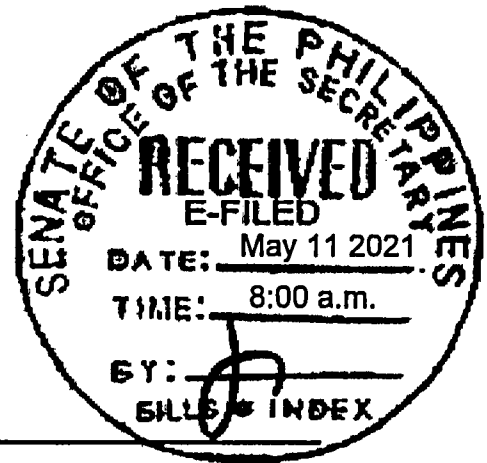


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE
S.B. No. 2160



Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT MANDATING THE PROPER INSTALLATION AND MAINTENANCE
OF OVERHEAD ELECTRIC DISTRIBUTION, COMMUNICATION
LINES, AND RELATED STRUCTURES**

EXPLANATORY NOTE

Section 24, Article II of the 1987 Constitution provides that, *"The State recognizes the vital role of communication and information in nation-building."*

The pandemic, which started in 2020, brought the whole world to a new normal. Two basic utilities are now crucial in surviving the new normal: electricity and internet. Governments must ensure that access to these basic rights are readily available and are efficiently maintained.

According to Fitch Solutions, power demand is expected to rebound strongly and recover to pre-pandemic trends, which will necessitate stronger capacity growth and by extension, distribution growth. As of October 2020, the household electrification rate of the Philippines was 92.96%, which is equivalent to 23.23 million households with access to power. Experts expect annual power demand to grow on an average of 4.6% from 2020 to 2029. As such, the government must ensure continuous, reliable, and more efficient service from power distribution companies to deliver the basic energy needs of every Filipino household.

Another sector whose usage has been affected by the pandemic is the telecommunications industry. The new normal pushes everyone to connect digitally because of ongoing restrictions:

According to SNL Kagan, prolonged lockdowns strained the country's limited broadband infrastructure. The country had its average fixed broadband speed down

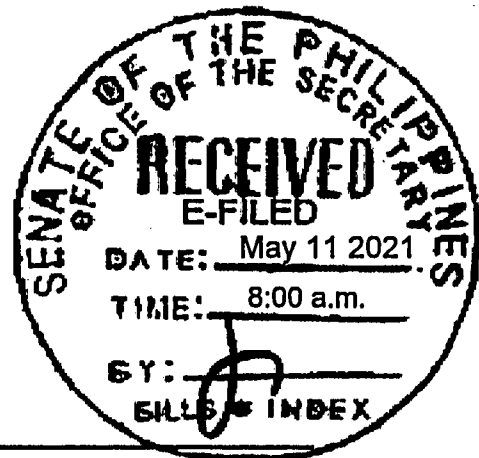
by 8.4% from 25.91 Megabits per second (Mbps) in January 2020 to 23.74 Mbps in June 2020 which is second to the last in the ASEAN Region. Singapore has the fastest average broadband speed at 208.16 Mbps, while Indonesia ranked the lowest with 21.28 Mbps.

This bill seeks to uphold the general welfare of clients by improving the reliability of transmission lines for power and telecommunications by ensuring the sound maintenance of utility poles, cables, equipment, and accessories. It mandates all electric and telecommunication companies to conduct periodic inspections of their respective utility lines. In addition, local government units are tasked with monitoring the performance of the distribution companies within their jurisdiction.

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


IMEE R. MARCOS

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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 "*Proper Installation and*
2 *Maintenance of Overhead Electric Distribution and Communication Lines Act*".

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 ensure the safety and protection of life and property of every person in the Philippines
5 and uphold the general welfare of the public.

6 It is also the responsibility of the government to promote good housekeeping
7 and implement sound maintenance of utility poles, lines, cables, equipment and
8 accessories in the conduct and delivery of services by electric distribution, cable, and
9 telecommunications companies to their clients.

10 SEC. 3. *Responsibility of Electric Distribution and Telecommunications*
11 *Companies.* – It shall be the responsibility of the electric distribution and
12 telecommunication companies to prepare contingencies for calamities or any
13 unforeseen event that may cause harm, expose a person to peril and cause damage
14 to property, by undertaking necessary precautionary measures to prevent the same.
15 Toward this end, all electric distribution and telecommunications companies shall
16 perform the following over all of its overhead electric distribution and communication
17 lines:

- 18 a) Conduct periodic inspection in compliance with the standard clearance under
19 the Philippine Electrical Code Part 2 (PEC 2) and as provided for in this Act or
20 its implementing rules and regulations;
- 21 b) Fix and bundle-up dangling overhead secondary and communication lines;
- 22 c) Remove unused overhead electric distribution and communication lines;
- 23 d) Replace all unused, misplaced, damaged and rotten utility poles;

