



HOUSE OF REPRESENTATIVES

H. No. 6276

BY REPRESENTATIVES UYBARRETA, UMALI, VELASCO, ROQUE (R.), RAMOS, ACOSTA, PALMA, BOLILIA, CERILLES, DY, BATOCABE, SAMBAR, ZARATE, ARENAS, TEJADA, VELASCO-CATERA, SALON, VILLARAZA-SUAREZ, ALVAREZ (P.), FARIÑAS, SUAREZ, BONDOC, ESPINO, NOEL, DE VERA, LACSON, ROMERO, PANOTES, PINEDA, BERTIZ, NOGRALES (J.J.), HERRERA-DY, BATOCABE, CO, GARBIN, SUANSING (E.) AND BELMONTE (R.), PER COMMITTEE REPORT No. 364

AN ACT ENSURING THE CONTINUOUS AND UNINTERRUPTED TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, THE PROTECTION OF THE INTEGRITY AND RELIABILITY OF THE TRANSMISSION AND DISTRIBUTION SYSTEMS, AND THE PROMOTION OF PUBLIC SAFETY, AND PROVIDING PENALTIES IN VIOLATION THEREOF

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

SECTION 1. *Short Title.* – This Act shall be referred to as the “Anti-Power Line Disturbance Act”.

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to:

(a) Foster and ensure not only obedience to its authority, but also to adopt such measures as would effectively promote the general welfare, which are essential for the enjoyment by all the people of the blessings of democracy in a just and humane society;

(b) Keep the right-of-way corridors of electric power lines free and clear of any hazard or dangerous obstruction to ensure the continuous and uninterrupted flow of electricity from power plants to end users, promote public safety and protect the integrity and reliability of transmission and distribution facilities throughout the country; and

(c) Ensure the success of its electrification program by ensuring the continuous and reliable flow of electricity from the power plants down to the end users or consumers.

SEC. 3. *Coverage.* – This Act shall cover all electric power lines and other related facilities for the conveyance of electricity throughout the country.

SEC. 4. *Definition of Terms.* – As used in this Act:

(a) *Distribution of electricity* refers to the conveyance of electricity by a distribution utility through its distribution system;

(b) *Distribution system* refers to the system of wires and associated facilities belonging to a franchised distribution utility extending between the delivery points on the transmission or subtransmission system or generator connection and the point of connection to the premises of the end user;

(c) *Distribution utility* refers to any electric cooperative, private corporation, government-owned utility, or existing local government unit, which has an exclusive franchise to operate a distribution system;

(d) *Electric power lines* refer to the high voltage transmission lines, subtransmission lines, distribution lines, and other similar facilities constructed or erected for the conveyance of electricity from the generating plants to the premises of the end users;

(e) *Grid* refers to the high voltage backbone system of interconnected transmission lines, substations, and related facilities;

1 (f) *Hazardous activities* refer to burning of waste and other materials,
2 excavation, quarrying, and other activities of the same nature and character
3 within the right-of-way corridor;

4 (g) *Hazardous improvements* refer to structures, buildings and
5 improvements of whatever kind, whether temporary or permanent in character
6 and regardless of the purpose for which these are intended, which are within
7 the right-of-way corridor of electric power lines;

8 (h) *Right-of-way corridor* refers to the easement on lands and air
9 spaces traversed by electric power lines with a width and line clearance
10 requirements dependent on the voltage of the electric power lines as prescribed
11 by the Philippine Electrical Code and/or International Standards. For this
12 purpose, right-of-way corridor shall be classified as "danger area" within the
13 contemplation of Republic Act No. 7279, as amended, otherwise known as the
14 "Urban Development and Housing Act of 1992";

15 (i) *Subtransmission assets* refer to the facilities related to the electric
16 power delivery service below the transmission voltages and based on the
17 functional assignment of assets, including step-down transformers used solely
18 by load customers, associated switchyard/substation, control and protective
19 equipment, reactive compensation equipment, overhead lines, and the land
20 where such facilities/equipment are located. These include assets linking the
21 transmission system and the distribution system, which are neither classified as
22 generation nor transmission;

23 (j) *Tall growing plants* refer to plants, vines and other plant species,
24 which grow or have a potential to grow more than three (3) meters in height
25 from the ground; and

26 (k) *Transmission of electricity* refers to the conveyance of electricity
27 through the high voltage backbone system.

