

**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session

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Senate
Office of the Secretary

22 OCT 19 AIO :26

SENATE
S. B. No. 1398

RECEIVED BY: _____

Introduced by Senator Francis "Tol" N. Tolentino

AN ACT
**MANDATING THE PROPER INSTALLATION AND MAINTENANCE OF
OVERHEAD ELECTRIC SUPPLY, COMMUNICATION LINES, AND
STRUCTURE BY ALL ELECTRIC, 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:*

EXPLANATORY NOTE

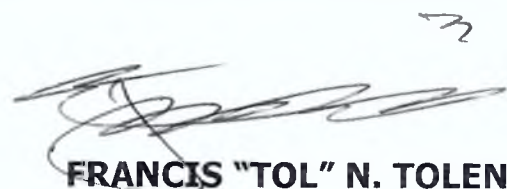
Article XII Section 6 of the 1987 Constitution provides that "the use of property bears a social function and all economic agents shall contribute to the common good. Individual and private groups, including corporations, cooperatives, and similar collective organizations shall have the right to own, establish and operate economic enterprises, subject to the duty of the State to promote distributive justice and to intervene when the common good so demands."

The proposed measure seeks to mandate all electric, cable and telecommunications companies to conduct periodic inspections of their respective utility line installations to ensure strict compliance with the standards and regulations provided under the Philippine Electrical Code.

The Philippine Electrical Code has been approved and adopted by the Board of Electrical Engineering of the Professional Regulation Commission by virtue of its mandate under Republic Act No. 7920, also known as the "*New Electrical Engineering Law*." The Philippine Electrical Code serves as the basis in the installation of electrical system designs in the country.

Electric, cable and telecommunications companies already existing in the country such as MERALCO, PLDT, Bayantel, Skycable, observe and use the provisions of the Philippine Electrical Code in the installation of their utility lines. For instance, overhead power lines have strict guidelines for height clearances over streets, sidewalks, alleys, roads and driveways for the safety of the public. However, through the passage of time, in the absence of regular inspection and monitoring, the sagging of these wires and cables may happen which endangers the lives of people. It is for this reason that this measure is proposed to mandate all electric, cable and telecommunications companies to conduct periodic inspections of their respective utility line installation and for the government agencies exercising jurisdiction over these installations to monitor the height clearance requirements for the safety of the public. This bill was already approved on third reading and transmitted to the Senate during the 18th Congress.

In view of the foregoing, approval of this bill is earnestly recommended.


FRANCIS "TOL" N. TOLENTINO

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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 Installation*
2 *and Maintenance of Overhead Electric Supply and Communication Lines Act*".
3

4 SEC. 2. **Declaration of Policy.** - It is hereby declared the policy of
5 the State to ensure the safety and protection of life and property, uphold the
6 general welfare; and promote good housekeeping and implement sound
7 maintenance of utility poles, lines, cables, equipment and accessories in the
8 conduct and delivery of services by electric, cable and telecommunications
9 companies to their clients.
10

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

15 They shall ensure public safety and prepare contingencies for calamities
16 or any unforeseen event that may cause harm, expose a person to peril and

1 cause damage to property, by undertaking necessary precautionary
2 measures to prevent the same. Electric, cable and telecommunications companies
3 shall maintain good housekeeping and implement sound maintenance programs in all their
4 service areas. Toward this end, all electric, cable and telecommunications companies
5 shall perform the following:

- 6
- 7 (a) Conduct periodic inspection of overhead electric supply and
8 communication lines, in compliance with the standard clearance under the
9 Philippine Electrical Code Part 2 (PEC 2) and as provided in this Act or
10 the implementing rules and regulations;
 - 11
 - 12 (b) Fix and bundle-up of dangling overhead secondary and communication lines;
 - 13
 - 14 (c) Remove unused overhead electric and communication lines;
 - 15
 - 16 (d) Replace all unused, misplaced, damaged and rotten utility poles; and
 - 17
 - 18 (e) Strictly adhere to and ensure strict compliance with the standards
19 and regulations provided under the Philippine Electrical Code, as approved
20 and adopted by the Board of Electrical Engineering of the
21 Professional Regulation Commission pursuant to the mandate vested upon
22 the Board under Republic Act No. 7920, otherwise known as the
23 *"New Electrical Engineering Law"*.

24

25

26 **SEC. 4. *Joint Use of Structure.*** - The joint use of structure shall be
27 considered for circuits along highways, roads, streets, and alleys. The choice
28 between joint use of structures and separate lines shall be determined
29 through collaborative consideration of all the factors involved, including, but not
30 limited to, the character of circuits, the total number and weight of
31 conductors, tree conditions, number and location of branches and service drops,
32 structure conflicts, and availability of right-of-way and other factors as may be
33 provided in the implementing rules and regulations. Where such joint use is

1 mutually agreed upon, it shall be subject to the appropriate grade of construction
2 specified in Article 3.5 of PEC 2.

