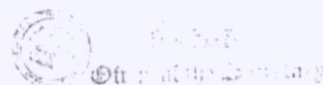


SEVENTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
Third Regular Session

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SENATE

'18 NOV 15 A10:36

COMMITTEE REPORT NO. 499

REC-1

*P*

Submitted by the Committee on Energy NOV 15 2018

Re: Senate Bill No. 2098

Recommending its approval in substitution of **Senate Bill No. 1939**

Sponsor: **Senator Sherwin T. Gatchalian**

**MR. PRESIDENT:**

The Committee on Energy to which was referred **Senate Bill No. 1939**, introduced by Senator Sherwin T. Gatchalian, entitled:

**"AN ACT ENSURING THE CONTINUOUS AND UNINTERRUPTED TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, THE PROTECTION OF THE INTEGRITY AND RELIABILITY OF POWER LINES, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF"**


has considered the same and has the honor to report it back to the Senate with the recommendation that the attached bill, **Senate Bill No. 2098** entitled:

**"AN ACT ENSURING THE CONTINUOUS AND UNINTERRUPTED TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND THE PROTECTION OF THE INTEGRITY AND RELIABILITY OF POWER LINES, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF"**

be approved in substitution of **Senate Bill No. 1939**, with **Senator Gatchalian** as author thereof.

Respectfully submitted:

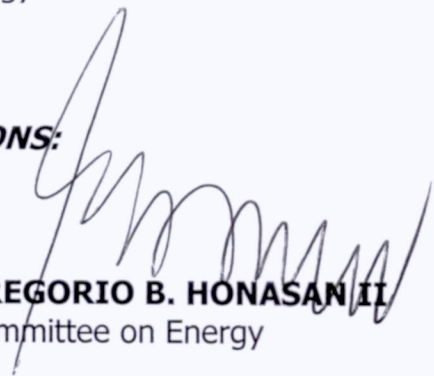
**CHAIRPERSON:**



**SHERWIN T. GATCHALIAN**  
Committee on Energy

**VICE CHAIRPERSONS:**

**RICHARD J. GORDON**  
Committee on Energy

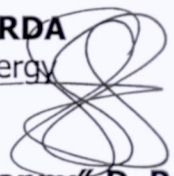


**GREGORIO B. HONASAN II**  
Committee on Energy



**MARIA LOURDES NANCY S. BINAY**  
Committee on Energy

**MEMBERS:**




**LOREN B. LEGARDA**  
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**JOSEPH VICTOR G. EJERCITO**  
Committee on Energy

**EMMANUAL "Manny" D. PACQUAIO**  
Committee on Energy



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Committee on Energy

**CYNTHIA A. VILLAR**  
Committee on Energy

**GRACE POE**  
Committee on Energy

**FRANCIS "Chiz" G. ESCUDERO**  
Committee on Energy

**PAOLO BENIGNO "Bam" AQUINO IV**  
Committee on Energy

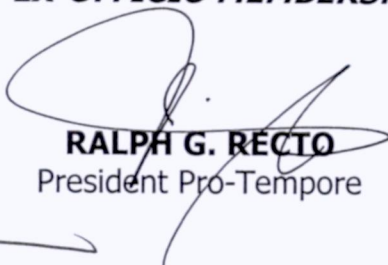


**ANTONIO "Sonny" F. TRILLANES IV**  
Committee on Energy

**FRANCIS "Kiko" PANGILINAN**  
Committee on Energy

**LEILA M. DE LIMA**  
Committee on Energy

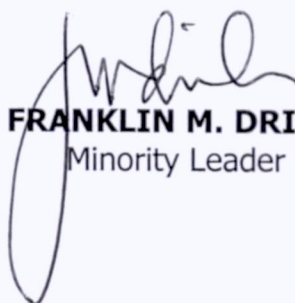
***EX-OFFICIO MEMBERS:***



**RALPH G. RECTO**  
President Pro-Tempore

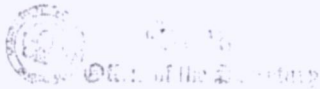


**JUAN MIGUEL "Migz" F. ZUBIRI**  
Majority Leader



**FRANKLIN M. DRILON**  
Minority Leader

**HON. VICENTE C. SOTTO III**  
Senate President



SENATE

\*18 NOV 15 A10 :36

S. B. No. 2098

RECEIVED

Prepared and submitted by the Committee on Energy, with Senator Gatchalian as author thereof

**AN ACT**  
**ENSURING THE CONTINUOUS AND UNINTERRUPTED TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND THE PROTECTION OF THE INTEGRITY AND RELIABILITY OF POWER LINES, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

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

**SECTION 1. Short Title.** – This Act shall be referred to as the “Anti-Obstruction of Power Lines Act of 2018.”

**SECTION 2. Declaration of Policy.** – It is hereby declared the policy of the State to ensure uninterrupted Conveyance of Electricity from generating plants to End Users, and protect the integrity and reliability of the country’s Transmission, Sub-transmission, and Distribution Systems by keeping the land beneath, the air spaces surrounding, and the area traversed by Power Lines clear of dangerous obstructions.