- 1 e) Strictly adhere to and ensure compliance with the standards and regulations
2 provided under the Philippine Electrical Code, as approved and adopted by the
3 Board of Electrical Engineering of the Professional Regulation Commission
4 pursuant to the mandate vested upon the Board under Republic Act No. 7920,
5 otherwise known as *the "New Electrical Engineering Law"*;
- 6 f) Submit an annual report to the concerned *Sangguniang Bayan* or Panlungsod
7 of the status of the installation and maintenance of overhead electric
8 distribution, communication lines and related structures in the respective
9 locality and their compliance to the provisions of this Act. Provided, that in
10 case of a devastating calamity, a report should also be submitted within a
11 period of sixty (60) days from the date of the said calamity; and
- 12 g) Shoulder any and all costs necessary to efficiently carry-out the
13 aforementioned acts.

14 **SEC. 4. *Joint Use of Structures.*** – The joint use of structures shall be considered
15 for circuits along highways, roads, streets, and alleys. The choice between joint use
16 of structures and separate lines shall be determined through consideration of all the
17 factors involved, including the character of circuits, the total number and weight of
18 conductors, tree conditions, number and location of branches and service drops,
19 structure conflicts, and availability of right-of-way and other factors as may be
20 provided in the rules and regulations to be promulgated to implement. Where such
21 joint use is mutually agreed upon, it shall be subject to the appropriate grade of
22 construction specified in Article 3.5 of PEC 2.

23 **SEC. 5. *Responsibility of the Local Government Units (LGUs).*** – All cities and
24 municipalities shall, through their respective city or municipal engineers or the
25 Department of Public Works and Highways (DPWH) in the case of national roads,
26 ensure that every electric distribution and telecommunication company, within their
27 territorial jurisdiction, comply with the provisions of Section 3 of this Act. The
28 *Sangguniang Panlungsod* or *Sangguniang Bayan* concerned shall, pursuant to Republic
29 Act No. 7160, as amended, otherwise known as the Local Government Code, issue an
30 ordinance governing the overhead installation of electric distribution lines, cables and
31 utility poles, in accordance with the Electrical Code, National Building Code and RA
32 No. 11361 or the Anti-Obstruction of Power Lines Act and in consultation with the
33 agencies concerned.

34 The city or municipal engineer, or the authorized representative of such city or
35 municipality shall, in addition to the authority to withhold the grant or renewal of
36 licenses or business permits, file a complaint against the electric distribution or
37 telecommunications company, which fails to conduct periodic inspection of its
38 respective electric distribution or communication line installations or fix or bundle up
39 its lines or remove all old and unused lines in violation of the regulations and standards

1 provided for under the PEC 2 before the court of competent jurisdiction. Any person
2 may file an administrative complaint against the city or municipal engineer who fails
3 to monitor the compliance of electric distribution, and telecommunications companies
4 with the standards and regulations provided under the PEC 2.

5 Once it has been notified of a possible violation, the city or municipality, or the
6 DPWH in the case of national roads, shall send notice to the erring company to allow
7 it to rectify its error within a reasonable time or to explain its reasons for failure to
8 comply with the standards set forth in Republic Act No. 7920 and its implementing
9 rules and regulations. Upon failure to rectify its error or continuous non-compliance
10 without justifiable cause, the city or municipal engineer, or the DPWH in the case of
11 national roads, may conduct an investigation, upon due notice to the erring company.
12 A finding of fault by the authorized person conducting the investigation may result in
13 the withholding of the renewal of the corresponding business licenses or permits for
14 erring electric distribution and telecommunications companies.

15 The companies shall notify the LGU concerned on violations on the issuance of
16 building permits for non-compliance with the rules and the standards on setbacks and
17 clearances under the Philippine Electrical Code, the National Building Code, and the
18 "Anti-Obstruction of Power Lines Act" or Republic Act No. 11361, as provided in this
19 Act.

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

30 In cases where the ideal location of a pole installation is unavailable, the
31 concerned city or municipal government, or the DPWH, shall assist the pole owner in
32 identifying and securing the right-of-way (ROW) for alternative pole locations, at no
33 cost to the government.

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

1 **SEC. 7. *Creation of a Monitoring and Service Team.*** – A Monitoring and Service
2 Team, led by the city or municipal engineer and composed of representatives from
3 the pole owners and the electric distribution, cable, and telecommunications
4 companies, shall, in coordination with the barangay, city, or municipal-engineer or the
5 DPWH, whichever is applicable, be created to perform the immediate and necessary
6 clean-up operation and maintenance of overhead electric distribution lines, cables,
7 utility poles, equipment and accessories in compliance with the provisions of this Act.
8 The clean-up operation shall commence within six (6) months from the promulgation
9 of the Implementing Rules and Regulations (IRR) pursuant to Section 13 of this Act.

