



HOUSE OF REPRESENTATIVES

H. No. 7565

BY REPRESENTATIVES ROMUALDO, RIVERA, FRESNEDI, ROMAN, DY (F.), MARCOS, POE, MADRONA, DOMOGAN, ORETA, HERNANDEZ (C.A.), UY (R.), PLEYTO, LACSON, DIMAGUILA, SUNTAY, ANGELES, BAUTISTA-LIM, BARBA, CAGAS, DOMINGO, DAGOOC, AGYAO, MANGUDADATU, EMANO, COLLANTES, LEGACION, ACOSTA, CRUZ (A.), ALVAREZ (J.), VILLAFUERTE (M.L.), SINGSON-MEEHAN, DE JESUS, VERGARA, SALVAME, YAP (A.), LUMAYAG, DALOG, MOMO, RODRIGUEZ (M.), SANTOS (M.A.), GONZALES (R.), DEL MAR, LAGDAMEO (J.M.), ODUKADO, YAP (C.), DEFENSOR AND LAGON (S.)

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:

- 1 **SECTION 1. Short Title.** – This Act shall be known as the “Safe Overhead Electric
2 Distribution, Cable, and Communications Lines Act.”
- 3 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State to:
- 4 (a) Ensure the safety and protection of life and property;
- 5 (b) Uphold the general welfare; and
- 6 (c) Promote good housekeeping and implement sound maintenance of utility
7 poles, lines, cables, equipment and accessories in the conduct and delivery
8 of services by electric, cable and telecommunications companies to their
9 clients.

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

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

- 12 (a) Conduct periodic inspection of overhead electric distribution and
13 communication lines, in compliance with the standard clearance under the
14 Philippine Electrical Code Part 2 (PEC 2) and as provided for in this Act or its
15 implementing rules and regulations (IRR);
- 16 (b) Fix and bundle-up dangling overhead secondary and communication lines;
- 17 (c) Remove unused overhead electric distribution and communication lines;
- 18 (d) Remove unused poles, relocate obstructing poles along carriageways and
19 public roads, and replace damaged or rotten utility poles; and
- 20 (e) Strictly adhere to and ensure compliance with the standards and regulations
21 provided under the Philippine Electrical Code (PEC), as approved and adopted
22 by the Board of Electrical Engineering of the Professional Regulation
23 Commission pursuant to the mandate vested upon the Board under Republic
24 Act (R.A.) No. 7920, otherwise known as the “New Electrical Engineering Law”;
25 National Building Code; and R.A. No. 11361, otherwise known as the
26 “Anti-Obstruction of Power Lines Act.”

1 **SEC. 4. Joint Use of Structures.** – The joint use of structures shall be encouraged
2 for overhead electric distribution and communications line along highways, roads, streets,
3 and alleys. The choice between joint use of structures and separate lines shall be
4 determined through collaborative consideration of all the factors involved, including the
5 connection of the lines, the total number and weight of conductors, tree conditions, number
6 and location of branches and service drops, structure conflicts, and availability of
7 right-of-way (ROW) and other factors as may be provided in the implementing rules and
8 regulations of this Act.

9 Where such joint use is mutually agreed upon, it shall be subject to the appropriate
10 grade of construction specified in Article 3.5 of PEC 2.

11 **SEC. 5. Responsibility of the Local Government Units (LGUs).** – All cities and
12 municipalities shall, through their respective city or municipal engineers or the
13 Department of Public Works and Highways (DPWH) in the case of national roads, ensure
14 that every utility company, within their territorial jurisdiction, comply with the provisions
15 of Section 3 of this Act.

16 Within sixty (60) days from the effectivity of the IRR of this Act, the Sangguniang
17 Panlungsod or Sangguniang Bayan concerned shall, pursuant to R.A. No. 7160, as
18 amended, otherwise known as the “Local Government Code of 1991”, enact an ordinance
19 governing the overhead installation and the implementation of the responsibility of electric
20 distribution, cable and telecommunications companies pursuant to Section 3, electric
21 distribution lines, cables and utility poles, in accordance with the Electrical Code, National
22 Building Code (NBC), and R.A. No. 11361, and in consultation with the agencies
23 concerned.

