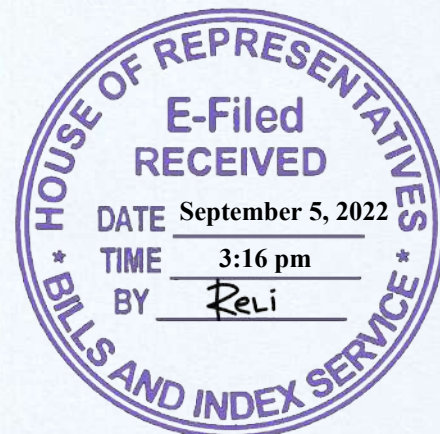


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**

**NINETEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 4428**



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**Introduced by Representative Rex Gatchalian**

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**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**

**EXPLANATORY NOTE**

In 2019, at least 60,000 electric poles nationwide have been in the middle of the roads and caused obstruction.<sup>1</sup> These were mostly caused by road widenings implemented without first relocating the electric poles affected.

Unfortunately, these obstructions caused accidents that lead to damages to property and loss of lives of motorists. Just recently, a couple were hospitalized after their vehicle accidentally hit an electrical pole in the middle of the road.<sup>2</sup>

This bill aims to make electric distribution, cable and telecommunications companies responsible for the safety of life and property of their clients in the conduct and delivery of services. This bill requires them to (1) conduct periodic inspection of electric and communication lines, (2) Fix and bundle-

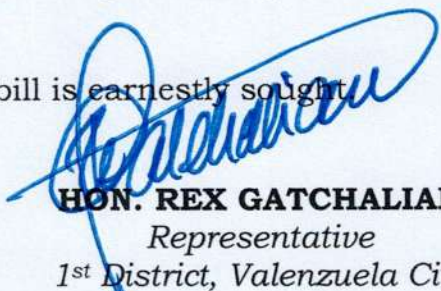
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<sup>1</sup> Job Manahan, 'Lack of coordination': Around 60,000 electric poles caused road obstruction nationwide, Gatchalian says. See <https://news.abs-cbn.com/news/11/19/20/lack-of-coordination-around-60000-electric-poles-cause-road-obstruction-nationwide-gatchalian-says>.

<sup>2</sup> Jay Nelz, Vehicle Accidentally Hits Electrical Pole in the Middle of the Road. See <https://philnews.ph/2022/08/08/vehicle-accidentally-hits-electrical-pole-middle-road/>.

up dangling lines, (3) Remove unused overhead lines, (4) Replace all unused, misplaced, damaged and rotten utility poles, and strictly adhere to and ensure compliance with the standards and regulations provided by law.

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



**HON. REX GATCHALIAN**

*Representative*

*1<sup>st</sup> District, Valenzuela City*

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**

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

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

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

18       All electric distribution, cable and telecommunications companies shall

1 ensure public safety and prepare contingencies for calamities or any  
2 unforeseen event that may cause harm, expose a person to peril and cause  
3 damage to property, by undertaking necessary precautionary measures to  
4 prevent the same. Electric distribution, cable, and telecommunications  
5 companies shall implement sound maintenance programs in all their service  
6 areas. Toward this end, all electric distribution, cable, and  
7 telecommunications companies shall perform the following:

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

23  
24 **SEC. 4. Joint Use of Structures.** – The joint use of structures shall be  
25 considered for circuits along highways, roads, streets, and alleys. The choice  
26 between joint use of structures and separate lines shall be determined  
27 through collaborative consideration of all the factors involved, including the  
28 character of circuits, the total number and weight of conductors, tree  
29 conditions, number and location of branches and service drops, structure  
30 conflicts, and availability of right-of-way and other factors as may be provided  
31 in the rules and regulations to be promulgated to implement this Act. Where  
32 such joint use is mutually agreed upon, it shall be subject to the appropriate  
33 grade of construction specified in Article 3.5. of PEC 2.

