



HOUSE OF REPRESENTATIVES

H. No. 8202

BY REPRESENTATIVES ROMAN, TAMBUNTING, GO (M.), MANGAOANG, REYES, VELASCO, MACAPAGAL ARROYO, YAP (V.), NOGRALES (J.J.), SUAREZ (D.), DE JESUS, SUNTAY, SANCHEZ, VERGARA, TULFO, DY (F.M.C.), DIMAPORO (A.), GATO, TIANGCO, CUARESMA, TY (D.), NIETO, TAN (A.S.), EBCAS, MARIANO-HERNANDEZ, MATUGAS, JIMENEZ, GARIN (S.), DAGOOC, GUYA, QUIMBO, ELAGO, MARQUEZ, CABREDO, VIOLAGO, BENITEZ, DY (I.P.), GATCHALIAN, LACSON, BORDADO, CASTRO (F.L.), BARBA, YAP (E.), SAULOG, REVILLA, OAMINAL, ROMUALDO, ZARATE AND SAVELLANO, PER COMMITTEE REPORT NO. 655

AN ACT

MANDATING THE PROPER INSTALLATION AND MAINTENANCE OF OVERHEAD ELECTRIC DISTRIBUTION, COMMUNICATION LINES, AND STRUCTURES BY ALL ELECTRIC DISTRIBUTION, CABLE, AND TELECOMMUNICATIONS COMPANIES FOR PURPOSES OF PUBLIC SAFETY AND GOOD HOUSEKEEPING

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. **Short Title.** This Act shall be known as the “*Proper*
2 *Installation and Maintenance of Overhead Electric Distribution and*
3 *Communication Lines Act*”.

4 SEC. 2. **Declaration of Policy.** – It is hereby declared the policy of the
5 State to:

- 6 a) Ensure the safety and protection of life and property;
- 7 b) Uphold the general welfare; and
- 8 c) Promote good housekeeping and implement sound maintenance of
9 utility poles, lines, cables, equipment and accessories in the conduct
10 and delivery of services by electric distribution, cable, and
11 telecommunications companies to their clients.

12 SEC. 3. **Responsibility of Electric Distribution, Cable, and**
13 **Telecommunications Companies.** – It shall be the responsibility of electric
14 distribution, cable, and telecommunications companies to safeguard life and
15 property in the conduct and delivery of services to their clients.

16 All electric distribution, cable and telecommunications companies shall
17 ensure public safety and prepare contingencies for calamities or any
18 unforeseen event that may cause harm, expose a person to peril and cause
19 damage to property, by undertaking necessary precautionary measures to
20 prevent the same. Electric distribution, cable, and telecommunications
21 companies shall implement sound maintenance programs in all their service
22 areas. Toward this end, all electric distribution, cable, and
23 telecommunications companies shall perform the following:

- 24 (a) Conduct periodic inspection of overhead electric distribution and
25 communication lines, in compliance with the standard clearance under the
26 Philippine Electrical Code Part 2 (PEC 2) and as provided for in this Act or
27 its implementing rules and regulations;
- 28 (b) Fix and bundle-up dangling overhead secondary and communication
29 lines;
- 30 (c) Remove unused overhead electric distribution and communication
31 lines;
- 32 (d) Replace all unused, misplaced, damaged and rotten utility poles; and

1 (e) Strictly adhere to and ensure compliance with the standards and
2 regulations provided under the Philippine Electrical Code, as approved and
3 adopted by the Board of Electrical Engineering of the Professional
4 Regulation Commission pursuant to the mandate vested upon the Board
5 under Republic Act No. 7920, otherwise known as the "*New Electrical*
6 *Engineering Law*".

7 **SEC. 4. *Joint Use of Structures.*** – The joint use of structures shall be
8 considered for circuits along highways, roads, streets, and alleys. The choice
9 between joint use of structures and separate lines shall be determined
10 through collaborative consideration of all the factors involved, including the
11 character of circuits, the total number and weight of conductors, tree
12 conditions, number and location of branches and service drops, structure
13 conflicts, and availability of right-of-way and other factors as may be
14 provided in the rules and regulations to be promulgated to implement.
15 Where such joint use is mutually agreed upon, it shall be subject to the
16 appropriate grade of construction specified in Article 3.5 of PEC 2.

17 **SEC. 5. *Responsibility of the Local Government Units (LGUs).*** – All
18 cities and municipalities shall, through their respective city or municipal
19 engineers or the Department of Public Works and Highways (DPWH) in the
20 case of national roads, ensure that every utility company, within their
21 territorial jurisdiction, comply with the provisions of Section 3 of this Act.
22 The Sangguniang Panlungsod or Sangguniang Bayan concerned shall,
23 pursuant to Republic Act No. 7160, as amended, otherwise known as the
24 Local Government Code, issue an ordinance governing the overhead
25 installation of electric distribution lines, cables and utility poles, in
26 accordance with the Electrical Code, National Building Code and RA No.
27 11361 or the Anti-Obstruction of Power Lines Act and in consultation with
28 the agencies concerned.