3
4 **SEC. 5. *Responsibility of the Local Government Units (LGUs).*** - All
5 cities and municipalities shall, through their respective city or municipal engineers or
6 the Department of Public Works and Highways (DPWH) in the case of national
7 roads, ensure that every utility company, within their territorial jurisdiction, comply with
8 the provisions of Section 3 of this Act. The Sangguniang Panlungsod or Sangguniang Bayan
9 concerned shall, under the Local Government Code, issue an ordinance governing the
10 overhead installation of electric wires, cables and utility poles, in accordance with the
11 Electrical Code, National Building Code and RAI 1361 or The Anti-Obstruction Of Power
12 Lines Act and in consultation with the agencies concerned.

13
14 The city or municipal engineer, or the authorized representative of such
15 city or municipality may, in addition to the authority to withhold the grant or
16 renewal of licenses or business permits, file a complaint against the electric, cable
17 or telecommunications company, which fails to conduct periodic inspection of
18 its respective utility line installations or to fix or bundle up its utility lines or
19 remove all old and unused lines in violation of the regulations and standards
20 provided under PEC 2 before a court of competent jurisdiction. An administrative
21 complaint may likewise be filed by any person against the city or municipal
22 engineer who fails to monitor the compliance of electric, cable and
23 telecommunications companies with the standards and regulations provided under
24 the PEC 2.

25
26 Once it has been notified of a possible violation, the city or
27 municipality, or the DPWH in the case of national roads, shall send notice to the erring
28 company to allow it to rectify its error within a reasonable time or to explain its
29 reasons for failure to comply with the standards set forth in Republic Act No. 7920
30 and its implementing rules and regulations. In case the erring company fails to
31 rectify its error or continue with their non-compliance without justifiable cause, the
32 city or municipal engineer, or the DPWH in the case of national roads, shall
33 conduct an investigation of the matter, upon due notice to the erring company.

1 A finding of fault by the authorized person conducting the investigation shall
2 result in the withholding of the renewal of the corresponding business
3 licenses or permits for erring electric, cable and telecommunications companies.
4

5 The public utilities shall notify the LGU concerned on violations on the issuance
6 of building permits for non-compliance with the rules and the standards on
7 setbacks and clearances under the *Philippine Electrical Code* the *National Building*
8 *Code*, and the "*Anti-Obstruction of Power Lines Act*" or Republic Act No. 11361, as
9 provided in this Act.
10

11 **SEC. 6. *Installation of Overhead Electric Lines, Cables and***
12 ***Utility Poles and Standard Requirements.*** - All installation of overhead
13 electric lines, cables and utility poles shall be inspected by the city or
14 municipal engineer, or the DPWH, whichever is applicable. Installation of
15 overhead electric lines, cables and utility poles shall conform with the provision
16 of PEC 2, Philippine Distribution Code (PDC), Distribution Services and Open
17 Access Rules (DSOAR), National Building Code (NBC), and other existing
18 applicable local and international standards, compliance to which shall be ensured
19 by the Inter-Agency Committee. The specific location shall be inspected by
20 the engineering officials prior to, during and after the installation.
21

22 In cases where the ideal location of pole installation is unavailable, the
23 city or municipal government, or the DPWH, whichever is applicable, shall
24 assist the pole owner in identifying and securing the right-of-way (ROW) for
25 alternative pole locations, at no cost to the government.
26

27 Pending the promulgation of standards by the Inter-agency Committee under
28 Section 9 of this Act or a uniform set of requirements by the barangay,
29 city or municipal government unit on the overhead installation and
30 maintenance of electric lines, cables, utility poles, equipment and accessories,
31 the city or municipal government shall assist the facilities owner on issues
32 concerning the same.

1 **SEC. 7. *Creation of a Monitoring and Service Team.*** - A Monitoring
2 and Service Team, led by the city or municipal engineer and composed of
3 representatives from the pole owners and the electric, cable and
4 telecommunications companies, shall, in coordination with the barangay, city or
5 municipal-engineer or the DPWH, whichever is applicable, be created to perform
6 the immediate and necessary clean-up operation and maintenance of overhead
7 electric lines, cables, utility poles, equipment and accessories in compliance with
8 the provisions of this Act. The clean-up operation shall commence within six
9 (6) months from the promulgation of the Implementing Rules and Regulations
10 (IRR)pursuant to Section 13 of this Act.

