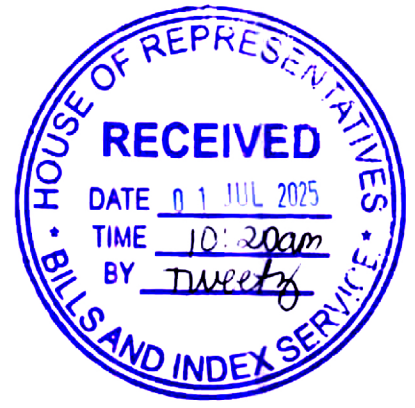


Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS

First Regular Session

House Bill No. 751



INTRODUCED BY REPRESENTATIVE JURDIN JESUS M. ROMUALDO

EXPLANATORY NOTE

This bill is a refiled measure originally filed by Representative Xavier Jesus D. Romualdo during the 17th and 18th Congresses. It was previously taken up in Technical Working Group meetings under the Joint Committees on Information and Communications Technology and Energy, where inputs from various stakeholders—including pole owners, attaching entities, local government units, and regulators—were thoroughly considered to improve and refine the proposed legislation.

Despite the increasing demand for faster and more reliable internet and telecommunications services, the lack of a clear, uniform policy governing pole attachments continues to be a major barrier to expansion and service improvement. Most pole attachments in the country are governed by disparate bilateral contracts among power utilities, telcos, cable operators, and LGUs, often leading to inconsistent pricing, protracted negotiations, and, in many cases, service delays or disruptions.

This measure seeks to institutionalize the regulation of pole attachment fees and allied costs by establishing a Pole Attachment Board, a specialized regulatory body tasked to standardize rates and protocols. The Board will promote transparency, fairness, and competition by adopting a uniform fee structure based on the average historical industry pricing over the three years prior to the enactment of this Act, adjusted regularly using current inflation data and market conditions.

The bill recognizes the rights of attaching entities—including internet service providers, cable operators, and other communications infrastructure firms—to install equipment such as cables and wires on existing poles. However, this right must be balanced with the right of pole owners—primarily electric distribution utilities and telecommunications companies—to ensure that attachments meet established engineering and safety standards. Pole owners retain the authority to refuse attachments that compromise the structural integrity of their infrastructure or risk disruption to their own service operations.

By institutionalizing the rates and standards, this measure aims to prevent arbitrary and excessive pole rental charges, which are often passed on to consumers through higher subscription fees. It also seeks to resolve the often-overlapping jurisdiction of national regulators and LGUs—some of which

currently impose their own pole-related fees through local ordinances—by harmonizing policies and protocols nationwide.

The enactment of this bill will accelerate digital infrastructure rollout, improve public access to vital services, and support the country's long-term digital transformation agenda. In light of these urgent objectives, the immediate approval of this proposed measure is earnestly sought.



JURDIN JESUS M. ROMUALDO

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HOUSE BILL NO. 751

INTRODUCED BY REPRESENTATIVE JURDIN JESUS M. ROMUALDO

AN ACT
MANDATING ALL UTILITY AND TELECOMMUNICATIONS COMPANIES TO
COMPLY WITH THE REGULATIONS ON THE USE OF UTILITY POLES 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 “Safety Standards of Pole
2 Structures Act”.

3
4 **SEC. 2. *Declaration of Policy.*** - It is hereby declared the policy of the Sate to regulate
5 and ensure the proper use of utility poles, related support structures, and rights of way for the
6 safe and clear transmission of cable television or telecommunications signals, as well as the
7 determine the uniform rates, terms, and conditions for the use of these poles and its permissible
8 attachments.

9
10 It is the intent of the State to support the robust growth of the information and
11 communications industries such as cable television industry, telecommunications industry, and
12 other allied businesses and the electric distribution utilities and allow these business enterprises
13 to serve better their clients and offer their services to a wider audience.

