

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS

First Regular Session

House Bill No 3730



INTRODUCED BY REPRESENTATIVE XAVIER JESUS "XJ" D. ROMUALDO

EXPLANATORY NOTE

This bill was filed in the 15th Congress by then Representative Sigfrido R. Tinga in the House of Representatives and by Senator Juan Ponce Enrile in the Senate.

Cable television ("TV") and telecommunications companies mainly employ cables and related transmission equipment to deliver their services to their customers. These companies thus make attachments to utility poles and make use of related support structures and rights of way to transmit cable television or telecommunications signals, as the case may be.

Because the establishment and maintenance of utility poles and related support structures and the acquisition of rights of way require significant financial investments, only a few can afford to do so. Hence, cable TV and telecommunications companies make use of pole attachments and pay fees to pole owners for such attachments. This arrangement, however, has led to pole owners charging excessive amounts for cable TV and telecommunications pole attachments. The huge cost of making and maintaining pole attachments are then passed on to consumers.

Congress must thus step in and regulate the use of utility poles, related support structures, and rights of way and the rates, terms, and conditions for making pole attachments in order to promote the growth and expansion of the Philippine cable TV and telecommunications industries and to enable the public to enjoy a more affordable and a wider array of cable TV and telecommunication services. Indeed, our Constitution provides for the state policy recognizing the vital role of communication and information in nation-building.

In view of all the foregoing, the kind and favorable support of the Members of Congress for the prompt and timely passage of this measure is earnestly sought.

A large, stylized handwritten signature in black ink, appearing to read "XJ Romualdo".

XAVIER JESUS "XJ" D. ROMUALDO

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AN ACT
REGULATING THE USE OF UTILITY POLES, RELATED SUPPORT STRUCTURES,
AND RIGHTS OF WAY FOR THE TRANSMISSION OF CABLE TELEVISION OR
TELECOMMUNICATION SIGNALS, INCLUDING THE RATES AND TERMS FOR
POLE ATTACHMENTS, AND FOR OTHER PURPOSES

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 Pole Attachments Act.

2 SEC. 2. Declaration of Policy – It is hereby declared the policy of the State to regulate
3 the use of utility poles, related support structures, and rights of way for the transmission of cable
4 television or telecommunications signals, as well as the rates, terms, and conditions for pole
5 attachments in order to promote the growth of the cable television and telecommunications
6 industries in the country and for the purpose of providing the public with wider access to and
7 reasonable rates for cable television and telecommunications services.

8 The State shall guarantee that cable television operators and telecommunications companies may
9 secure and use their own or have and maintain access to utility poles, related support structures,
10 and rights of way used or useful, in whole or in part, in the transmission of television or
11 telecommunications signals under a just and reasonable framework.

12 SEC. 3. Construction of this Act. – When there is any doubt or ambiguity in the
13 interpretation or implementation of the provisions of this Act, the same shall be liberally
14 construed in order to carry out this Act's purposes and intent. Likewise, reference may be made
15 to recognized standards of safety, industry practice, and generally accepted engineering
16 principles.

1 SEC. 4. Definition of Terms. – As used in this Act, the following terms are hereby defined,
2 as follows:

3 a. Pole Owner – refers to any natural or juridical person that owns or controls utility poles,
4 related support structures, or rights of way used or useful, in whole or in part, in the
5 transmission of cable television or telecommunications signals.

6
7 b. Pole Attachment – refers to an attachment made by an Attaching Person to a utility pole,
8 including its related support structure/s or right of way, used or useful, in whole or in part, in
9 the transmission of cable television or telecommunications signals.

10
11 c. Attaching Person – refers to any natural or juridical person that makes or maintains a pole
12 attachment for the purpose of transmitting cable television or telecommunications signals.

13
14 d. Pole Attachment Fee – refers to the total amount to be paid by an Attaching Person to a Pole
15 Owner at the end of every quarter of every calendar year on a per-utility pole basis.

16
17 e. Additional Maintenance Expense – refers to the necessary quarterly expense directly and
18 exclusively pertaining to the preservation of the integrity and proper functioning of a pole
19 attachment.

20
21 f. Pole Premium – refers to the remuneration payable to a Pole Owner for allowing a pole
22 attachment on its utility pole.

23
24 g. Commission – refers to the National Telecommunications Commission.