The State further recognizes that the continuous Conveyance of Electricity is a matter of national security and is essential to sustaining the country’s economic development. Finally, the State acknowledges the crucial role of property owners in ensuring that Power Lines remain free of any dangerous and hazardous activities and improvements.

**SECTION 3. Coverage.** – This Act shall cover all Power Lines and other related facilities for the Conveyance of Electricity throughout the country.

**SECTION 4. Definition of Terms.** – For purposes of this Act, the following terms shall be defined as stated below:



- 1 (a) **Armed Forces of the Philippines** refers to the government agency  
2 mandated under Section 3, Article II of the 1987 Constitution, and whose  
3 organizational structure is provided under Executive Order No. 292, otherwise  
4 known as the "Administrative Code of 1987";  
5
- 6 (b) **Board of Electrical Engineering** refers to the Board created under Republic  
7 Act No. 7920, otherwise known as the "New Electrical Engineering Law" under  
8 the general supervision and administrative control of the Professional  
9 Regulation Commission;  
10
- 11 (c) **Civil Code of the Philippines** refers to Republic Act No. 386;  
12
- 13 (d) **Conveyance of Electricity** refers to the delivery of electricity from the  
14 generating plant to the premises of the End User, through Power Lines;  
15
- 16 (e) **Dangerous Structure or Building** refers to those which are structurally  
17 unsafe; or which constitute a fire hazard not provided with safe egress, or are  
18 otherwise dangerous to human health; or which in relation to existing use  
19 constitute a hazard to safety, health, or public welfare, by reason of inadequate  
20 maintenance, dilapidation, obsolescence, fire hazard, or abandonment; or  
21 which otherwise contribute to the pollution of the site or the community to an  
22 intolerable degree. It also refers to any building or structure which has any or  
23 all of the conditions or defects described in Section 1.01.08 (b), Republic Act  
24 No. 6541, otherwise known as the "National Building Code of the Philippines":  
25 *Provided, That such condition or defect exists to the extent that life, health,*  
26 *property, or safety of the public or its occupants are endangered;*
- 27 (f) **Department of Energy (DOE)** refers to the government agency created  
28 pursuant to Republic Act No. 7638, otherwise known as the "Department of  
29 Energy Act of 1992" and whose powers were expanded under Republic Act No.  
30 9136, otherwise known as the "Electric Power Industry Reform Act of 2001";  
31
- 32 (g) **Department of Environment and Natural Resources (DENR)** refers to  
33 the government agency created pursuant to Executive Order No. 192,  
34 otherwise known as "Providing the Reorganization of the Department of

1 Environment, Energy and Natural Resources and Renaming it to the  
2 Department of Environment and Natural Resources”;

3  
4 (h) **Distribution Lines** refer to the portion of the Distribution System pertaining  
5 to the lines or wires;

6  
7 (i) **Distribution Utility (DU)** refers to any electric cooperative, private  
8 corporation, or government-owned utility which has a franchise to operate a  
9 Distribution System including those whose franchise covers economic zones;

10  
11 (j) **Distribution System** refers to the system of wires and associated facilities  
12 belonging to a franchised Distribution Utility extending between the delivery  
13 points on the Transmission or Sub-transmission System or generator  
14 connection and the point of connection to the premises of the End User;

15  
16 (k) **Easement Fee** refers to the just compensation for the legal easement  
17 imposed upon the property of the owner, as determined by the courts in  
18 accordance with relevant laws, rules, and regulations;

19  
20 (l) **End User** refers to any person or entity requiring the supply and delivery of  
21 electricity for its own use;

22 (m) **Hazardous Activities** refer to burning of waste and other materials,  
23 excavation, quarrying, construction, and other activities of the same nature and  
24 character, which are performed partially or wholly inside the Power Line  
25 Corridor which threaten or endanger the continuous and uninterrupted  
26 Conveyance of Electricity;