14
15 The State guarantees that that these industries shall comply with existing laws and
16 policies of government regulators and will adhere to generally accepted and widely accepted
17 industry standards of safety and technical engineering principles for the utmost safety and benefit
18 of the general public as well as the safety of tangible assets proximate to these pole structures
19 and their attachments.

20
21 **SEC. 3. *Definition of Terms.*** – The following terms are defined, as follows:

22 (a) *Attaching Entity* refers to any person, natural or juridical, that makes or maintains a
23 pole attachment for the transmission of electricity or telecommunications signal.

24 (b) *Additional Maintenance Expense* refers to the annual cost directly and exclusively

1 pertaining to preserving the integrity and proper functioning of the pole attachment.

2 (c) *Board* refers to the implementing body created under this Act.

3 (d) *Pole Attachment* refers to the attachment made by an attaching entity to a pole
4 owner's utility pole, related support structure or right of way used or useful, in whole or in part,
5 in the transmission of electricity or telecommunications signal.

6 (e) *Pole Attachment Fee* refers to the amount to be paid by the attaching entity to the pole
7 owner in consideration of the pole attachment privilege payable at the end of every quarter of the
8 year on a per utility pole basis while the attachment is still subsisting and covered by a contract
9 or memorandum of agreement;

10 (f) *Pole Owner* refers to any person, natural or juridical, that owns and/or controls utility
11 poles, related support structures, or rights way used or useful, in the transmission of electricity,
12 or telecommunications signals.

13 (g) *Pole Premium* refers to the amount, equivalent to Fifteen percent (15%) of the
14 additional maintenance expense, payable to the pole owner as premium for the pole attachment.

15 (h) *Utility Pole* refers to a column or post used to support and carry overhead utility lines
16 such as electrical cable, coaxial cable, telephone cable, fiber optic cable, and such other similar
17 cables used to transmit electricity, and telecommunications signals.

18
19 **SEC. 4. Composition of the Pole Structure Board, Principal Office and Staff.** The
20 Board shall be composed be composed of twelve (12) Members with the Secretary of the
21 Department of Public Works and Highways (DPWH) as ex-officio Chairperson. The ex-officio
22 Vice Chairperson shall be the Secretary of the Department of Interior and Local Government
23 (DILG) and ex officio members: Secretaries of the Department of Energy (DOE) and
24 Department of Information and Communications Technology (DICT), Commissioner of the
25 National Telecommunications Commission, Chairperson of the Energy Regulatory Commission
26 (ERC) and the Administrator of the National Electrification Administration (NEA).

27
28 The five members shall be from the representatives of the cable tv industry,
29 telecommunications industry, internet service provider industry, electric cooperative industry and
30 private power distribution utilities. Provided, that the industry associations shall submit a list of
31 three names to represent their industry from which the President of the Philippines shall choose
32 and appoint their representative to the Board. Provided, further, that the nominees companies
33 have been in operation for more than five (5) years and is a consistent member of good standing
34 in the industry. All the chosen industry representatives that will be serving the Board shall have a
35 term of three years and shall be entitled to per diem consistent with existing government laws
36 and guidelines.

37
38 The Secretaries of the DOE, DICT AND Commissioner of NTC, Chairperson of ERC
39 and Administrator of the NEA shall each designate a permanent representative in the Board, who
40 must possess relevant experience. The permanent representative shall be duly authorized to act
41 on or behalf of his or her principal in their absence.

1 The Chairperson shall have voting rights in case of a tie. The Board shall appoint a
2 Board Secretary that will handle among other administrative matters the preparation of
3 the Agenda of Meetings in consultation and approval of the Chairperson.
4

5 The Board shall have a coterminous staff consistent with existing organizational
6 standards and compensation package to assist them in their work and may hold office in the
7 Department of Interior and Local Government – Central Office for better coordination with the
8 Members of the Board and various stakeholders.
9

10 **SEC. 5. Powers of the Board.** – The Board shall have the following powers:

