

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

15th Congress
First Regular Session

H. No. 3234

Introduced by Representative Malapitan

EXPLANATORY NOTE

Recently, typhoon "Basyang" hit Metro Manila and other parts of Luzon. Previously, in November 1970 super typhoon "Yoling" at 210 kph, hit Metro Manila and caused panic to the public. On November 2-3, typhoon "Rosing" also hit Metro Manila and many parts of the country, as well as typhoon "Reming" which hit Bicol Region in 2006 and typhoon "Cosme" that hit Zambales and Pangasinan and other parts of Luzon.

The above-named typhoons inflict great havoc to life and property, not to mention the inconveniences caused by long electric power and communications stoppage

In all instances when strong typhoons hit any part of the country, it took franchise holders about a month to fully restore electricity and communications. Added to this is the fact that the spaghetti type aerial wires and cable connections contribute to the ugliness of the places above which they are installed because they constitute an eyesore, not only to the public, but also the visiting tourists.

In order to minimize, if not do away with the repetition of similar events that may come in the future, and so that the public could be assured of their physical safety, the accompanying measure proposes to require all franchise holders using wires and cables in the operation of their business within the Philippines to place underground their installations or wire connections, subject to the following conditions:

1. On the part of the franchise grantees who are already in operation prior to the effectivity of the proposed law, they have to comply with it within a period of five (5) years from its effectivity; and
2. On the part of those who shall operate just subsequent to the effectivity of the proposed law, compliance therewith is required as soon as they start their operations.

This author believes that it should be the paramount concern of the State in the exercise of its police powers to protect the interests of the consuming public from whom the franchise grantees directly derive huge profits by the millions of pesos. It is but fitting that they take into account what would be best after the occurrence of calamities.

In some places in the world, cable and wiring systems of all kinds are placed underground, some even have underwater connections. There is, therefore, no reason why it would not be feasible to place wire connections under the ground, especially when the materials are first-class in all respect, properly insulated, and special safeguards are provided.

Shall we wait for other typhoons to come before we finally decide to require franchise grantees to place their wire connections underground? At times, earthquakes aggravate the situation. Some utility firms, especially in the Metro Manila area, have already placed their wire connections under the ground. This commendable job proves to be worthy and more advantageous to them.

The attached bill, likewise, provides for a fine of Five thousand pesos (Php 5,000.00) per day, commencing from the first day immediately after the lapsed of five (5) years within which to place wire connections underground, until the grantee has fully complied with the same in the case of the franchise holders who are already in operation prior to the effectivity of the proposed law, or from the date the violation is committed up to the date of the full compliance with the proposed law by the franchise grantee who will start operation after the effectivity of the same.

In view of the foregoing and in response to the persistent public outcry, immediate approval of the attached measure is strongly recommended.


OSCAR G. MALAPITAN

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AN ACT

REQUIRING ALL FRANCHISE GRANTEES USING WIRES AND CABLES IN THE OPERATION OF THEIR BUSINESS WITHIN THE PHILIPPINES TO PLACE THEIR WIRE AND CABLE CONNECTIONS UNDER THE GROUND, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

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

SECTION 1. *Title.* = This Act shall be known as the "Underground Wiring Act of 2010.

SEC. 2. *Declaration of Policy.* - It is hereby declared to be the policy of the state to protect and safeguard the interests of the public against the hazard posed by aerial wire and cable installations of public utility firms especially during and after the occurrence of natural calamities such as typhoons and earthquakes, and such other similar catastrophes.

SEC. 3. *Purpose.* - Within a period of five (5) years from and after the effectivity of this Act, all franchise grantees engaged in the business of providing telephone service and in supplying electric current to the public, or who are using wires and cables in the operation of their business within the Philippines are hereby required to place their wire and cable connections under the ground: **Provided, however,** That those who shall commence the operation of the business referred to hereinabove, subsequent to the effectivity of this Act shall comply with the provisions of this Act as soon as the operation of the business is started.

The said franchise grantee shall use pipes and conduits which shall, be safe, modern and first-class in all respect, and said wires shall be carefully and systematically connected, fastened, and insulated to assure physical safety to the public. Whenever the wires and conduits are placed or installed under the ground whose surface is paved with concrete or asphalt, the franchise grantee shall, after the completion of the construction, installation, connection, or repair, properly replaced, at his own expense without delay, the destroyed pavement and such other property affected thereby, removing materials which may have been placed there, taken up or dug up during the construction, installation, connection, or repair of the underground pipes or conduits, leaving all property in as good condition as before the work was started.

SEC. 4. *Penalty.* - Any franchise grantee who violates the provisions of this act shall be punished by a fine of not less than five thousand pesos (Php 5,000.00) for each day commencing:

- (a) From the first day immediately after the period of five years fixed under the next preceding section has expired until he has fully complied with the provisions of this Act in the case of a franchise grantee already in operation of his business prior to the effectivity of this Act; and
- (b) From the date such a violation is committed up to and including the date of his full compliance with this Act in the case of a franchise grantee who will start the operation of the business subsequent to the effectivity of this Act.

SEC. 5. *Repealing Clause.* - All laws, decrees, orders, rules and regulations, other issuances or parts thereof inconsistent with the provisions of this act are hereby repealed, amended, or modified accordingly.

SEC. 6. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,