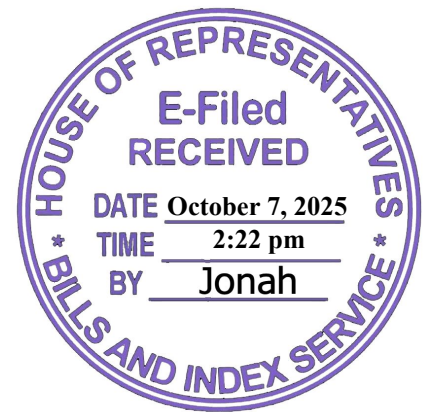


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5238



Introduced by **Representative AGATHA PAULA "AGAY" A. CRUZ**

EXPLANATORY NOTE

Across our cities and towns, one only has to look up to see the story of rapid growth. Overhead lines, poles, and cables stretch across our skylines and roadsides like veins carrying the lifeblood of electricity, information, and communication. If left untended, these veins can also clog, fray, and collapse. Dangling wires, leaning poles, tangled and unused cables, and even collapsed utility structures have become not only an eyesore but a daily peril. What should serve as lifelines of progress turn into traps of neglect.

We are far too familiar with the cost of this neglect. Every typhoon that sweeps across the country brings down poles and wires, not only cutting off power and communication but also causing accidents and damage to property. What is meant to connect us too often endangers us.

While existing laws and regulations address portions of the problem, they still remain fragmented and unevenly enforced. Responsibilities are dispersed among multiple agencies, local governments, and utility providers, leaving wide gaps in accountability, coordination, and preventive action. These gaps perpetuate unsafe conditions that burden both citizens and government resources.

The proposed Safe Overhead Lines and Equipment (SOLE) Act seeks to bring order and coherence. It requires utilities to properly install, maintain, and, when necessary, retire their overhead lines and poles. It empowers local governments and national agencies to coordinate, inspect, and enforce compliance. It ensures accountability through clear responsibilities and penalties, while providing for congressional oversight to guarantee that the rules on paper are translated into safe conditions on the ground.

More than a matter of good housekeeping, this is a measure of good governance. It is about ensuring that the arteries of our modern life remain strong, safe, and reliable. It safeguards lives and property, promote order in public spaces, and ensures reliable access to electricity, cable, and telecommunications services. By enacting this measure, we

give our communities not just the services they pay for, but the assurance that these services will not endanger them.

In a country often battered by natural calamities, we cannot allow man-made hazards to dangle above our heads. The proposed SOLE Act puts our utilities and networks on solid ground. It ensures that what brings light, power, and connection no longer casts a shadow of danger.

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


AGATHA PAULA "AGAY" AGUILAR CRUZ
Representative, Fifth Legislative District of Bulacan



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HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
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HOUSE BILL NO. 5238

Introduced by **Representative AGATHA PAULA “AGAY” A. CRUZ**

AN ACT
MANDATING THE PROPER INSTALLATION, MAINTENANCE, RELOCATION,
AND REMOVAL OF OVERHEAD ELECTRIC DISTRIBUTION,
COMMUNICATION LINES, AND STRUCTURES BY ELECTRIC DISTRIBUTION,
CABLE, AND TELECOMMUNICATIONS COMPANIES TO ENSURE PUBLIC
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 “Safe Overhead Lines and
2 Equipment (SOLE) Act.”
3

4 **Section 2. Declaration of Policy.** – It is the policy of the State to protect life and
5 property, ensure public safety, and promote the general welfare by mandating the proper
6 installation, maintenance, relocation, and removal of overhead electric distribution and
7 communication lines, cables, utility poles, equipment, and accessories. Toward this end,
8 the State shall:
9

10 (a) Uphold and enforce national standards and codes governing the construction,
11 operation, and maintenance of electric distribution, cable, and
12 telecommunications facilities;
13

14 (b) Ensure coordination among electric distribution, cable, and
15 telecommunications companies, local government units (LGUs), and national
16 government agencies in the planning, installation, maintenance, relocation,
17 and removal of such facilities;
18

19 (c) Promote good housekeeping, sound maintenance practices, and the systematic
20 retirement of unused or hazardous lines, cables, utility poles, equipment, and
21 accessories to prevent accidents and service interruptions; and
22

- 1 (d) Institutionalize a comprehensive monitoring and enforcement mechanism to
2 achieve and sustain these objectives.
3

4 **Section 3. Responsibility of Electric Distribution, Cable, and Telecommunications**
5 **Companies.** – It shall be the responsibility of electric distribution, cable, and
6 telecommunications companies to safeguard life and property and ensure public safety in
7 the conduct and delivery of its services.
8