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

1 the city or municipal engineer who fails to monitor the compliance of electric distribution,
2 cable, and telecommunications companies with the standards and regulations provided
3 under the PEC 2.

4 Once it has been notified of a possible violation, the city or municipality, or the DPWH
5 in the case of national roads, shall send notice to the erring company to rectify its error
6 within a reasonable time or to explain its reasons for failure to comply with the standards
7 set forth in R.A. No. 7920, otherwise known as the "New Electrical Engineering Law,"
8 and its implementing rules and regulations.

9 Upon failure to rectify its error or continuous non-compliance without justifiable cause,
10 the city or municipal engineer, or the DPWH in the case of national roads, may conduct an
11 investigation upon due notice to the erring company. A finding of fault by the authorized
12 person conducting the investigation may result in the withholding of the renewal of the
13 corresponding business licenses or permits for erring electric distribution, cable, and
14 telecommunications companies.

15 The LGU shall notify the public utilities concerned regarding the reported
16 non-compliance with the rules and the standards on setbacks and clearances under
17 the PEC, the NBC, and R.A. No. 11361, as provided in this Act.

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

27 In cases where the ideal location to install a pole is unavailable, the concerned city or
28 municipal government, or the DPWH, shall assist the pole owner in identifying and
29 securing the ROW for alternative pole locations, at no cost to the government.

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

6 **SEC. 7. *Creation of a Monitoring and Service Team.*** – A Monitoring and Service
7 Team, led by the city or municipal engineer, whichever is applicable, and composed of
8 representatives from the pole owners and the electric distribution, cable, and
9 telecommunications companies, shall, in coordination with the barangay, city, or
10 municipal engineer or the DPWH, whichever is applicable, be created to perform the
11 immediate and necessary clean-up operation and maintenance of overhead electric
12 distribution lines, cables, utility poles, equipment, and accessories, without any cost from
13 the government in compliance with the provisions of this Act.

14 The removal or realignment of lines, cables, and utility poles shall be performed by
15 the concerned utilities. The clean-up operation shall commence within six (6) months
16 from the promulgation of the IRR pursuant to Section 12 of this Act.

17 **SEC. 8. *Role of the Monitoring and Service Team.*** – The Monitoring and Service
18 Team shall conduct a semi-annual inspection to check compliance with Section 3 of
19 this Act and maintenance of their electric distribution lines, cables, utility poles,
20 equipment and accessories installed in a particular area for the efficient delivery of their
21 services. Maintenance shall include proper bundling, casing and replacement of damaged
22 electric distribution lines and cables, and repair and replacement of utility poles,
23 equipment, and accessories, and retirement of unused lines, cables and utility poles.

24 Upon finding of failure to comply with the relevant regulations, the Monitoring and
25 Service Team shall inform the electric distribution, cable, and telecommunications
26 companies which shall be given a reasonable period of time to relocate and realign
27 displaced lines, cables, utility poles, equipment, and accessories as a result of a public
28 infrastructure work. Prior to the implementation of the construction project, the
29 implementing government agency or private entity shall inform and coordinate with the

1 electric distribution, cable, or telecommunications companies concerned for the
2 reinforcement or relocation of its lines, cables, utility poles, equipment, and accessories.
3 The cost of reinforcing or relocating such lines, cables, utility poles, equipment and
4 accessories shall be shouldered by the implementing agency or private entity of the
5 construction project.