1       **SEC. 5. Responsibility of the Local Government Units (LGUs).** – All cities  
2 and municipalities shall, through their respective city or municipal engineers  
3 or the Department of Public Works and Highways (DPWH) in the case of  
4 national roads, ensure that every utility company, within their territorial  
5 jurisdiction, comply with the provisions of Section 3 of this Act. The  
6 Sangguniang Panlungsod or Sangguniang Bayan concerned shall, pursuant  
7 to Republic Act No. 7160, as amended, otherwise known as the Local  
8 Government Code, issued an ordinance governing the overhead installation  
9 of electric distribution lines, cables and utility poles, in accordance with the  
10 Electrical Code, National Building Code and R.A. No. 11361 or the Anti-  
11 Obstruction of Power Lines Act and in consultation with the agencies  
12 concerned.

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

24       Once it has been notified of a possible violation, the city or municipality,  
25 or the DPWH in the case of national roads, shall send notice to the erring  
26 company to allow it to rectify its error within a reasonable time or to explain  
27 its reasons for failure to comply with the standards set forth in Republic Act  
28 No. 7920 and its implementing rules and regulations. Upon failure to rectify  
29 its error or continuous non-compliance without justifiable cause, the city or  
30 municipal engineer, or the DPWH in the case of national roads, may conduct  
31 an investigation, upon due notice to the erring company. A finding of fault by  
32 the authorized person conducting the investigation may result in the  
33 withholding of the renewal of the corresponding business licenses or permits

1 for erring electric distribution, cable and telecommunications companies.

2 The public utilities shall notify the LGU concerned on violations on the  
3 issuance of business permits for non-compliance with the rules and the  
4 standards on setbacks and clearances under the *Philippine Electrical Code*,  
5 the *National Building Code*, and the “*Anti-Obstruction of Power Lines Act*” or  
6 Republic Act No. 11361, as provided in this Act.

7  
8 **SEC. 6.** *Installation of Overhead Electric Distribution Lines, Cables and*  
9 *Utility Poles and Standard Requirements.* – All installation of overhead electric  
10 distribution liens, cables, and utility poles shall be inspected by the city or  
11 municipal engineer, or the DPWH, whichever is applicable. Installation of  
12 overhead electric distribution lines, cables and utility poles shall conform to  
13 the PEC 2, Philippine Distribution Code (PDC), Distribution Services and  
14 Open Access Rules (DSOAR), National Building Code (NBC), and other  
15 applicable existing local and international standards, of which compliance  
16 shall be ensured by the Inter-Agency Committee under Section 9 of this Act.  
17 The specific location shall be inspected by the engineering officials prior to,  
18 during and after the installation.

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

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

29  
30 **SEC. 7.** *Creation of Monitoring and Service Team.* – A Monitoring and  
31 Service Team, led by the city or municipal engineer and composed of  
32 representative from the pole owners and electric distribution, cable, and  
33 telecommunication companies, shall, in coordination with the barangay, city,

1 or municipal-engineer or the DPWH, whichever is applicable, be created to  
2 perform the immediate and necessary clean-up operation and maintenance  
3 of overhead electric distribution lines, cables, utility poles, equipment and  
4 accessories in compliance with the provisions of this Act. The clean-up  
5 operation shall commence within six (6) months from the promulgation of the  
6 Implementing Rules and Regulations (IRR) pursuant to Section 13 of this Act.

7  
8 **SEC. 8. *Role of Monitoring and Service Team.*** – The Monitoring and  
9 Service Teams of electric distribution, cable, and telecommunications  
10 companies shall conduct a semi-annual inspection to check complaint to  
11 Section 3 of this Act and maintenance of their electric distribution lines,  
12 cables, utility poles, equipment and accessories installed in a particular area  
13 for the efficient delivery of their services. Maintenance shall include proper  
14 bundling, casing and replacement of damaged electric distribution lines and  
15 cables, and repair and replacement of utility poles, equipment and  
16 accessories, and retirement of unused electric distribution lines, cables, and  
17 utility poles.

