrastructure such as means of transport and communications, power resources, and irrigation facilities which support the operation and development of other sectors of the economy shall be developed in all the regions of the country;

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1 §2, Republic Act (RA) No. 11469.
2 §3(b), RA 11469.
3 §3(c), RA 11469.
4 §3(g), RA 11469.
5 §3(b), RA 11469.
WHEREAS, the Department of Information and Communications Technology (DICT) has issued Department Circular (DC) No. 008 (s. 2020), entitled “Policy Guidelines on the Co-Location and Sharing of Passive Telecommunications Tower Infrastructure for Macro Cell Sites” (Policy on Shared PTTIs), in furtherance of the government’s initiative on accelerating ICT infrastructure development, advancing the digital economy, and improving telecommunications services and connectivity across the country, especially in the unserved and underserved areas;

WHEREAS, the Policy on Shared PTTIs prescribes the procedure and the requirements for applications for registration or renewal as an Independent Tower Company (ITC);

WHEREAS, in view of the stated purpose of the Policy on Shared PTTIs and the number of tower companies that have already signed, and manifested their intention to sign, a Memorandum of Understanding and/or Memorandum of Agreement with the DICT, it is reasonably expected that a number of tower companies will submit their applications with the documentary requirements in compliance with the said Policy;

WHEREAS, Section 4 of R.A. 11469 authorizes the President to undertake emergency measures to expedite the delivery of government services, in view of the declaration of a State of Calamity throughout the Philippines due to COVID-19;

WHEREAS, Administrative Order (A.O.) No. 30 (s. 2020) directed all heads of departments, agencies, offices, and instrumentalities of the government to suspend deadlines for the payment of monetary obligations and/or the submission of documents, for the duration of the Community Quarantine in order to ease the social and economic burden thereof;

WHEREAS, the Anti-Red Tape Authority (ARTA) issued Advisory No. 01 (s. 2020) for the Adoption of Fast-Track Measures during the COVID-19 State of Calamity, recommending measures and tools to fast-track and simplify government agencies’ procedures and documentary requirements, consistent with the policies of R.A. 11032, R.A. 11469, the mandate of Presidential Proclamation No. 929, and the recent pronouncements of the President;

WHEREAS, in order to fast-track the country’s digital transformation and prepare the country for its transition to the “New Normal,” there is a need to expedite the roll-out of ICT infrastructures and facilities that could accommodate the increasing demand for connectivity and better quality of ICT services;

WHEREAS, ARTA issued Memorandum Circular No. 2020-03 (s. 2020) suspending the processing times in the delivery of government services until the resumption of regular working schedule, subject to notification to citizens or clients of the adjustments made in the processing times;

NOW, THEREFORE, IN VIEW OF THE FOREGOING, in the exigency of public service, pursuant to the provision of existing laws, rules and regulations, and other departmental issuances, and for the duration of the declared public health emergency and Community Quarantine, the following guidelines for the relaxation of requirements for the expedient implementation of the Policy on Shared PTTIs are hereby promulgated:

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7 §1(d), Administrative Order No. 30, series of 2020.
Section 1. Coverage.—This Circular shall cover all entities seeking to apply for registration as Independent Tower Companies (ITCs) pursuant to Title II, DC 008 (s. 2020) re: Policy on Shared PTTIs, during the state of public health emergency due to COVID-19 in the Philippines.

Section 2. Deferment of formal requirements for Notarization, Authentication, and True Copy Certification.—The following formal requirements on relevant documentary submissions in relation to application for registration as an ITC under Title II, DC 008 (s. 2020) are hereby deferred for the duration of the state of public health emergency:

a. Notarization;
b. Authentication; and
c. True copy certification from government agencies, offices, or entities.

In the meantime, the filing of duly signed documentary submissions that are not notarized, authenticated, or true copy certified, shall be provisionally accepted by the Department, subject to strict compliance with this Circular.

Section 3. Email Submissions.—The applicant for registration as an ITC may file its duly executed application, complete with all supporting documentary requirements, online through the DICT email address duly designated for the purpose. All documents submitted shall be in clear and readable PDF, JPEG, or PNG format in high-quality resolution, with all the necessary information being complete and not covered or obstructed.

