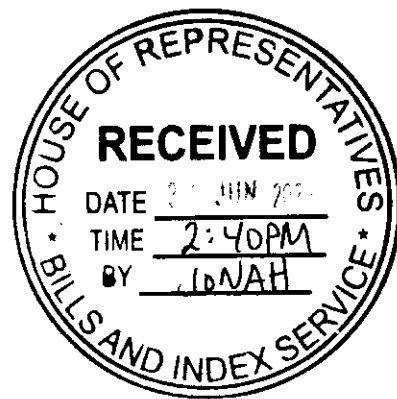




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 617

Introduced by Representative **ANTONINO B. ROMAN III**

EXPLANATORY NOTE

This bill seeks to mandate all electric, cable and telecommunications companies to conduct periodic inspections of their respective utility line installations to ensure strict compliance with the standards and regulations provided under the Philippine Electrical Code.

The Philippine Electrical Code has been approved and adopted by the Board of Electrical Engineering of the Professional Regulation Commission by virtue of its mandate under Republic Act No. 7920, also known as the "*New Electrical Engineering Law*." The Philippine Electrical Code serves as the basis in the installation of electrical system designs in the country.

Electric, cable and telecommunications companies already existing in the country such as MERALCO, PLDT, Bayantel, Skycable, observe and use the provisions of the Philippine Electrical Code in the installation of their utility lines. For instance, overhead power lines have strict guidelines for height clearances over streets, sidewalks, alleys, roads and driveways for the safety of the public. However, through the passage of time, in the absence of regular inspection and monitoring, the sagging of these wires and cables may happen which endangers the lives of people.

It is for this reason that this measure is proposed to mandate all electric, cable and telecommunications companies to conduct periodic inspections of their respective utility line installation and for the government agencies exercising jurisdiction over these installations to monitor the height clearance requirements for the safety of the public. This bill was approved on third reading and was transmitted to the Senate during the 19th Congress.

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



ANTONINO B. ROMAN III



Republic of the Philippines
HOUSE OF REPRESENTATIVES
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TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 617

Introduced by Representative **ANTONINO B. ROMAN III**

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 "*Safe Overhead Electric Distribution, Cable, and Communications Lines Act*"

SEC. 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, cable and telecommunications companies to their clients.

SEC. 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. To 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) Remove unused poles, relocate obstructing poles along carriageways and public roads, and replace damaged or rotten utility poles: and
- (e) Strictly adhere to and ensure compliance with the standards and regulations provided under the Philippine Electrical Code (PEC), 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 (RA) No. 7920, otherwise known as the *"New Electrical Engineering Law"*.

SEC. 4. *Joint Use of Structures.* - The joint use of structures shall be encouraged 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 (ROW) and other factors as may be provided in the rules and regulations to be promulgated to implement this Act.

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.

SEC. 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 RA 7160, as amended, otherwise known as the *"Local Government Code of 1991"*, enact an ordinance governing the overhead installation of electric distribution lines, cables and utility poles, in accordance with the Electrical Code, National Building Code (NBC), and RA 11361, otherwise known as 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 rectify its error within a reasonable time or to explain its reasons for failure to comply with the standards set forth in RA 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 PEC, the NBC, and RA 11361, as provided in this Act.

SEC. 6. *Installation of Overhead Electric Distribution Lines, Cables and Utility Poles and Standard Requirements.* - All overhead electric distribution lines, cables, and utility poles shall be inspected by the city or municipal engineer, or the DPWH, whichever is applicable. The 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, 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 to install a pole 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.

SEC. 7. *Creation of a Monitoring and Service Team.* - A Monitoring and Service Team, led by the city or municipal engineer, whichever is applicable, 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 removal or realignment of lines, cables, and utility poles shall be performed by the concerned utilities. The clean-up operation shall commence within six (6) months from the promulgation of the IRR pursuant to Section 12 of this Act.

SEC. 8. *Role of the Monitoring and Service Team.* - The Monitoring and Service Teams 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 lines, cables and utility poles.

Upon finding of failure to comply with the relevant regulations, the Monitoring and Service Teams shall inform the electric distribution, cable, and telecommunications companies which 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. Prior to the implementation of the construction project, the implementing government agency or private entity shall inform and coordinate with the electric distribution, cable, or telecommunication company concerned for the reinforcement or relocation of its lines, cables, utility poles, equipment, and accessories. The cost of reinforcing or relocating such lines, cables, utility poles, equipment and accessories shall be shouldered by the implementing agency or private entity of the construction project.

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 ROW, 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.

SEC. 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), Department of Human Settlements and Urban Development (DHSUD) and representatives from the LGUs and public utilities, 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 or 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.

SEC. 10. *Penalty Provisions.* - 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, may be punished with a fine of not less than Two hundred fifty thousand pesos (₱250,000.00) but not more than Five hundred thousand pesos (₱500,000.00) for the first offense; a fine of not less than Five hundred thousand pesos (₱500,000.00) but not more than One million pesos (₱1,000,000.00) for the second offense; and a fine of not less than One million pesos (₱1,000,000.00) but not more than Two million pesos (₱2,000,000.00) for the third and succeeding offenses, as may be determined by the court.

SEC. 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.

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

SEC. 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.

SEC. 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.

SEC. 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,