6 The implementing government agency of a construction project shall inform and
7 coordinate with the electric distribution, cable, or telecommunications companies
8 concerned for the relocation of its lines, cables, utility poles, equipment and accessories.
9 The cost of relocating such lines, cables, utility poles, equipment and accessories shall
10 be shouldered by the implementing agency of the construction project. The implementing
11 government agency shall provide its plans, specifications and provide utility corridors for
12 the adequate evaluation of the design, construction, operation, and maintenance of
13 facilities. All costs that shall be incurred in the necessary relocation of facilities of the
14 public utilities concerned as a result of such public infrastructure work shall be borne by
15 the implementing agency or project proponent as part of its obligation to deliver the
16 ROW, or by the private concessionaire, as the case may be.

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

19 **SEC. 9. *Inter-Agency Committee.*** – Within sixty (60) days from the effectivity of the
20 IRR of this Act, an Inter-Agency Committee, to be chaired by the Energy Regulatory
21 Commission (ERC) and composed of authorized representatives from the DPWH,
22 Department of the Interior and Local Government (DILG), Department of Information and
23 Communications Technology (DICT), National Telecommunications Company (NTC),
24 National Transmission Corporation (TransCo), National Electrification Administration
25 (NEA), Department of Human Settlements and Urban Development (DHSUD) and
26 representatives from the LGUs and public utilities, is hereby created to set the prescribed
27 standards in the overhead installation of lines, cables, utility poles, equipment, and
28 accessories, monitor the same and conduct periodic inspection thereof to ensure
29 compliance thereto and shall jointly plan for the conduct of clean-up drives, identify
30 issues, prioritize key areas, recommend best practices or way forward, to ensure

1 compliance of the latter with applicable existing laws, rules, and regulations of relevant
2 agencies or offices of the government, such as the PEC, the PDC, and the NBC.

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

8 **SEC. 10. *Penalty Provisions.*** – In addition to the civil liabilities prescribed by Article
9 2176 of the Civil Code on quasi-delict and the penalties prescribed by Article 365 of the
10 Revised Penal Code on criminal negligence, and unless otherwise provided under
11 special laws, an electric distribution, cable, or telecommunications company found in
12 violation of any provision of this Act, may be punished with a fine of not less than Two
13 hundred fifty thousand pesos (P250,000.00) but not more than Five hundred thousand
14 pesos (P500,000.00) for the first offense; a fine of not less than Five hundred thousand
15 pesos (P500,000.00) but not more than One million pesos (P1,000,000.00) for the second
16 offense; and a fine of not less than One million pesos (P1,000,000.00) but not more than
17 Two million pesos (P2,000,000.00) for the third and succeeding offenses, as may be
18 determined by the court.

19 **SEC. 11. *Transitory Provision.*** – Within five (5) years upon the effectivity of this Act,
20 electric distribution, cable, or telecommunications companies concerned, in coordination
21 with relevant agencies and offices of the government, shall comply with the existing rules
22 and regulations until such time the Inter-Agency Committee has promulgated the new
23 guidelines or standards as mandated under Section 9 hereof.

24 **SEC. 12. *Joint Congressional Oversight Committee (JCOC).*** – There is hereby
25 created a Joint Congressional Oversight Committee to monitor the effective
26 implementation of this Act, recommend the necessary remedial or administrative
27 measures, and perform such other duties and functions as may be necessary to attain
28 the objectives of this Act.

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

10 **SEC. 13. *Implementing Rules and Regulations.*** – Within one hundred twenty (120)
11 days, the ERC shall, in consultation with the DPWH, DILG, DICT, NTC, TransCo,
12 PRBEE, PRC-BECE, NEA, IIEE, DHSUD, Institute of Electronics Engineers of the
13 Philippines, and representatives from the LGUs, the electric distribution, cable, and
14 telecommunications companies, promulgate the necessary IRR from the effectivity of
15 this Act.

16 **SEC. 14. *Separability Clause.*** – If, for any reason, any provision of this Act is
17 declared unconstitutional or invalid, the other provisions hereof which are not affected
18 thereby shall continue to be in full force and effect.

19 **SEC. 15. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations or parts
20 thereof, which are inconsistent with or contrary to the provisions of this Act, are hereby
21 repealed, amended or modified accordingly.

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

Approved,