

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Diliman, Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2166

Introduced By
HON. BERNARDO M. VERGARA

EXPLANATORY NOTE

This bill seeks to provide for local legislative approval of public utility programs, projects, and usage rate increases to harness people's participation on concerns affecting their day-to-day life relative to their personal, household, and institutional use of public utility services, such as but not limited to, electricity, water, telecommunications, transportation, sewerage and waste disposal.

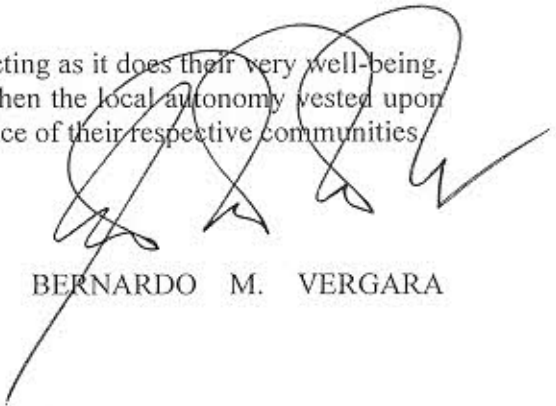
Public utility agencies, whether public or private in ownership, are presently minimally accountable to the local legislature in their implementation of their respective programs, projects, and other proposed undertakings. Implementation merely proceeds from the specific management authority duly designated by their respective institutional mandate pursuant to a governing statute.

By and large, projects are executed without meaningful local legislative participation. The people in a community, for whose benefit the purported utility project is conceived, designed and implemented, are therefore deprived of the opportunity for critical judgment on the level and quality of public utility services, especially on matters affecting public accessibility, availability, and affordability.

In the case of publicly-owned utility establishments, this operating practice assigns a contrived respect to Section 27 of Republic Act 7160, otherwise known as the Local Government Code of 1991, i.e. "No project or program shall be implemented by government authorities unless the consultations mentioned in Sections 2 (c) of 26 hereof are complied with, *and prior approval of the sangguniang concerned is obtained . . . xxx (italics supplied)*. Historical experience however indicates that public utility agencies have interpreted mere information as substantially compliant with the local consultative requirement of this Code. There arises an even greater need for local legislative approval of programs and projects proposed to be undertaken by privately-owned utility establishments which generally implement their own decisions without prior regard for and respect of local legislative authority.

When enacted into law, as envisioned by this author, this bill would have empowered the populace their desired participation and critical involvement in evaluating the soundness and viability of a particular program or project, or the

reasonable basis of a proposed rate increase, affecting as it does their very well-being. It is verily yet another milestone effort to strengthen the local autonomy vested upon local government units in their effective governance of their respective communities.



BERNARDO M. VERGARA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Diliman, Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **2166**

Introduced by
HON. BERNARDO M. VERGARA

AN ACT PROVIDING FOR LOCAL LEGISLATIVE APPROVAL PRIOR TO IMPLEMENTATION BY PUBLIC UTILITY AGENCIES, WHETHER PUBLICLY OR PRIVATELY OWNED, OF PROGRAMS, PROJECTS, RATE INCREASES, AND OTHER UNDERTAKINGS IN LOCAL COMMUNITIES.

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

SECTION 1. The approval of the local legislature in a province, city or municipality is hereby required prior to implementation by public utility agencies, whether publicly or privately owned, of programs, projects, rate increases, and other undertakings in local communities within the coverage area, such as but not limited to, electricity, water, telecommunications, transportation, sewerage, and waste disposal.

SECTION 2. The management of the concerned public utility agency is directed to submit for local legislative approval its proposed program, project or undertaking within ninety (90) days from the scheduled implementation.

SECTION 3. From its receipt of a public utility program, project, or undertaking, the local legislature shall act on the submission in accordance with its internal rules of procedures; provided that public consultations are duly conducted prior to its legislative action.

SECTION 4. In case of failure to secure local legislative approval, public utility agencies shall continue to have and exercise the right to appeal or seek lawful redress in accordance with existing laws.

SECTION 5. All laws, decrees, executive orders, rules and regulations, which are inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SECTION 6. This Act shall take effect immediately.

Approved,