



23 May 2022

MEMORANDUM CIRCULAR NO. 038-2022

**GUIDELINES IN THE STREAMLINED PROCESSING OF
PASSIVE TELECOMMUNICATION TOWER INFRASTRUCTURE (PTTI)
HEIGHT CLEARANCE PERMIT (HCP) APPLICATIONS**

I. BACKGROUND

Republic Act (R.A.) No. 11032, otherwise known as the “Ease of Doing Business and Efficient Government Service Delivery Act of 2018” amended R.A. No. 9485 or the “Anti-Red Tape Act of 2007” to implement programs on the simplification of *“requirements and procedures that will reduce red tape and expedite business and nonbusiness related transactions in government.”* This law was promulgated to improve service delivery and eradicate corruption amongst all government agencies, especially in the simplification and streamlining of the process of various permits and licenses.

For the CAAP, the exigency imposed by R.A. 11032 s. 2018 is to craft a streamlined 7-day HCP process that would not only fast-track the construction of PTTIs but also ensure airport safety through effective regulatory procedures for aerodrome safeguarding.

This Memorandum Circular adheres to the Agency’s twin pillars of the regulatory framework which are aviation safety and good corporate governance.

II. PURPOSE AND COVERAGE

The HCP is a regulatory measure to control the growth of obstacles around airports to safeguard its operations. This Memorandum Circular prescribes the HCP streamlined process, the requirements when applying for HCP, the requirement for the validation of Affidavit of Undertaking, and defines the internal requirements as well as measures to enable sustainability and institutionalization of the re-engineered HCP process.

III. OFFICE OF PRIMARY RESPONSIBILITY

The CAAP implements obstacle control to safeguard the airspace around airports thru the issuance HCP. The streamlined HCP process shall be implemented by Aerodrome Development and Management Service (ADMS), Communications and Navigation Service (CNS), and the Air Traffic Service (ATS). The three (3) Services shall provide support to sustain the activities and logistics required to implement the streamlined process such as:

- a) Personnel requirements of ADMS, CNS, and ATS
- b) Acquisition of relevant software for automatic assessment and/or data processing
- c) Maintenance and support of the e-platform (HCP webpage) to transition to full digitalization

IV. MAP of CRITICAL AREAS

The CAAP identified areas that are in need of safeguarding to prevent unregulated construction around the vicinity of an airport that will not only affect the safety of the aircraft and air travelers but also airport capacity. These areas, also known as CAAP critical area(s) are available on the CAAP website https://apps.caap.gov.ph/area/caap_area.html. The qualitative description of the CAAP critical areas is provided in Attachment A.

As intended in the Revised Joint Memorandum Circular (JMC) No. 1 Series of 2021 or *The*



Streamlined Guidelines for the Issuance of Permits, Licenses, and Certificates for the Construction of Shared Passive Telecommunications Tower Infrastructure (PTTIs), critical area(s) will serve as a reference to the prospective applicant(s) to determine when to apply for an HCP or when to submit an Affidavit of Undertaking (AOU).

Section 8 of the JMC No.01 s. 2021 outlines the standards for processing HCP and evaluating AOU. HCP is required for all proposed Passive Telecommunication Tower Infrastructure (PTTIs) that are fifty (50) meters or higher above the elevation of the ground, and if the structure is within the specified CAAP Critical Areas.

The CAAP critical areas may serve the following purpose(s):

For the HCP applicants:

If the proposed PTTI structure is outside the CAAP critical area and below fifty (50) meters in height above the elevation of the ground, the applicant shall not be required to apply for an HCP and instead, to submit an AOU certified by a Geodetic Engineer attesting that the proposed structure is to be built outside the CAAP critical area.

For the CAAP, the critical area(s) is a basis for the technical evaluators if an HCP application, whether PTTIs or other structures, will require full HCP evaluation as it is used in the initial stages of HCP assessment process.

For Aerodrome Operators and/or Airport Managers, the CAAP critical area may serve as a reference to determine areas in need of obstacle control monitoring.

V. STREAMLINED HCP PROCESS

The critical area as a sorting tool is central in the streamlining of the HCP process. All HCP application will be checked whether it is within or outside the critical area.

After it has been determined that the proposed structure is within the critical area, a full HCP evaluation will take place checking the possible impact on the obstacle limitation surface or OLS, visual and instrument flight procedures, and the radio/surveillance signals propagated by the CNS equipment. HCP approval or denial will be prepared based on the result of the technical evaluation.

For proposed structures that are below 50 meters in height and are outside the critical area, a certification will be prepared and issued. Similarly, AOUs will be stamped validated after completion of technical evaluation.

Applications with incomplete documentary requirements will be automatically disapproved.

CAAP Authority Order 196-2021 stipulates the signatories for HCP, Certification of Outside CAAP Critical Area, Validation of AOU, and the denial of non-compliant or incomplete documents.

HCP applications of mobile network operators and independent tower companies duly registered with the DICT shall be processed within seven (7) working days. Other proposed structures applying for HCP shall be processed according to the timeline prescribed in RA 11032 or CAAP's Citizen's Charter.

The documentary requirements and the amended CAAP Citizen's Charter on HCP processing are available on the CAAP website, www.caap.gov.ph.



VI. DOCUMENTARY REQUIREMENTS OF HEIGHT CLEARANCE PERMIT(HCP)/AFFIDAVIT OF UNDERTAKING (AOU)*

The following documentary requirements shall be submitted to the nearest CAAP office when applying for:

- a. HCP
 1. Completely filled-out CAAP Updated Height Evaluation Application Form;
 2. Elevation Plan of the Proposed Structure indicating its Total Height;
 3. CAAP Updated Format of Geodetic Engineer's Certificate of Site Survey Data;
 4. Photocopy of NAMRIA Certification of Reference Station with Compliant Data or equivalent (if used);
 5. Location Plan with Vicinity Map (showing runway if applicable); and
 6. Computations (traverse, leveling and/or GNSS processing report).
 7. Photocopy of receipt of filing fee payment

So as to be considered complete and compliant, the applicant(s) must submit original documents along with one (1) photocopy of 1, 2, 3, and 5.

b. AOU

Two (2) original copies of the documents listed below shall be submitted to initiate the validation process.

- b.1. AOU certified by a Geodetic Engineer
- b.2. Location Plan with Vicinity Map (signed and sealed by a Geodetic Engineer).

*Applicable only to PTTIs

VII. FEES AND CHARGES

A minimum amount of Php 50.00 or any other amount determined and approved by the CAAP shall be paid and collected for all HCP applications and AOU validation.

VIII. VIOLATIONS, PENALTIES, AND LIABILITIES

The violations, penalties and liabilities as prescribed under Section 9 of the JMC are hereby adopted without prejudice to those prescribed under Sections 81 and 82¹ of Republic Act No. 9497 otherwise known as the Civil Aviation Authority Act.

IX. REPEALING CLAUSE

All Orders and/or Memoranda in conflict of the provisions of this MC are hereby repealed or modified accordingly.

X. EFFECTIVITY

This MC shall take effect immediately upon signing thereof and remain effective and binding until and unless revoked accordingly.


CAPTAIN JIM C. SYDIONGCO
Director General