27  
28 (n) **Hazardous Improvements** refer to structures, buildings, and improvements  
29 of whatever kind, whether temporary or permanent in character and regardless  
30 of the purpose for which they are intended, which are located partially or  
31 wholly inside the Power Line Corridor which threaten or endanger the  
32 continuous and uninterrupted Conveyance of Electricity;

33  
34 (o) **Housing and Land Use Regulatory Board (HLURB)** refers to the  
35 government agency designated as the sole regulatory body for housing and



land development by Executive Order No. 684, otherwise known as  
"Reorganizing The Human Settlements Regulatory Commission" as amended;

(p) **Joint Congressional Power Commission (JCPC)** refers to the congressional oversight body created under Section 62 of Republic Act No. 9136, otherwise known as the "Electric Power Industry Reform Act of 2001";

(q) **National Power Corporation (NPC)** refers to the government corporation created under Republic Act No. 6395, otherwise known as "An Act Revising the Charter of the National Power Corporation" as amended, and whose additional mandate is further set in Republic Act No. 9136, otherwise known as the "Electric Power Industry Reform Act of 2001";

(r) **Other Distribution Entities** refer to entities that own, operate, or control one or more Distribution Systems in the main grid and off-grid other than Distribution Utilities such as but not limited to Qualified Third Parties and those under Management Contracts for the Conveyance of Electricity;

(s) **Owner or Operator of Power Lines** refers to generation companies, the transmission owner and its concessionaire, Distribution Utilities, Other Distribution Entities, and entities which have ownership or responsibility for the operation and maintenance of Power Lines;

(t) **Philippine Coconut Authority (PCA)** refers to the government agency created by Presidential Decree No. 961, otherwise known as the "Coconut Industry Code" as amended by Presidential Decree No. 1468, otherwise known as the "Revised Coconut Industry Code";

(u) **Philippine Electrical Code** refers to the set of rules which provide for the safety in electrical installation, construction, operation and maintenance, and the utilization of electricity mandated under Republic Act No. 7920, otherwise known as the "New Electrical Engineering Law";

(v) **Philippine National Police (PNP)** refers to the government agency created by Republic Act No. 6975, otherwise known as the "Department of the Interior and Local Government Act of 1990" as amended by Republic Act No. 8551,

otherwise known as the "Philippine National Police Reform and Reorganization Act of 1998";

(w) **Professional Regulation Commission (PRC)** refers to the government agency created by Republic Act No. 8981, otherwise known as the "PRC Modernization Act of 2000";

(x) **Power Lines** refer to Transmission Lines, Sub-transmission Lines, Distribution Lines, and generation dedicated point to point lines, and other connection assets including the poles and towers used to support the lines, and other related facilities constructed or erected used for the purpose of Conveyance of Electricity;

(y) **Power Line Obstruction** refers to any Hazardous Activity or Hazardous Improvement and other similar circumstances that threaten or endanger the continuous and uninterrupted Conveyance of Electricity;

(z) **Sub-transmission Lines** refer to the portion of the Sub-Transmission System pertaining to the lines or wires;

(aa) **Sub-Transmission System** refers to the portion of the Distribution System that is delineated by the connection point to the Transmission System and the primary side of all substation transformers;

(bb) **Tall Growing Plants** refer to plants, vines, and other plant species, which grow or have the potential to grow more than three (3) meters in height from the ground;

(cc) **Transmission Lines** refer to the portion of the Transmission System referring to the lines or wires; and

(dd) **Transmission System** refers to the high voltage backbone system of interconnected Transmission Lines, substations and related facilities, located in each of Luzon, Visayas, and Mindanao, or as may be otherwise determined by the ERC in accordance with Section 45 of Republic Act No. 9136, otherwise known as the "Electric Power Industry Reform Act of 2001".



1  
2 **Section 5. Power Line Corridor.** – The land beneath, the air spaces surrounding,  
3 and the area traversed by Power Lines including its horizontal, vertical, and similar  
4 clearance requirements shall constitute the Power Line Corridor, which shall at all times  
5 be kept clear and free from any Power Line Obstructions, Dangerous Structures,  
6 Hazardous Activities and Improvements, and other similar circumstances in accordance  
7 with the provisions of this Act.

8  
9 The horizontal, vertical, and other similar clearance requirements that constitute the  
10 Power Line Corridor shall be determined by the Board of Electrical Engineering and  
11 approved by the Department of Energy, and shall be in accordance with the current  
12 Philippine Electrical Code.