11
12 **SEC. 8. *Role of the Monitoring and Service Team.*** - The Monitoring and
13 Service Teams of electric, cable and telecommunications companies shall conduct
14 a semi-annual inspection to check compliance with Section 3 of this Act and the
15 maintenance of their electric lines, cables, utility poles, equipment and
16 accessories installed in a particular area for the efficient delivery of their services.
17 Maintenance shall include, among others, proper bundling, casing and replacement
18 of damaged electric lines and cables, and repair and replacement of utility poles,
19 equipment and accessories, and retirement of unused electrical wires, cables and utility
20 poles.

21
22 Electric, cable and telecommunications companies shall be given a
23 reasonable period of time to relocate and realign displaced lines, cables, utility
24 poles, equipment and accessories as a result of a public infrastructure work. The
25 implementing agency of a construction project shall inform and coordinate with the public
26 utility company concerned for the relocation of its lines, cables, utility poles,
27 equipment and accessories. The cost of relocating such lines, cables, utility
28 poles, equipment and accessories shall be shouldered by the implementing
29 agency of the construction project. The implementing agency shall provide its plans,
30 specifications and provide utility corridors for the adequate evaluation of the design,
31 construction, operation, and maintenance of facilities. All costs that shall be incurred
32 in the necessary relocation of facilities of the public utilities concerned as a result
33 of such public infrastructure work under the Public-Private Partnership (PPP) Project, Build-

1 Build-Build Program, or any other similar program of the government shall be borne by
2 the implementing agency or project proponent as part of its obligation to deliver
3 the right-of-way, or by the private concessionaire, as the case may be.
4

5 A real-time inspection and monitoring shall be done in cases of emergencies and
6 calamities.
7

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

23 The inter-agency committee may invite resource persons, if deemed
24 necessary, from Professional Regulatory Board of Electrical Engineering
25 (PRBEE), PRC-Board of Electronics and Communications Engineering (PRC-
26 BECE), the Institute of Integrated Electrical Engineers of the Philippines
27 (IIEE) and two (2) representatives from the private sector.
28

29 **SEC. 10. *Penal Provisions.*** - Unless otherwise provided under special
30 laws, an electric, cable or telecommunications company found in violation
31 of any provision of this Act, in addition to the civil liabilities prescribed by
32 Article 2176 of the *Civil Code* on quasi-delict and the penalties prescribed by
33 Article 365 of the *Revised Penal Code* on criminal negligence, shall be punished

1 with a fine of not less than Two hundred fifty thousand pesos (P250,000.00)
2 but not more than Five hundred thousand pesos (P500,000.00) for
3 the first offense; a fine of not less than Five hundred thousand pesos
4 (P500,000.00) but not more than One million pesos (P1,000,000.00) for the
5 second offense; and a fine of not less than One million pesos
6 (P1,000,000.00) but not more than Two million pesos (P2,000,000.00) for
7 the third and succeeding offenses, as may be determined by the court.

8

9 **SEC. 11. *Joint Congressional Oversight Committee (JCOC).*** - There is
10 hereby created a Joint Congressional Oversight Committee to monitor the effective
11 implementation of this Act, recommend the necessary remedial or administrative
12 measures and perform such other duties and functions as may be necessary to attain
13 the objectives of this Act.

14

15 The oversight committee shall be composed of ten (10) members, with the
16 Chairpersons of the Committees on Energy of both Houses of Congress as Co-
17 Chairpersons. The Chairpersons of the House Committee on Information and
18 Communications Technology and Senate Committee on Public Services shall be the
19 Co-Vice Chairpersons. An additional three (3) members from each House, shall be
20 designated by the Senate President and the Speaker of the House of Representatives,
21 respectively. *Provided,* That at least one (1) member from each House shall be nominated
22 by their respective Minority Leaders. The secretariat of the JCOC shall be the
23 existing secretariat personnel of the concerned Committees of both Houses of
24 Congress.

25

26 **SEC. 12. *Implementing Rules and Regulations.*** - The ERC shall, in
27 consultation with the DPWH, DILG, DICT, NTC, TRANSCO, PRBEE, PRC-BECE, NEA,
28 IIEE and representatives from the LGUs, the electric cable and telecommunications
29 companies, promulgate the necessary Implementing Rules and Regulations (IRR) within
30 one hundred twenty (120) days from the effectivity of this Act.

31

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

4
5 SEC. 14. **Repealing Clause.** - All laws, decrees, orders, rules and
6 regulations or parts thereof, which are inconsistent with or contrary to the
7 provisions of this Act, are hereby repealed, amended or modified accordingly.

8
9 SEC. 15. **Effectivity.** - This Act shall take effect fifteen (15) days after its
10 publication in the Official Gazette or in a newspaper of general circulation.

11
12 Approved,