- 11 1.) To regulate pole attachment fees;
12 2.) To cause the periodic inspection of pole attachments and determine the integrity of the
13 pole and attached structures;
14 3.) To order the removal of dangling wires and cables and limit the allowed attachments
15 based on the pole weight capacity, pole lifespan, safety, and structural integrity;
16 4.) To direct the compliance of safety and technical standards by pole owners and pole
17 attaching entities;
18 5.) To settle disputes between the pole owner and the attaching entity relating to the
19 actual number of utility poles utilized, pole attachment fee per annum, and other issues that may
20 arise in the implementation of this Act and related existing laws and government policies;
21 6.) To coordinate and collaborate with various government agencies and private sector
22 entities to fully implement a harmonize pole fee scheme to avoid additional fees and rates from
23 these agencies which can further burden pole owners and pole attaching agencies;
24 7.) To impose penalties for non-compliance with any provisions of this Act and its
25 implementing rules and regulations; and
26 8.) To perform such act as necessary and consistent with this Act for better
27 implementation.
28

29 **SEC. 6. Formula for the Pole Attachment Fee.** – The pole attachment fee shall be based
30 on a formula adopted the Board taking into account and reference the average industry pricing
31 standards and current inflationary data in the past three (3) years from the approval of this Act.
32 This amount shall be subject to review after two (2) years from the approval of this Act and
33 thereafter updated taking into account industry sentiments and factoring inflationary settings.
34 Provided, that the pole premium is peg at 10% of the additional maintenance fee which will be
35 uniformly imposed to all pole owners and pole attaching entities and shall be adjusted by the
36 Board every three (3) years from the approval of this Act.
37

38 Provided, however, that the pole owner or the attaching entity, may dispute before the
39 Board the said amount and rates by presenting sufficient and competent evidence. The Board
40 shall issue the appropriate fees to guide all stakeholders and duly published in their website.
41

42 The final number of utility poles considered and computed for collection of pole

1 attachment fees shall be number of utility poles validly occupied and used with attachments by
2 the attaching agency excluding validly denied pole attachments by the pole owners. Any dispute
3 relating to the actual number of utility poles for which pole attachment fees are payable may be
4 brought before the Board.

5
6 **SEC. 7. *Nondiscriminatory Access.*** — A pole owner shall provide and maintain
7 nondiscriminatory access to all utility poles and related support structures under its ownership
8 and its corresponding rights of way in exchange for the payment a pole attachment fee based on
9 uniform standards applicable to all attaching entities, including its own affiliates or subsidiaries.
10 For this purpose, the pole owner shall submit to the Board a copy of all pole attachment contracts
11 it has entered into to determine compliance with the provisions of this Act.

12
13 Provided, that, a pole owner may validly deny in writing a pole attachment requestor
14 application to its utility pole or related support structure based on standards of safety, industry
15 practices or generally accepted technical engineering principles. Provided further, that in case a
16 pole owner validly denies a pole attachment, or removes the same due to an emergency or related
17 nature and thereafter, the reason for such denial or removal ceases to exist, or in the event
18 additional capacity becomes available for a pole attachment, the pole owner shall be bound to
19 offer such additional capacity to the previous attaching entity prior to offering it to other
20 interested applicants or to the one affected by such denial or refusal.

21
22 Provided, furthermore, that pole owners shall issue a written notice to the attaching entity
23 or entities of any removal of its attachments that are not due to an emergency citing valid reasons
24 thereto. The attaching agency shall be given a period of five (5) days to remove their pole
25 attachments upon receipt of the written notification.

26
27 **SEC. 8. *Rights and Responsibilities of the Pole Owner and the Attaching Entities*** – The
28 pole owners and the attaching entities shall have the following additional rights and
29 responsibilities:

30 (a) Attaching entities shall, at their expense, may modify and remove pole attachments
31 with sufficient notification and coordination to the pole owner so as not to affect the services of
32 the pole owner to their clients and ensure the safety of its pole structures.