13  
14 In case where the Power Line Corridor is wholly or partially located within a private  
15 property not owned by the Owner or Operator of the Power Lines, it shall constitute a  
16 legal easement upon the private property in accordance with the relevant provisions  
17 under Book II, Title VII, Chapter 2 of the Civil Code, except if the Owner or Operator of  
18 the Power Lines shall acquire, lease or enter into other gratuitous or onerous  
19 arrangement with the property owner. In the case of legal easement, the owner of the  
20 private property shall be compensated the proper Easement Fee pursuant to the  
21 provisions of the Civil Code and other relevant laws, rules, and regulations.

22  
23 **SECTION 6. Prohibited Acts.** – It is hereby declared unlawful for any person,  
24 whether natural or juridical, public or private, to:

- 25  
26 (a) Plant or cause to be planted Tall Growing Plants of whatever kind or variety  
27 within the Power Line Corridor;  
28  
29 (b) Construct or erect any Hazardous Improvements within the Power Line  
30 Corridor;  
31  
32 (c) Conduct or perform any Hazardous Activities within the Power Line Corridor;  
33  
34 (d) Prevent or refuse, without reasonable cause, duly authorized agents of the  
35 Owner or Operator of Power Lines, entry to the property in the performance of  
36 acts enumerated under Section 7: *Provided*, that such entry is in accordance  
37 with the provisions of Section 8; and

- 1
- 2 (e) Perform other analogous acts or activities, which will impair the Conveyance of
- 3 Electricity and cause damage to Power Lines.

4 **SECTION 7. Prevention and Removal of Power Line Disturbance on Public**

5 **Property or on Property Owned by Owner or Operator of Power Lines.** – In

6 cases where the Power Line Corridor is wholly or partially located within public property

7 or on property owned by the Owner or Operator of the Power Lines, the Owner or

8 Operator of Power Lines shall have the right to enter the said property to prevent and

9 remove any Power Line Obstruction, and in particular, perform the following acts:

- 10
- 11 (a) To conduct maintenance and inspection activities within the Power Line
- 12 Corridor;

- 13
- 14 (b) To conduct repair or restoration activities within the Power Line Corridor;

- 15
- 16 (c) To conduct trimming, pruning, cutting, or clearing activities for Tall Growing
- 17 Plants within the Power Line Corridor without securing prior clearance or permit
- 18 from, but with due notice to, the Department of Environment and Natural
- 19 Resources, Philippine Coconut Authority in the case of coconut trees, and the
- 20 concerned Local Government Units;

- 21
- 22 (d) To remove, dismantle, or demolish Hazardous Improvements in accordance
- 23 with Republic Act No. 6541, otherwise known as the "National Building Code of
- 24 the Philippines": *Provided*, That such acts may be carried out without prior
- 25 clearance or permit from, but with due notice to, the Department of Public
- 26 Works and Highways, Housing and Land Use Regulatory Board, and the
- 27 concerned Local Government Units;

- 28
- 29 (e) To stop, prevent, or prohibit the conduct of Hazardous Activities; and

- 30
- 31 (f) Perform other analogous acts or activities, which will cause the prevention and
- 32 removal of any Power Line Obstruction.

33 **SECTION 8. Prevention and Removal of Power Line Obstruction on Private**

34 **Property.** – The Owner or Operator of Power Lines shall have the primary duty and

35 responsibility to remove Power Line Obstructions. In cases where the Power Line



1 Corridor is wholly or partially located within a private property, the property owner shall  
2 coordinate and assist the Owner or Operator of the Power Lines by facilitating the  
3 necessary access in order to perform the acts enumerated in Section 7.

4  
5 The property owner shall have the primary duty and responsibility to prevent Power  
6 Line Obstructions and to inform the Owner or Operator of the Power Line of their  
7 existence. In the performance of these acts, the property owner shall be entitled to  
8 necessary assistance such as but not limited to education and information, and  
9 technical and manpower support from the Owner or Operator of Power Lines.

10  
11 In the event that the property owner fails to perform any duty and responsibility under  
12 the preceding paragraphs, the Owner or Operator of the Power Lines shall have the  
13 right to access the Power Line Corridor in order to undertake the acts enumerated  
14 under Section 7: *Provided*, That entry to private property may only be effected after  
15 due notice to, and proper coordination with the property owner: *Provided however*,  
16 That the foregoing shall no longer be required to avert an imminent danger posed by a  
17 Power Line Obstruction in accordance with Article 432 of the Civil Code.

18  
19 ***SECTION 9. Assistance from Local Government Units, Philippine National***  
20 ***Police, and Armed Forces of the Philippines.*** – In the performance of the acts  
21 under Sections 7 and 8, the Owner or Operator of the Power Lines may seek the  
22 assistance of Local Government Unit officials, the Philippine National Police, and the  
23 Armed Forces of the Philippines, as may be deemed necessary.