9 To this end, such companies shall:
10

- 11 (a) Implement sound maintenance and emergency preparedness programs within
12 its service areas;
13 (b) Conduct periodic inspections of overhead electric distribution and
14 communication lines, in compliance with the standard clearance under the
15 Philippine Electrical Code Part 2 (PEC 2), this Act, and its implementing rules
16 and regulations;
17 (c) Secure and bundle dangling or loose overhead secondary and communication
18 lines;
19 (d) Remove unused or abandoned overhead lines and poles, relocate obstructing
20 poles along carriageways and public roads, and replace damaged or
21 deteriorated utility poles without delay; and
22 (e) Comply with all applicable standards and regulations, including the Philippine
23 Electrical Code (PEC), as approved and adopted by the Professional
24 Regulatory Board of Electrical Engineering (PRBEE) pursuant to Republic Act
25 No. 7920.
26

27 **Section 4. Joint Use of Structures.** – The joint use of structures shall be encouraged
28 for circuits along highways, roads, streets, and alleys. The choice between joint and
29 separate lines shall be determined through collaborative consideration of factors such as
30 the character of circuits, the total number and weight of conductors, tree conditions,
31 number and location of branches and service drops, structure conflicts, and availability of
32 right-of-way (ROW), as may be provided in the implementing rules and regulations of
33 this Act. Where joint use is mutually agreed upon, it shall conform to the appropriate
34 grade of construction specified in Article 3.5 of PEC 2.
35

36 **Section 5. Role of the Local Government Units (LGUs).** – All cities and
37 municipalities, through their respective city or municipal engineers, or the Department of
38 Public Works and Highways (DPWH) in the case of national roads, shall ensure that
39 utility companies within their jurisdiction comply with this Act.
40

41 For this purpose, LGUs shall:
42

- 43 (a) Through the concerned *Sangguniang Panlungsod* or *Sangguniang Bayan*, enact an
44 ordinance governing the installation and maintenance of overhead electric

1 distribution lines, cables and utility poles, consistent with the PEC, National
2 Building Code (NBC), and R.A. No. 11361, otherwise known as the “Anti-
3 Obstruction of Power Lines Act”, and in consultation with the agencies
4 concerned;
5

- 6 (b) Through their respective city or municipal engineer, or their authorized
7 representative, monitor compliance by electric distribution, cable, or
8 telecommunications companies within their territorial jurisdiction, and in case
9 of violations:

- 10
11 (1) Withhold the grant or renewal of licenses or business permits; and
12 (2) File complaints against erring companies.
13

14 *Provided, That any person may file an administrative complaint against the city*
15 *or municipal engineer who fails to monitor the compliance of electric*
16 *distribution, cable, and telecommunications companies with the standards and*
17 *regulations provided under the PEC 2.*
18

19 Upon notice of possible violation, the LGU, or the DPWH in the case of national
20 roads, shall direct the erring company to rectify the violation within a reasonable time or
21 explain its failure to comply with the standards set forth in R.A. No. 7920 and its
22 implementing rules and regulations.
23

24 Upon failure to rectify the violation or continuous non-compliance without
25 justifiable cause, the city or municipal engineer, or the DPWH in the case of national roads,
26 may conduct an investigation upon due notice to the erring company. A finding of fault
27 by the authorized person conducting the investigation may result in the withholding of
28 the renewal of the corresponding business licenses or permits for erring electric
29 distribution, cable, and telecommunications companies.
30

31 The public utilities shall notify the LGU concerned of violations relating to
32 building permits, setbacks, and clearances under the PEC, NBC, and R.A. No. 11361.
33

34 **Section 6. Installation and Standard Requirements.** – The installation of overhead
35 lines, cables, and poles shall conform to the PEC 2, Philippine Distribution Code (PDC),
36 Distribution Services and Open Access Rules, National Building Code (NBC), and other
37 applicable local and international standards. For this purpose:
38

- 39 (a) All overhead electric distribution lines, cables, and utility poles shall be
40 inspected by the city or municipal engineer, or the DPWH, as applicable,
41 before, during, and after installation;
42 (b) In cases where the ideal installation site is unavailable, the LGU or DPWH shall
43 assist the pole owner in identifying and securing an alternative ROW, at no cost
44 to the government;

1 (c) Pending the promulgation of uniform standards by the Inter-Agency
2 Committee, the concerned LGU shall assist facility owners in resolving
3 addressing installation and maintenance issues;

4 (d) Compliance with applicable codes and standards shall be ensured by the Inter-
5 Agency Committee established under Section 9 of this Act.
6

7 **Section 7. *Monitoring and Service Team.*** – Each city or municipality, in
8 coordination with the DPWH in the case of national roads, shall create a Monitoring and
9 Service Team led by the city or municipal engineer and composed of representatives from
10 utility providers and pole owners. The Team shall:
11