18 Electric distribution, cables, and telecommunications companies shall  
19 be given a reasonable period of time to relocate and realign displaced lines,  
20 cables, utility poles, equipment and accessories as a result of a public  
21 infrastructure work. The implementing government agency of a construction  
22 project shall inform and coordinate with the electric distribution, cable, or  
23 telecommunication company concerned for the relocation of its lines, cables,  
24 utility poles, equipment and accessories. The cost of relocating such lines,  
25 cables, utility poles, equipment and accessories shall be shouldered by the  
26 implementing agency of the construction project. The implementing  
27 government agency shall provide its plans, specifications and provide utility  
28 corridors for the adequate evaluation of the design, construction, operation,  
29 and maintenance of facilities. All costs that shall be incurred in the necessary  
30 relocation of facilities of the public utilities concerned as a result of such  
31 public infrastructure work shall be borne by the implementing agency or  
32 project proponent as part of its obligation to deliver the right-of-way, or by  
33 the private concessionaire, as the case may be.

1  
2       **SEC. 9. *Inter-Agency Committee.*** – An Inter-Agency Committee to be  
3 chaired by the ERC and composed of authorized representatives from the  
4 DPWH, Department of Interior and Local Government (DILG), Department of  
5 Information and Communications Technology (DICT), National  
6 Telecommunications Company (NTC), National Transmission Corporation  
7 (TransCo), National Electrification Administration (NEA), and representatives  
8 from the LGUs, is hereby created to set the prescribed standards in the  
9 overhead installation of lines, cables, utility poles, equipment and  
10 accessories, monitor the same and conduct periodic inspection thereof to  
11 ensure compliance thereto and shall jointly plan for the conduct of clean-up  
12 drives, identify issues, prioritize key areas, recommend best practices or way  
13 forward, to ensure compliance of the latter with applicable existing laws, rules  
14 and regulations of relevant agencies/offices of the government, such as the  
15 PEC, the PDC, and the NBC.

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

21  
22       **SEC. 10. *Penalty Provisions.*** – In addition to the civil liabilities  
23 prescribed by Article 2176 of the Civil Code on quasi-delict and the penalties  
24 prescribed by Article 365 of the *Revised Penal Code* on criminal negligence,  
25 and unless otherwise provided under special laws, an electric distribution,  
26 cable, or telecommunications company found in violation of any provision of  
27 this Act, shall be punished with a fine of not less than Two hundred fifty  
28 thousand pesos (P250,000.00) but not more than Five hundred thousand  
29 pesos (P500,000.00) for the first offense; a fine of not less than Five hundred  
30 thousand pesos (P500,000.00) but not more than One million pesos  
31 (P1,000,000.00) for the second offense; and a fine of not less than One million  
32 pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00)  
33 for the third and succeeding offenses, as may be determined by the court.

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

6       The JOCC shall be composed of ten (10) members, with the  
7 Chairpersons of the Committees on Energy of both Houses of Congress as  
8 Co-Chairpersons. The Chairpersons of the House Committee on Information  
9 and Communications Technology and Senate Committee on Public Services  
10 shall be the Co-Vice Chairpersons. An additional three (3) members from each  
11 House, shall be designed by the Senate President and the Speaker of the  
12 House of Representatives, respectively; *Provided*, That at least one (1) member  
13 from each House shall be nominated by their respective Minority Leaders.  
14 The secretariat of the JCOC shall be the existing secretariat personnel of the  
15 concerned Committees of both House of Congress.

16  
17       **SEC. 12. *Implementing Rules and Regulations.*** – The ERC shall, in  
18 consultation with the DPWH, DILG, DICT, NTC, TRANSCO, PRBEE, PRC-  
19 BECE, NEA, IIEE and representatives from the LGUs, the electric  
20 distribution, cable and telecommunications companies, promulgate the  
21 necessary Implementing Rules and Regulations (IRR) within one hundred  
22 twenty (120) days from the effectivity of this Act.

23  
24       **SEC. 13. *Separability Clause.*** – If, for any reason, any provision of this  
25 Act is declared unconstitutional or invalid, the other provisions hereof, which  
26 are not affected thereby shall continue to be in full force and effect.

27  
28       **SEC. 14. *Repealing Clause.*** – All laws, decrees, orders, rules and  
29 regulations or part thereof, which are inconsistent with or contrary to the  
30 provisions of this Act, are hereby repealed, amended or modified accordingly.

31  
32       **SEC. 15. *Effectivity.*** – This Act shall take effect fifteen (15) days after  
33 its publication in the Official Gazette or in a newspaper of general circulation.

Approved,