1 SEC. 5. *Prohibited Acts.* – It is hereby declared unlawful for any
2 person, whether natural or juridical, public or private, to:

3 (a) Plant or cause to be planted tall growing plants, including plants of
4 whatever kind, variety, or height within the right-of-way corridor of electric
5 power lines;

6 (b) Construct hazardous improvements under or within the right-of-way
7 corridor of electric power lines;

8 (c) Conduct hazardous activities under, within, or near the right-of-way
9 corridor of electric power lines;

10 (d) Prevent or refuse to allow entry to the property for purposes of
11 repair of electric power lines, and/or restoration of power, or to conduct the
12 necessary clearing, cutting, trimming, and pruning of tall growing plants and
13 removing, dismantling or demolishing of hazardous improvements; and

14 (e) Perform other analogous acts or activities, which will impair the
15 transmission or distribution of electricity, disrupt the operations of the grid,
16 subtransmission assets, or distribution systems, and cause damage to electric
17 power lines.

18 SEC. 6. *Right-of-Way Corridor of Electric Power Lines.* – The
19 standard width of the right-of-way of electric power lines and line clearance
20 requirements shall be as prescribed under the Philippine Electrical Code
21 as approved by the Board of Electrical Engineering, Professional Regulation
22 Commission.

23 SEC. 7. *Authority to Remove Electric Power Lines Disturbance.* –
24 The transmission company, distribution utility, or the rightful owner or
25 operator of the electric power lines is hereby granted the authority to enter
26 public or private property after due notice and proper coordination with the
27 owner, tiller, occupant or possessor of the land:

1 (a) To conduct routine inspection of electric power lines located within
2 the property;

3 (b) To conduct repair or restoration activities on electric power lines
4 located on or traversing the property;

5 (c) To conduct trimming, pruning, cutting, or clearing of tall growing
6 plants within the right-of-way corridors of electric power lines;

7 (d) To remove, dismantle, or demolish hazardous improvements within
8 the right-of-way corridors of electric power lines traversing the property; and

9 (e) To stop, prevent or prohibit the conduct of hazardous activities
10 within the right-of-way corridors of electric power lines.

11 For the proper implementation of paragraphs (c) and (d) hereof,
12 the provisions of Presidential Decree No. 705, as amended, otherwise known
13 as the "Revised Forestry Code of the Philippines", Republic Act No. 8048,
14 as amended, otherwise known as the "Coconut Preservation Act of 1995", and
15 Sections 28 and 29 of Republic Act No. 7279, as amended, otherwise known
16 as the "Urban Development and Housing Act of 1992", and other laws
17 granting authority to regulate such activities, are hereby amended.

18 In the case of removal of hazardous improvements, such buildings
19 or structures considered as dangerous and ruinous buildings or structures
20 as defined under Presidential Decree No. 1096, as amended, otherwise known
21 as the "National Building Code of the Philippines", shall be demolished
22 immediately in accordance with the provisions of the said law regardless
23 of the presence of a building, fencing, or other permits or clearances.

24 For purposes of this section, the Philippine National Police (PNP)
25 and the Armed Forces of the Philippines (AFP) shall assist the personnel of the
26 National Transmission Corporation, the National Grid Corporation of the
27 Philippines and their successors-in-interest, distribution utilities and electric
28 cooperatives concerned and the rightful operators of power transmission and

1 distribution systems in the orderly and peaceful conduct of the immediate
2 removal of any hazard and dangerous obstructions by means of securing the
3 area.