24  
25 ***SECTION 10. Information, Education, and Communication.*** – The Owner or  
26 Operator of the Power Lines shall have the duty and responsibility to inform, educate,  
27 and communicate to individuals and communities in the areas it serves the danger of  
28 existing Power Line Obstructions, the urgency of removing them, the manner of  
29 preventing them, and other important related information.

30  
31 ***SECTION 11. Resettlement.*** – Persons residing in Hazardous Improvements shall be  
32 relocated in accordance with Republic Act No. 7279, otherwise known as the "Urban  
33 Development and Housing Act of 1992" as amended.

34  
35 ***SECTION 12. Gathering, Collecting, and Removing of Lumber.*** – Gathering,  
36 collecting, removing, and transporting timber, forest products, and coconut lumber as a  
37 result of acts performed under Section 7 and Section 8 shall not be considered illegal



1 acts: *Provided*, That due notice is given to the Department of Environment and Natural  
2 Resources and the Philippine Coconut Authority in the case of coconut lumber.

3  
4 **SECTION 13. Permits.** – Building officials of Local Government Units shall require the  
5 building owner who will be undertaking construction or maintenance activities  
6 surrounding, adjacent, or proximate to the Power Line Corridor to give due notice to,  
7 and coordinate with the concerned Owner or Operator of the Power Lines prior to the  
8 issuance of a building permit.

9  
10 **SECTION 14. Penalties.** – Without prejudice to civil and administrative liability, the  
11 following penalties shall be imposed upon any person, both natural and juridical, found  
12 guilty of committing any of the prohibited acts specified in Section 6 of this Act:

13  
14 (a) First Offense – the penalty of *arresto mayor* or a fine of fifty thousand pesos  
15 (PhP 50,000.00), or both, at the discretion of the court; and

16  
17 (b) Second Offense – the penalty of *prision correccional* or a fine of one hundred  
18 thousand pesos (PhP 100,000.00), or both, at the discretion of the court; and

19  
20 (c) Third Offense – the penalty of *prision mayor* or a fine of two hundred thousand  
21 pesos (PhP 200,000.00), or both, at the discretion of the court.

22 If the offenses are committed by or in conspiracy with an officer or employee of the  
23 Owner or Operator of the Power Line, such officer or employee shall suffer a penalty  
24 one (1) degree higher than the penalty provided herein.

25  
26 The local building official who issued a building permit in violation of Section 13 of this  
27 Act shall be meted a penalty one (1) degree higher than the penalty provided herein  
28 and shall forthwith suffer the penalty of dismissal.

29  
30 **SECTION 15. Congressional Oversight.** – The Joint Congressional Power  
31 Commission shall exercise oversight powers over implementation of this Act.

32  
33 **SECTION 16. Implementing Rules and Regulations.** – The Department of Energy  
34 shall, in consultation with the National Electrification Administration, National Power  
35 Corporation, Board of Electrical Engineering, National Transmission Commission,  
36 Department of Public Works and Highways, National Housing Authority, Housing and

1 Land Use Regulatory Board, Housing and Urban Development Coordinating Council,  
2 Department of Environment and Natural Resources, Philippine Coconut Authority,  
3 National Commission on the Indigenous Peoples, Philippine National Police, Armed  
4 Forces of the Philippines, electric power industry stakeholders, and private stakeholders  
5 issue the implementing rules and regulations of this Act within ninety (90) days upon its  
6 effectivity.

7  
8 **SECTION 17. Separability Clause.** – Any portion or provision of this Act, which may  
9 be declared unconstitutional or invalid shall not have the effect of nullifying other  
10 portions or provisions hereof.

11  
12 **SECTION 18. Repealing Clauses.** – The relevant provisions of Presidential Decree  
13 No. 705, as amended, otherwise known as the "Revised Forestry Code of the  
14 Philippines", Republic Act No. 8048, as amended, otherwise known as the "Coconut  
15 Preservation Act of 1995", and Republic Act No. 7279, as amended, otherwise known as  
16 the "Urban Development and Housing Act of 1992" are hereby amended. All other  
17 laws, ordinances, rules, regulations and other issuance or parts thereof, which are  
18 inconsistent with this Act, are hereby amended, modified, or repealed accordingly.

19  
20 **SECTION 19. Effectivity Clause.** – This Act shall take effect fifteen (15) days after  
21 its publication in at least two (2) newspapers of general circulation.  
22 Approved,