29 The city or municipal engineer, or the authorized representative of
30 such city or municipality shall, in addition to the authority to withhold the
31 grant or renewal of licenses or business permits, file a complaint against the
32 electric distribution, cable, or telecommunications company, which fails to
33 conduct periodic inspection of its respective utility line installations or fix or

1 bundle up its utility lines or remove all old and unused lines in violation of
2 the regulations and standards provided for under the PEC 2 before the court
3 of competent jurisdiction. Any person may file an administrative complaint
4 against the city or municipal engineer who fails to monitor the compliance of
5 electric distribution, cable, and telecommunications companies with the
6 standards and regulations provided under the PEC 2.

7 Once it has been notified of a possible violation, the city or
8 municipality, or the DPWH in the case of national roads, shall send notice to
9 the erring company to allow it to rectify its error within a reasonable time or
10 to explain its reasons for failure to comply with the standards set forth in
11 Republic Act No. 7920 and its implementing rules and regulations. Upon
12 failure to rectify its error or continuous non-compliance without justifiable
13 cause, the city or municipal engineer, or the DPWH in the case of national
14 roads, may conduct an investigation, upon due notice to the erring
15 company. A finding of fault by the authorized person conducting the
16 investigation may result in the withholding of the renewal of the
17 corresponding business licenses or permits for erring electric distribution,
18 cable and telecommunications companies.

19 The public utilities shall notify the LGU concerned on violations on the
20 issuance of building permits for non-compliance with the rules and the
21 standards on setbacks and clearances under the *Philippine Electrical Code*,
22 the *National Building Code*, and the "*Anti-Obstruction of Power Lines Act*" or
23 Republic Act No. 11361, as provided in this Act.

24 **SEC. 6. *Installation of Overhead Electric Distribution Lines,***
25 ***Cables and Utility Poles and Standard Requirements.*** – All installation
26 of overhead electric distribution lines, cables, and utility poles shall be
27 inspected by the city or municipal engineer, or the DPWH, whichever is
28 applicable. Installation of overhead electric distribution lines, cables and
29 utility poles shall conform to the PEC 2, Philippine Distribution Code (PDC),
30 Distribution Services and Open Access Rules (DSOAR), National Building
31 Code (NBC), and other applicable existing local and international standards,
32 of which compliance shall be ensured by the Inter-Agency Committee under

1 Section 9 of this Act. The specific location shall be inspected by the
2 engineering officials prior to, during and after the installation.

3 In cases where the ideal location of a pole installation is unavailable,
4 the concerned city or municipal government, or the DPWH, shall assist the
5 pole owner in identifying and securing the right-of-way (ROW) for alternative
6 pole locations, at no cost to the government.

7 Pending the promulgation of standards by the Inter-Agency Committee
8 under Section 9 of this Act, or a uniform set of requirements by the
9 barangay, city, or municipal government unit on the overhead installation
10 and maintenance of electric distribution lines, cables, utility poles,
11 equipment and accessories, the city or municipal government shall assist
12 the owner of a facility on issues concerning the same.

13 **SEC. 7. *Creation of a Monitoring and Service Team.*** – A Monitoring
14 and Service Team, led by the city or municipal engineer and composed of
15 representatives from the pole owners and the electric distribution, cable,
16 and telecommunications companies, shall, in coordination with the
17 barangay, city, or municipal-engineer or the DPWH, whichever is applicable,
18 be created to perform the immediate and necessary clean-up operation and
19 maintenance of overhead electric distribution lines, cables, utility poles,
20 equipment and accessories in compliance with the provisions of this Act.
21 The clean-up operation shall commence within six (6) months from the
22 promulgation of the Implementing Rules and Regulations (IRR) pursuant to
23 Section 13 of this Act.

24 **SEC. 8. *Role of the Monitoring and Service Team.*** – The Monitoring
25 and Service Teams of electric distribution, cable, and telecommunications
26 companies shall conduct a semi-annual inspection to check compliance to
27 Section 3 of this Act and maintenance of their electric distribution lines,
28 cables, utility poles, equipment and accessories installed in a particular area
29 for the efficient delivery of their services. Maintenance shall include proper
30 bundling, casing and replacement of damaged electric distribution lines and
31 cables, and repair and replacement of utility poles, equipment and
32 accessories, and retirement of unused electric distribution lines, cables and
33 utility poles.