4 Without prejudice to the institution of appropriate criminal action,
5 any person found to have planted tall growing plants, introduced hazardous
6 improvements, or conducted hazardous activities in bad faith or who
7 unreasonably refuses to allow the removal of tall growing plants or hazardous
8 improvements or the abatement of hazardous activities within the right-of-way
9 corridors of electric power lines shall be liable for damages, including
10 the loss of revenue for undelivered power. In addition, the removal of tall
11 growing plants or hazardous improvements, and repair or restoration of
12 damaged electric power lines shall be carried out at the expense of the
13 offender.

14 SEC. 8. *Right of Eminent Domain.* – Subject to the limitations
15 and procedures prescribed by law, the power to exercise the right of eminent
16 domain granted to any person with a franchise to operate, manage, or maintain
17 the electric power lines shall be governed by the pertinent provisions of the
18 Rules of Court.

19 SEC. 9. *Resettlement.* – Persons residing within the right-of-way
20 corridor shall be relocated in accordance with Republic Act No. 7279,
21 as amended.

22 SEC. 10. *Restrictions on the Issuance of Restraining Orders or Writs*
23 *of Injunctions.* – No writ of injunction or restraining order shall be issued by
24 any court, except the Supreme Court, against distribution utilities or rightful
25 owners or operators of electric power lines or subtransmission assets
26 exercising the right and authority to clear the right-of-way corridors of electric
27 power lines and remove tall growing plants and other hazardous improvements
28 as provided in this Act.

1 SEC. 11. *Permits.* – Local building officials shall require contractors
2 who will undertake construction activities near electric power lines to secure
3 clearance from the transmission company, distribution utility, or rightful owner
4 or operator of electric power lines within the area prior to the issuance of
5 a building permit.

6 SEC. 12. *Penalties.* –

7 (a) Imposition of Penalties – The following penalties shall be imposed
8 upon any person, both natural or juridical, found guilty of intentionally and
9 deliberately planting tall growing plants or introducing hazardous
10 improvements and conducting hazardous activities within the right-of-way
11 corridors of electric power lines:

12 (1) First Offense – the penalty of *arresto menor* or a fine of twenty
13 thousand pesos (Php20,000.00), or both, at the discretion of the court;

14 (2) Second Offense – the penalty of *arresto mayor* or a fine of fifty
15 thousand pesos (Php50,000.00), or both, at the discretion of the court; and

16 (3) Third Offense – the penalty of *prision correccional* or a fine ranging
17 from one hundred thousand pesos (Php100,000.00), or both, at the discretion
18 of the court.

19 The foregoing penalties are without prejudice to civil damages, which
20 may be recovered by the distribution utility or rightful owner or operator of
21 electric power lines for the illegal acts committed in violation of this Act.

22 (b) Penalties for Connivance – If the planting of tall growing plants
23 and/or introducing hazardous improvements and the conduct of hazardous
24 activities within the right-of-way corridors of electric power lines is committed
25 by or in connivance with an officer or employee of the distribution utility or
26 rightful owner or operator of the electric power line, such officer or employee
27 shall, upon conviction, be punished with a penalty one (1) degree higher than

1 the penalty provided herein and, if applicable, forthwith be dismissed and
2 perpetually disqualified from employment in the government service.

3 (c) Penalties for Local Building Officials – The local building official
4 who issued a building permit in violation of this Act shall, upon conviction, be
5 punished with a penalty one (1) degree higher than the penalty provided herein,
6 and forthwith be dismissed and perpetually disqualified from employment in
7 the government service.

8 SEC. 13. *Implementing Rules and Regulations.* – The Department
9 of Energy shall, in consultation with the government agencies concerned and
10 the electric power industry stakeholders, issue the implementing rules and
11 regulations of this Act within one hundred eighty (180) days upon its
12 effectivity.

13 SEC. 14. *Separability Clause.* – Any portion or provision of this Act,
14 which may be declared unconstitutional or invalid, shall not have the effect of
15 nullifying other portions or provisions hereof.

16 SEC. 15. *Repealing Clause.* – All other laws, ordinances, rules,
17 regulations and other issuances or parts thereof which are inconsistent with this
18 Act are hereby repealed or modified accordingly.

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

Approved,

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