10 **SEC. 8. *Role of the Monitoring and Service Team.*** – The Monitoring and Service
11 Teams of electric distribution, cable, and telecommunications companies shall conduct
12 a semi-annual inspection to check compliance to Section 3 of this Act and maintenance
13 of their electric distribution lines, cables, utility poles, equipment and accessories
14 installed in a particular area for the efficient delivery of their services. Maintenance
15 shall include proper bundling, casing and replacement of damaged electric distribution
16 lines and cables, and repair and replacement of utility poles, equipment and
17 accessories, and retirement of unused electric distribution lines, cables and utility
18 poles.

19 Electric distribution, cable, and telecommunications companies shall be given a
20 reasonable period of time to relocate and realign displaced lines, cables, utility poles,
21 equipment and accessories as a result of a public infrastructure work. The
22 implementing government agency of a construction project shall inform and
23 coordinate with the electric distribution, cable, or telecommunication company
24 concerned for the relocation of its lines, cables, utility poles, equipment and
25 accessories. The cost of relocating such lines, cables, utility poles, equipment and
26 accessories shall be shouldered by the implementing agency of the construction
27 project. The implementing government agency shall provide its plans, specifications
28 and provide utility corridors for the adequate evaluation of the design, construction,
29 operation, and maintenance of facilities. All costs that shall be incurred in the
30 necessary relocation of facilities of the public utilities concerned as a result of such
31 public infrastructure work shall be borne by the implementing agency or project
32 proponent as part of its obligation to deliver the right-of-way, or by the private
33 concessionaire, as the case may be.

34 Any and all costs which shall be necessarily incurred on the clean-up operation
35 and maintenance of overhead electric distribution lines, cables, utility poles,
36 equipment and accessories in compliance with the provisions of this Act shall be
37 shouldered and paid for by the electric distribution, cable, or telecommunications
38 companies for whom the monitoring and/or service was undertaken to the city or
39 municipal government where the city/ municipal engineer leading the monitoring and
40 service team belongs.

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

3 **SEC. 9. *Inter-Agency Committee.*** – An Inter-Agency Committee to be chaired by
4 the ERC and composed of authorized representatives from the DPWH, Department of
5 the Interior and Local Government (DILG), Department of Information and
6 Communications Technology (DICT), National Telecommunications Company (NTC),
7 National Transmission Corporation (TransCo), National Electrification Administration
8 (NEA), and representatives from the LGUs, is hereby created to set the prescribed
9 standards in the overhead installation of lines, cables, utility poles, equipment and
10 accessories, monitor the same and conduct periodic inspection thereof to ensure
11 compliance thereto and shall jointly plan for the conduct of clean-up drives, identify
12 issues, prioritize key areas, recommend best practices or way forward, to ensure
13 compliance of the latter with applicable existing laws, rules and regulations of relevant
14 agencies/offices of the government, such as the PEC, the PDC, and the NBC.

15 The Inter-Agency Committee may invite resource persons, if deemed necessary,
16 from Professional Regulatory Board of Electrical Engineering (PRBEE), PRC-Board of
17 Electronics and Communications Engineering (PRCBECE), the Institute of Integrated
18 Electrical Engineers of the Philippines (IIEE) and two (2) representatives from the
19 private sector.

20 **SEC. 10. *Penalty Provisions.*** – In addition to the civil liabilities prescribed by
21 Article 2176 of the Civil Code on quasi-delict and the penalties prescribed by Article
22 365 of the Revised Penal Code on criminal negligence, and unless otherwise provided
23 under special laws; an electric distribution, cable, or telecommunications company
24 found in violation of any provision of this Act, shall be punished with a fine of not less
25 than Two hundred fifty thousand pesos (P250,000.00) but not more than Five hundred
26 thousand pesos (P500,000.00) for the first offense; a fine of not less than Five
27 hundred thousand pesos (P500,000.00) but not more than One million pesos
28 (P1,000,000.00) for the second offense; and a fine of not less than One million pesos
29 (P1,000,000.00) but not more than Two million pesos (P2,000,000.00) for the third
30 and succeeding offenses, as may be determined by the court.

31 **SEC. 11. *Implementing Rules and Regulations.*** – The ERC shall, in consultation
32 with the DPWH, DILG, DICT, NTC, TRANSCO, PRBEE, PRCBECE, NEA, IEE and
33 representatives from the LGUs, the electric distribution, cable and telecommunications
34 companies, promulgate the necessary Implementing Rules and Regulations (IRR)
35 within one hundred twenty (120) days from the effectivity of this Act.

36 **SEC. 12. *Separability Clause.*** – If, for any reason or reasons, any part or provision
37 of this Act shall be declared as unconstitutional or invalid, the other parts or provisions
38 hereof which are not affected thereby shall continue to be in full force and effect.

1 **SEC. 13. *Repealing Clause.*** – All provisions of existing laws, orders, rules and
2 regulations or parts thereof which are in conflict or inconsistent with the provisions of
3 this Act are hereby repealed, amended or modified accordingly.

4 **SEC. 14. *Effectivity.*** – This Act shall take effect effect fifteen (15) days after its
5 publication in the Official Gazette or in a newspaper of general circulation in the
6 Philippines.

Approved,