1 Electric distribution, cable, and telecommunications companies shall
2 be given a reasonable period of time to relocate and realign displaced lines,
3 cables, utility poles, equipment and accessories as a result of a public
4 infrastructure work. The implementing government agency of a construction
5 project shall inform and coordinate with the electric distribution, cable, or
6 telecommunication company concerned for the relocation of its lines, cables,
7 utility poles, equipment and accessories. The cost of relocating such lines,
8 cables, utility poles, equipment and accessories shall be shouldered by the
9 implementing agency of the construction project. The implementing
10 government agency shall provide its plans, specifications and provide utility
11 corridors for the adequate evaluation of the design, construction, operation,
12 and maintenance of facilities. All costs that shall be incurred in the
13 necessary relocation of facilities of the public utilities concerned as a result
14 of such public infrastructure work shall be borne by the implementing
15 agency or project proponent as part of its obligation to deliver the right-of-
16 way, or by the private concessionaire, as the case may be.

17 A real-time inspection and monitoring shall be done in cases of
18 emergencies and calamities.

19 **SEC. 9. *Inter-Agency Committee.*** – An Inter-Agency Committee to be
20 chaired by the ERC and composed of authorized representatives from the
21 DPWH, Department of the Interior and Local Government (DILG),
22 Department of Information and Communications Technology (DICT),
23 National Telecommunications Company (NTC), National Transmission
24 Corporation (TransCo), National Electrification Administration (NEA), and
25 representatives from the LGUs, is hereby created to set the prescribed
26 standards in the overhead installation of lines, cables, utility poles,
27 equipment and accessories, monitor the same and conduct periodic
28 inspection thereof to ensure compliance thereto and shall jointly plan for the
29 conduct of clean-up drives, identify issues, prioritize key areas, recommend
30 best practices or way forward, to ensure compliance of the latter with
31 applicable existing laws, rules and regulations of relevant agencies/offices of
32 the government, such as the PEC, the PDC, and the NBC.

1 The Inter-Agency Committee may invite resource persons, if deemed
2 necessary, from Professional Regulatory Board of Electrical Engineering
3 (PRBEE), PRC-Board of Electronics and Communications Engineering (PRC-
4 BECE), the Institute of Integrated Electrical Engineers of the Philippines
5 (IIEE) and two (2) representatives from the private sector.

6 **SEC. 10. *Penalty Provisions.*** – In addition to the civil liabilities
7 prescribed by Article 2176 of the *Civil Code* on quasi-delict and the penalties
8 prescribed by Article 365 of the *Revised Penal Code* on criminal negligence,
9 and unless otherwise provided under special laws, an electric distribution,
10 cable, or telecommunications company found in violation of any provision of
11 this Act, shall be punished with a fine of not less than Two hundred fifty
12 thousand pesos (P250,000.00) but not more than Five hundred thousand
13 pesos (P500,000.00) for the first offense; a fine of not less than Five hundred
14 thousand pesos (P500,000.00) but not more than One million pesos
15 (P1,000,000.00) for the second offense; and a fine of not less than One
16 million pesos (P1,000,000.00) but not more than Two million pesos
17 (P2,000,000.00) for the third and succeeding offenses, as may be determined
18 by the court.

19 **SEC. 11. *Joint Congressional Oversight Committee (JCOC).*** – There
20 is hereby created a Joint Congressional Oversight Committee to monitor the
21 effective implementation of this Act, recommend the necessary remedial or
22 administrative measures and perform such other duties and functions as
23 may be necessary to attain the objectives of this Act.

24 The JCOC shall be composed of ten (10) members, with the
25 Chairpersons of the Committees on Energy of both Houses of Congress as
26 Co-Chairpersons. The Chairpersons of the House Committee on Information
27 and Communications Technology and Senate Committee on Public Services
28 shall be the Co-Vice Chairpersons. An additional three (3) members from
29 each House, shall be designated by the Senate President and the Speaker of
30 the House of Representatives, respectively: *Provided*, That at least one (1)
31 member from each House shall be nominated by their respective Minority
32 Leaders. The secretariat of the JCOC shall be the existing secretariat
33 personnel of the concerned Committees of both Houses of Congress.

1 SEC. 12. **Implementing Rules and Regulations.** – The ERC shall, in
2 consultation with the DPWH, DILG, DICT, NTC, TRANSCO, PRBEE, PRC-
3 BECE, NEA, IIEE and representatives from the LGUs, the electric
4 distribution, cable and telecommunications companies, promulgate the
5 necessary Implementing Rules and Regulations (IRR) within one hundred
6 twenty (120) days from the effectivity of this Act.

7 SEC. 13. **Separability Clause.** – If, for any reason, any provision of
8 this Act is declared unconstitutional or invalid, the other provisions hereof,
9 which are not affected thereby shall continue to be in full force and effect.

10 SEC. 14. **Repealing Clause.** – All laws, decrees, orders, rules and
11 regulations or parts thereof, which are inconsistent with or contrary to the
12 provisions of this Act, are hereby repealed, amended or modified
13 accordingly.

14 SEC. 15. **Effectivity.** – This Act shall take effect fifteen (15) days after
15 its publication in the Official Gazette or in a newspaper of general
16 circulation.

17 Approved,