33 They shall make, modify and remove the pole attachments in a manner that preserves the
34 integrity and proper functioning of the utility poles, related support structures and rights of way.

35 (b) Pole owners shall be responsible for the maintenance, replacement of the rights of
36 way, utility poles, and related support structures and shall ensure the integrity and proper
37 functioning of the pole attachments.

38 (c) Both the attaching entities and the pole owners shall ensure the proper bundling and
39 installation and maintenance of the cables to prevent them from dangling. Within 5 days from
40 notice from the Board, the attaching entities or owners of the cable lines shall fix or remove the
41 dangling wires identified by the Board.

42 (d) Pole owners and attaching entities shall ensure to maintain and adhere to the safety

standards and proper usage of pole structures depending on its kind, description, and capacity limit including location.

(e) Both the attaching entities and the pole owners shall maintain qualified personnel that will be responsible for the inspection, maintenance and repair of these pole structures and attachments to ensure that damages to the pole structures and their attachments can be properly fixed, repaired or replaced with dispatch for the safety of the general public.

SEC. 9. *Non-availability of Utility Poles, Related Support Structures and Rights of Way* — In case utility poles, related support structures and/or rights of way used or useful, in whole or in part, in the transmission of TV or telecommunications signals are not available for attachment, legitimate cable TV operators and telecommunications companies shall have the option to secure and use their own utility poles provided the following requirements are complied with:

(a) That the said utility poles, related support structures and rights of way shall be secured and used by legitimate cable TV operators and telecommunications companies at their own cost and responsibility including proper maintenance;

(b) That the said utility poles, related support structures and rights of way shall be secured and inspected with due reference to the recognized standards of safety, industry practices and generally accepted technical engineering principles.

(c) That the said utility poles, related support structures and rights of way shall be covered by the same pole attachment rules and regulations of this Act.

SEC. 10. *Penalty for Violation.* — A fine of not less than Two hundred thousand pesos (₱200,000.00) but not more than Five hundred thousand pesos (₱ 500,000.00) shall be imposed for non-compliance of any provision of this Act by erring pole owners or pole attaching agencies, or third party providers or juridical entities.

Unpaid fines for two (2) consecutive violations despite due notice shall be a ground for the cancellation or revocation of the business permits and licenses to operate of pole owner and pole attachment entities.

The Board may direct the filing of appropriate cases for noncompliance and disregard of their order despite observance of due process and proper notification.

SEC. 11. *Implementing Rules and Regulations.* — Within sixty (60) days from the effectivity of this Act, the Secretaries of DPWH, DILG, DICT, DOE, the Commissioner of NTC, the Chairperson of the ERC and Administrator of NEA or their authorized representatives preferably their Undersecretaries or of equivalent rank in consultation with industry stakeholders shall draft and implement the rules and regulations of this Act.

SEC. 12. *Appropriations* — The amount necessary to carry out the provisions of this Act shall be provided in the General Appropriations Act of the year of its enactment into law. Thereafter, the expenses for its continued implementation shall be included in the subsequent General Appropriations Act.

1 **SEC. 13. *Transitory Provision.*** — Pertinent acts and contracts entered into prior to the
2 effectivity of this shall be governed by the law in force at the time of their execution or
3 perfection, as the case may be: Provided, that any revocation, modification, or novation made
4 after the effectivity of this Act shall be subject to the provisions of this Act.

5
6 **SEC. 14. *Separability Clause.*** — If any provision or part of this Act is declared invalid
7 or unconstitutional, all other provisions not affected thereby shall remain in full force and in
8 effect.

9
10 **SEC. 15. *Repealing Clause.*** — All laws, decrees, executive orders and issuances,
11 proclamations, rules and regulations, and other issuances or parts thereof that are inconsistent
12 with the provisions of this Act are hereby repealed or modified accordingly.

13
14 **SEC. 16. *Effectivity.*** — This Act shall take effect fifteen (15) days after its publication in
15 the Official Gazette or a newspaper of general circulation.

Approved.