25 SEC. 5. Formula for Computing the Pole Attachment Fee. – The Pole Attachment Fee shall
26 be equal to the sum of the Additional Maintenance Expense and the Pole Premium, wherein:

1 a. Unless proven otherwise by the Pole Owner or the Attaching Person, the Additional
2 Maintenance Expense shall be presumed to be P25.00; Provided, that such presumed amount
3 shall be adjusted by the Commission five years after the effectivity of this Act and every five
4 years thereafter, after due public hearing. Nevertheless, any increase shall not be more than
5 20% of the present presumed amount.

6
7 The Pole Owner or the Attaching Person may dispute the presumed amount of Additional
8 Maintenance Expense and prove the actual amount of Additional Maintenance Expense
9 incurred before the Commission by presenting substantial evidence on the necessary
10 quarterly costs directly and exclusively pertaining to the preservation of the integrity and
11 proper functioning of the pole attachment. Prior to a determination by the Commission of the
12 actual amount of Additional Maintenance Expense, the presumed amount of Additional
13 Maintenance Expense shall be used as basis for any and all payments to be made, subject to
14 an order for refund or additional payment, as may later be determined by the Commission.

15
16 b. The Pole Premium shall be equivalent to 12% of the Additional Maintenance Expense.

17
18 c. The number of utility poles for which Pole Attachment Fees shall be payable shall be equal
19 to the number of utility poles applied for attachment by the Attaching Person less the number
20 of attachments validly denied by the Pole Owner; Provided, that the number of utility poles
21 for which Pole Attachment Fees are payable may be disputed by the Pole Owner or the
22 Attaching Entity before the Commission by presenting substantial evidence on the actual
23 number of utility poles utilized for pole attachments. Prior to a determination by the
24 Commission of the actual number of utility poles for which Pole Attachment Fees shall be
25 payable, the present number of utility poles for which Pole Attachment Fees shall be payable
26 shall be used as basis for any and all payments to be made, subject to an order for refund or
27 additional payment, as may later be determined by the Commission.

1 SEC. 6. Non-Discriminatory Access. – A Pole Owner shall provide and maintain non-
2 discriminatory access for all utility poles and related support structures it owns, including rights
3 of way it controls, on terms and conditions uniform to all Attaching Persons, including its own
4 subsidiaries and affiliates; Provided, that a Pole Owner may deny, in writing, an application for
5 pole attachment due to safety or engineering hazards; Provided, further, that in the event a Pole
6 Owner validly denies an application for pole attachment or removes a pole attachment due to an
7 emergency and, thereafter, the reason for such denial or removal ceases or an additional capacity
8 for a pole attachment becomes available, the Pole Owner shall first offer the available slot for
9 pole attachment to the Attaching Person whose application was denied or whose pole attachment
10 was removed before utilizing the same or offering or allowing the same to be utilized by another
11 Attaching Person, including the Pole Owner's subsidiaries or affiliates.

12 Any removal of a pole attachment that is not due to an emergency shall require the furnishing of
13 a prior written notice to the Attaching Person, within a reasonable period of time sufficient to
14 prevent disruption of service to the latter's clients.

15 All Pole Owners shall submit to the Commission a copy of all contracts entered into with
16 Attaching Persons for the use of Pole Attachments, utility poles, related support structures, and
17 rights of way.

18 SEC. 7. Rights and Obligations of the Parties. – In addition to those provided by the other
19 provisions of this Act and existing law, Pole Owners and the Attaching Persons shall have the
20 following rights and obligations:

21 a. Pole Attachments shall be made, modified, or removed at the cost of and under the
22 responsibility of the Attaching Person while the maintenance and replacement of utility
23 poles, related support structures, and rights of way shall be at the cost of and under the
24 responsibility of the Pole Owner.

25
26 b. As far as practicable, the Attaching Person shall make, modify, or remove Pole Attachments
27 in a manner that preserves the integrity and proper functioning of utility poles, related
28 support structures, and rights of way; likewise the Pole Owner shall conduct the maintenance

1 and replacement of the utility poles, related support structures, and rights of way. It shall be
2 the responsibility of the Pole Owner to conduct regular maintenance and replacement of
3 defective, dilapidated, and hazardous utility poles and such other related structures to
4 preserve the integrity and proper functioning of the utility pole and Pole Attachments.
5

6 c. In case of any dispute between the parties regarding a proposed, existing, or previous Pole
7 Attachment, the same shall be brought before the Commission for resolution.