12 (a) Undertake clean-up and maintenance operations of overhead lines, poles, and
13 equipment;

14 (b) Oversee the removal or realignment of lines, cables, and utility poles to be
15 carried out by the concerned utilities; and

16 (c) Commence clean-up operations within six (6) months from the promulgation
17 of the implementing rules and regulations.
18

19 **Section 8. *Role of the Monitoring and Service Team.*** – The Monitoring and Service
20 Teams shall:
21

22 (a) Conduct semi-annual inspections to ensure compliance with Section 3 and to
23 verify proper maintenance of electric distribution lines, cables, utility poles,
24 equipment and accessories installed within their service areas;
25

26 (b) Require maintenance measures, including:

27 (1) Proper bundling, casing and replacement of damaged electric distribution
28 lines and cables;

29 (2) Repair and replacement of utility poles, equipment, and accessories; and

30 (3) Retirement and removal of unused or abandoned infrastructure;
31

32 (c) Issue notices of noncompliance to concerned companies, granting a reasonable
33 period for corrective action, including the relocation or realignment of
34 displaced facilities;
35

36 (d) Ensure that, prior to the implementation of any construction project, the
37 implementing government agency or private entity shall:

38 (1) Inform and coordinate with the concerned utility company for the
39 reinforcement or relocation of affected facilities;

40 (2) Provide project plans, specifications, and designated utility corridors for
41 proper evaluation; and

42 (3) Shoulder the costs of reinforcement or relocation as part of its obligation to
43 deliver the right-of-way, unless otherwise agreed upon in writing;
44

1 (e) Oversee that in all cases of public infrastructure works, the necessary relocation
2 costs of public utilities are borne by the implementing agency, project
3 proponent, or private concessionaire, as the case may be; and
4

5 (f) Conduct real-time inspection and monitoring shall be conducted in cases of
6 emergencies and calamities.
7

8 **Section 9. *Inter-Agency Committee.*** – An Inter-Agency Committee, chaired by the
9 Energy Regulatory Commission (ERC) and composed of authorized representatives from
10 the DPWH, Department of the Interior and Local Government (DILG), Department of
11 Information and Communications Technology (DICT), National Telecommunications
12 Commission (NTC), National Transmission Corporation (TransCo), National
13 Electrification Administration (NEA), Department of Human Settlements and Urban
14 Development (DHSUD), LGUs, and public utilities, is hereby created.
15

16 The Committee shall:
17

18 (a) Harmonize existing standards and issue supplemental guidelines for the
19 installation, maintenance, and removal of overhead lines, cables, poles,
20 equipment, and accessories;
21

22 (b) Monitor and conduct periodic inspections to ensure compliance;
23

24 (c) Jointly plan and coordinate clean-up drives;
25

26 (d) Identify issues, prioritize areas, and recommend best practices to ensure
27 compliance with applicable laws, rules, and regulations, including the PEC, the
28 Philippine Distribution Code, and the NBC; and
29

30 (e) Invite resource persons, including representatives from professional boards,
31 associations, and the private sector, as may be necessary.
32

33 **Section 10. *Penalties.*** – In addition to the civil liabilities prescribed by Article 2176
34 of the Civil Code and criminal penalties under Article 365 of the Revised Penal Code, and
35 unless otherwise provided under special laws, any electric distribution, cable, or
36 telecommunications company found in violation of any provision of this Act, shall be
37 penalized as follows:
38

39 (a) A fine of not less than Two Hundred Fifty Thousand Pesos (PhP 250,000.00)
40 but not more than Five Hundred Thousand Pesos (PhP 500,000.00) for the first
41 offense;
42

43 (b) A fine of not less than Five Hundred Thousand Pesos (PhP 500,000.00) but not
44 more than One Million Pesos (PhP 1,000,000.00) for the second offense; and

(c) A fine of not less than One Million Pesos (PhP 1,000,000.00) but not more than

Two Million Pesos (PhP 2,000,000.00) 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 (JCOC) to monitor the implementation of this Act, recommend the necessary remedial or administrative measures, and perform related functions as may be necessary to attain its objectives.

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, with the Chairpersons of the House Committee on Information and Communications Technology and Senate Committee on Public Services as Co-Vice Chairpersons, and three (3) additional members from each House to 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 (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.

Section 13. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be charged against the agencies' current budget and shall thereafter be included in the annual General Appropriations Act.

Section 14. *Separability Clause.* – If any part or provision of this Act is held unconstitutional or invalid, the remainder thereof not otherwise affected shall remain in full force and effect.

Section 15. *Repealing Clause.* – All laws, decrees, executive orders, rules, and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 16. *Effectivity.* – This Act shall take effect fifteen (15) days following the completion of its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,