In filing its complete application and supporting documents via email, the applicant shall use only one (1) official corporate email address. The initiatory email shall bear the proper subject description, i.e., “ITC Application for Registration of [Corporate Name of the Applicant],” or any phrase similar thereto, indicated in the email title or subject field. The application email thread shall, as far as practicable, be utilized for subsequent communications or submissions relevant to that particular application for registration.

Submission of electronic documents shall be accompanied by a covering letter e-signed by the applicant's duly authorized representative using the Philippine National Public Key Infrastructure (PNPKI) Digital Certificate indicating the (a) applicant entity’s representations and warranties, and (b) applicant entity’s undertaking to complete and faithfully comply with all the requirements after the declared public health emergency, pursuant to this Circular.

Section 4. Incomplete Submissions.—The submission of incomplete applications or supporting documents, and other submissions that are not compliant with the provisions of this Circular and other related departmental issuances, shall neither be considered as filed nor shall they be entertained.

Section 5. Representations and Warranties; Compliance after the Declared State of Public Health Emergency.—By filing the documents and availing of the provisions of this Circular, the applicant entity warrants and represents that the documents so filed and submitted to this Department are genuine, complete, unaltered, and are exact copies of the original, and that the contents thereof are true and correct based on personal knowledge or authentic records.
Within thirty (30) days after the state of public health emergency is lifted, all applicants for ITC registration, including those upon whom ITC Certificates of Registration were issued based on documents provisionally accepted under the provisions of this Circular, shall complete their submission of the original, notarized, authenticated, and/or certified true copies of relevant documents in the manner or form required by DC 008 s. 2020. The Secretary may, for good cause shown by the applicant, extend the period for filing the required documents.

The applicant’s failure to fully comply with this section shall be deemed a resolatory condition, the occurrence of which may be invoked by the Department to invalidate the ITC Certificate of Registration issued based upon its provisional acceptance of documentary submissions under this Circular.

Section 6. Effects of Non-Compliance.—In addition and without prejudice to the provisions of the preceding section, any violation of the provisions of this Circular shall constitute sufficient grounds for the Department to forthwith (a) suspend, disapprove, or withhold action on the application for registration, or (b) suspend, cancel, or revoke the ITC Certificate of Registration if so issued, without prejudice to the institution of appropriate administrative, civil, or criminal cases, or a combination thereof, as may be warranted under applicable laws, rules, and regulations.

Section 7. Departmental Unit for handling Applications for ITC Registration.—The DICT Legal Services is hereby designated to handle the processing of applications for ITC registration, and to exercise supervision over the PTITI Registry. All other DICT bureaus, offices, units, and attached agencies shall cooperate and render such assistance as may be necessary upon the request of the Legal Service.

The Director of the Legal Service may, with the approval of the Secretary upon the recommendation of the Supervising Undersecretary, charge and collect such fees as may be authorized by the provisions of the Revised Administrative Code, A.O. 31 (s. 2012), DOF-DBM-NFDA Joint Circular No. 1-2013, and existing laws, circulars, rules, regulations, and other issuances.

Section 8. Construction and Interpretation.—This Circular shall be liberally construed in order to attain and implement the objectives and mandates of the Department in accordance with the provisions of existing laws, policies, rules, regulations, and other issuances.

Section 9. Reservation Clause.—The Secretary shall have the power to modify, vary, revoke, or impose further conditions as may be necessary in the public interest. Nothing in this Circular shall be construed to limit, decrease or restrain the Department’s authority and mandate under R.A. 10844, the Revised Administrative Code, and other existing laws, rules and regulations, and issuances.

Section 10. Separability Clause.—In case any provision in this Circular shall be declared unconstitutional, invalid, illegal or unenforceable by the courts, the constitutionality, validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby, and shall remain valid and subsisting.

Section 11. Effectivity Clause.—In view of the declared state of public health emergency and the imposition of Community Quarantine affecting Luzon and other areas in the
Philippines, this Circular shall be effective immediately upon its filing/publication in accordance with Section 4, Chapter 2, Book VII of the 1987 Revised Administrative Code.

Let copies of this Circular be likewise posted and published in the official DICT website and bulletin boards, as well as in a newspaper of general circulation, if available in light of the public health emergency.

Copy furnished:  
All concerned.

GREGORIO B. HONASAN II  
Secretary