8 SEC. 8. Unavailability of Utility Poles, Related Support Structures, and Rights of Ways. – In
9 case utility poles, related support structures, or rights of way used or useful, in whole or in part,
10 in the transmission of cable television or telecommunications signals are not available for Pole
11 Attachment installation, licensed or legitimate cable television operators and telecommunications
12 companies may set up, secure, and use their own utility poles subject to the following conditions:

13 a. Utility poles, related support structures, and rights of way shall be set up, secured, and used
14 by licensed or legitimate cable television operators and telecommunications companies at
15 their own cost and responsibility.

16 b. Utility poles, related support structures, and rights of way shall be set up, secured, and used
17 in accordance with recognized standards of safety, industry practice, and generally accepted
18 engineering principles.

19 c. Utility poles, related support structures, and rights of way set up, secured, and used by
20 licensed or legitimate cable television operators and telecommunications companies shall be
21 subject to the provisions of this Act.

22 SEC. 9. Penalty for Violation. – A Pole Owner or Attaching Person that is found by the
23 Commission to have violated any provision of this Act shall be compelled to rectify the violation
24 at its own cost, without prejudice to other applicable civil or criminal liabilities under existing
25 law.

26 SEC. 10. Jurisdiction of the National Telecommunications Commission. – The Commission
27 shall have primary jurisdiction to determine and resolve all disputes arising from the
28 implementation of this Act, the rights and obligations of Pole Owners and Attaching Persons

1 under this Act, as well as those arising from contracts entered into by Pole Owners and Attaching
2 Persons for the use of Pole Attachments, utility poles, related support structures, and rights of
3 way.

4 SEC.11. Implementing Rules and Regulations. – The Commission shall, within 60 days from
5 the effectivity of this Act, promulgate the necessary rules and regulations for the effective
6 implementation of this Act.

7 SEC. 12. Appropriations. – The amounts necessary to carry out the provisions of this Act
8 shall be charged against any appropriate and available item or items in the budget of the
9 Commission for the current fiscal year and shall thereafter be included in the annual General
10 Appropriations Act.

11 SEC. 13. Transitory Clause. – Pertinent acts and contracts entered into prior to the effectivity
12 of this shall be governed by the law in force at the time of their execution or perfection, as the
13 case may be; Provided that any revocation, modification, or novation made after the effectivity
14 of this Act shall be subject to the provisions of this Act.

15 SEC. 14. Separability Clause. – If any provision of this Act is declared invalid or
16 unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

17 SEC. 15. Repealing Clause. – All laws, decrees, executive orders and issuances,
18 proclamations, rules and regulations, and other issuances or parts thereof that are inconsistent
19 with the provisions of this Act are hereby repealed or modified accordingly.

20 SEC. 16. Effectivity Clause. – This Act shall take effect 15 days after the date of its
21 publication in at least two newspapers of general circulation.

22 Approved,
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25

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HOUSE BILL NO. 3731



Introduced by REP. ANTHONY G. DEL ROSARIO

EXPLANATORY NOTE

This bill seeks to increase the monthly stipend of indigent senior citizens from Five Hundred Pesos (P500.00) to One Thousand Pesos and to lower the age of coverage from seventy seven (77) years old and above to seventy (70) years old and above.

The 1987 Constitution provides under Sec. 9 of the Declaration of Principles and State Policies that, "The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all." It also provides under Sec. 10 of Article II that, "The State shall promote social justice in all phases of national development."

The same Constitution provides under Article XIII, Section 11 that, "The State shall adopt an integrated and comprehensive approach to health development which shall endeavour to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged sick, elderly, disabled, women, and children. The State shall endeavour to provide free medical care to paupers."

It further provides under Section 4, Article XV that, "The family has the duty to care for its elderly members but the State may also do so through just programs of social security."

These principles which are enshrined in our Constitution do not only serve to protect the less privileged and the most vulnerable sectors in our society such as the elderly but also affirm their important role in the community as partners in nation-building.

Republic Act No. 9994 or the Expanded Senior Citizens Act of 2010 provides for a review every two (2) years by Congress, in consultation with the Department of Social Welfare and Development (DSWD), relative to the social pension for indigent Filipino senior citizens. It cannot be denied that over the years the prices of commodities have increased. By increasing their purchasing power, this bill hopes to alleviate the situations of our indigent elderly.

The age requirement, 77 years old and above, is somewhat unreasonable considering today's average lifespan. Hence, it is proposed that the coverage be lowered so that our elderly will be able to avail of the benefits longer into their twilight years.