

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5870

Introduced by Representative Joseph Gilbert F. Violago



EXPLANATORY NOTE

In July 2015, the Cebu City government officials discussed with the utility firms in the locality the removal and fixing of dangling wires and rotten poles, which are considered as hazards. Otherwise, their business permits would be revoked. This was in response to the death of a 13-year-old boy from Brgy. Tinago caused by a telecommunication concrete post collapsing on him after overhead cables were dragged by a passing truck.¹ Just this March 2022, the Cebu City council approved a local ordinance increasing the minimum height requirement of vertical clearance (from 16 feet to 18 feet) for lines and cables of telecommunication and utilities.² This was to ensure that the public is protected from low lying cables and lines getting dragged or poles falling because of passing big trucks and heavy equipment.

Almost everywhere in the country, especially in urban areas, one can immediately see the dangling and low-lying wires, dilapidated poles, and tangled cables of electric and telecommunications companies. These do not only cause a visual nuisance but also pose a danger to the public. As *parens patriae*, State must protect the people and promote their general welfare. The proposed measure, therefore, mandates the proper installation and maintenance of overhead electric distribution and communication lines to ensure that life and property are protected; general welfare of the public is promoted; and good housekeeping is sustained. As such, these companies must conduct periodic inspections, fix and bundle up dangling lines, remove unused overhead lines, replace all unused and damaged poles, and strictly adhere to existing laws.

This commendable bill had been filed and was approved on Third Reading in the 18th Congress and the present proponent is acknowledging the wisdom and hard work of his predecessors.

In view of the foregoing, the urgent passage of this measure is sought.


JOSEPH GILBERT F. VIOLAGO

¹ Bunachita, Jose. "Dangling wires to go". *Inquirer.net*. 23 July 2015. Web. Accessed on 22 October 2022. <<https://cebudailynews.inquirer.net/64153/dangling-wires-to-go>>

² Malinao, Ruth. "Vertical clearance of utility, telco wires increased". *Philstar*. 27 March 2022. Web Accessed on 22 October 2022. <<https://www.philstar.com/the-freeman/cebu-news/2022/03/27/2170176/vertical-clearance-utility-telco-wires-increased>>

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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

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

SECTION 1. *Short Title.* – This Act shall be known as the “Proper Installation and Maintenance of Overhead Electric Distribution and Communication Lines Act of 2022.

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

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

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

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

- a. Conduct periodic inspection of overhead electric distribution and communication lines, in compliance with the standard clearance under the Philippine Electrical Code Part 2 (PEC 2) and as provided for in this Act or its implementing rules and regulations;

- b. Fix and bundle-up dangling overhead secondary and communication lines;
- c. Remove unused overhead electric distribution and communication lines;
- d. Replace all unused, misplaced, damaged and rotten utility poles; and
- e. Strictly adhere to and ensure compliance with the standards and regulations provided under the Philippine Electrical Code, as approved and adopted by the Board of Electrical Engineering of the Professional Regulation Commission pursuant to the mandate vested upon the Board under Republic Act No. 7920, otherwise known as the "New Electrical Engineering Law".

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

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

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

Once it has been notified of a possible violation, the city or municipality, or the DPWH in the case of national roads, shall send notice to the erring company to allow it to rectify its error within a reasonable time or to explain its reasons for failure to comply with the standards set forth in Republic Act No. 7920 and its implementing rules and regulations. Upon failure to rectify its error or continuous non-compliance without justifiable cause, the city or municipal

engineer, or the DPWH in the case of national roads, may conduct an investigation, upon due notice to the erring company. A finding of fault by the authorized person conducting the investigation may result in the withholding of the renewal of the corresponding business licenses or permits for erring electric distribution, cable and telecommunications companies.

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

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

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

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

SECTION 7. *Creation of a Monitoring and Service Team.* – A Monitoring and Service Team, led by the city or municipal engineer and composed of representatives from the pole owners and the electric distribution, cable, and telecommunications companies, shall, in coordination with the barangay, city, or municipal-engineer or the DPWH, whichever is applicable, be created to perform the immediate and necessary clean-up operation and maintenance of overhead electric distribution lines, cables, utility poles, equipment and accessories in compliance with the provisions of this Act. The clean-up operation shall commence within six (6) months from the promulgation of the Implementing Rules and Regulations (IRR) pursuant to Section 12 of this Act.

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

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

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

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

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

SECTION 10. *Penalties.* – In addition to the civil liabilities prescribed by Article 2176 of the Civil Code on quasi-delict and the penalties prescribed by Article 365 of the Revised Penal Code on criminal negligence, and unless otherwise provided under special laws, an electric distribution, cable, or telecommunications company found in violation of any provision of this Act, shall be punished with a fine of not less than Two Hundred Fifty Thousand Pesos (Php250,000.00) but not more than Five Hundred Thousand Pesos (Php500,000.00) for the first offense; a fine of not less than Five Hundred Thousand Pesos (Php500,000.00) but not more than One Million Pesos (Php1,000,000.00) for the second offense; and a fine of not less than One Million Pesos (Php1,000,000.00) but not more than Two Million Pesos (Php2,000,000.00) for the third and succeeding offenses, as may be determined by the court.

SECTION. 11. *Joint Congressional Oversight Committee (JCOC).* – There is hereby created a Joint Congressional Oversight Committee to monitor the effective implementation of this

Act, recommend the necessary remedial or administrative measures and perform such other duties and functions as may be necessary to attain the objectives of this Act.

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

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

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

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

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

Approved,