

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

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 1224

HOUSE OF REPRESENTATIVES

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Introduced by Honorable REYNALDO V. UMALI

EXPLANATORY NOTE

Electricity is the lifeblood of every nation's economy and any disruption thereof would cause tremendous loss of revenue and render adverse effects to the nation's economy.

It is the policy of the state to insure the success of its electrification program and to attain a reliable and quality power through an efficient power delivery program.

A successful and efficient power delivery program could be readily achieved through clean and safe power lines free from any obstructions of whatever kind.

The incidents of power outages are mostly due to obstructions of power lines consisting of high growing trees and other hazardous structures or improvements constructed below or near the power transmission lines which, not only hamper the smooth delivery of power, but are likely to endanger the lives of people in the community particularly during bad weather.

Frequent power interruptions caused by obstructions on power lines may trigger a cascading effects of outages on the whole power system resulting in wide scale power interruptions bringing negative impact on the nation's economy and the loss of millions of revenue. Power interruptions has adversely affected the government's efforts towards attaining sustainable economic development and has undermined the people's faith in the government and the latter's ability to pursue its economic development programs.

The recurrence of obstructions yearly along our power transmission lines is exacting tremendous amount on the government coffers in terms of payments of damages caused on improvements during Clearing Operations of power transmission lines, which amount is substantial enough to construct additional transmission line projects.

The Congress in the exercise of its police power and the need to rationalize and harmonize the national economic development with the environment, find compelling reasons to regulate the introduction of plants and prohibit the introduction of hazardous structures within the Right of Way limit of our power transmission lines to ensure the smooth and efficient delivery of power to the nation.

In view thereof, early consideration and approval of this bill is earnestly sought.



REYNALDO V. UMALI

Representative
Second District, Province of Oriental Mindoro

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House Bill No. 1224

Introduced by Honorable REYNALDO V. UMALI

AN ACT REGULATING THE PLANTING OF HIGH-GROWING SPECIES OF PLANTS AND PROHIBITING THE CONSTRUCTION OF ANY STRUCTURE BELOW OR WITHIN THE RIGHT OF WAY LIMIT OF ALL POWER TRANSMISSION LINES AND PROVIDING PENALTIES IN VIOLATION THEREOF OTHERWISE KNOWN AS ANTI-POWER LINE DISTURBANCE ACT

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

SECTION 1. *Declaration of Policy.* – It is hereby declared the policy of the State to 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; to free the power lines of any obstructions of whatever kind, to ensure the efficient supply of electricity and to prevent the occurrence of unnecessary power outages at all times.

SECTION 2. *Definition of Terms:*

- a. **High-growing trees** - refers to trees, plants, palms, vines, and other plant species whose height goes above three (3) meters from the ground so that their branches and leaves at their maturity tend to touch the conductor wires of power outages at all times;
- b. **Hazardous Improvements** – refers to high-growing trees, constructions of whatever kind, buildings whether temporary or permanent in character and for whatever purposes;
- c. **Power Transmission Lines** – refers to 69, 115, 138, 230 and 500 KV lines.

SECTION 3. *Short Title.* – This Act shall be referred to as the “Anti Power Line Disturbance Act of 2014”.

SECTION 4. This Act shall cover all power transmission lines of the National Transmission Corporation (TransCo) and/or its successor-in-interest, Distribution Utilities and Electric Cooperatives.

SECTION 5. ***Illegal improvements*** – It is hereby declared unlawful for any person, whether natural or juridical, public or private, to:

- a. Plant or caused to be planted high growing trees that grows above three (3) meters height from the surface of the ground within the Right of Way limit of power transmission lines of the National Transmission Corporation, Private Electric Utilities or Rural Electric Cooperatives;
- b. Construct building, structure of whatever kind whether it be of permanent or temporary in character under or within the Right of Way Clearance of Power Transmission Lines of the National Transmission Corporation and Distribution Utilities or Electric Cooperatives;

SECTION 6. ***Right of Way Clearance of Transmission Lines.***

- a. For 69 KV Lines, Single Circuit Wood Pole – 15 Meters or 7.5 Meters measured from the center of the line to both sides;
- b. For 69 KV Lines, Double Circuit Wood Pole – 20 Meters measured at 10.0 Meters from the center of the line to both sides;
- c. For 115 KV Lines, Single and Double Circuit Steel Tower – 30 Meters measured at 15 Meters from the center of the line to both sides;
- d. For 138 KV Lines, Single Circuit Wood Pole – 30 Meters measured at 15 Meters from the center of the line to both sides;
- e. For 138 KV Lines, Single Circuit Steel Tower – 35 Meters measured at 17.5 Meters from the center of the line to both sides;
- f. For 138 KV Lines, Double Circuit Steel Tower – 40 Meters measured at 20 Meters from the center of the line to both sides;
- g. For 230 KV Lines, Single Circuit Steel Pole – 35 Meters measured at 17.5 Meters from the center of the line to both sides;
- h. For 230 KV Lines, Double Circuit Steel Tower – 40 Meters measured at 20 meters from the center of the line to both sides;
- i. For 350 Bipolar – 50 Meters measured at 25 Meters from the center of the line to both sides;
- j. For 500 KV Lines, Single Circuit Steel Tower – 60 Meters measured at 30 Meters from the center of the line to both sides;
- k. For 500 KV Lines, Double Circuit Steel Tower – 65 Meters measured at 32.5 Meters from the center of the line to both sides.

SECTION 7. ***Immediate Removal of Line Obstructions.***

- a. TransCo and/or its successor-in-interest, Distribution Utilities and Electric Cooperatives shall have the authority to immediately cut, prune and/or remove any hazardous improvements that are found within the Right of Way Clearance of any Power Transmission Lines without need of prior permission from the owner.
- b. Branches of high-growing trees although not within the Right of Way Clearance of Power Transmission Lines but which are likely to disrupt the smooth operation of a nearby Power Transmission Lines shall likewise be trimmed or removed.
- c. Without prejudice to the institution of criminal actions, persons found evident bad faith or who refuse on their part the removal of line obstructions found

within the Right of Way Clearance of the Power Transmission Lines shall be liable for damages and the hazardous improvements shall be removed at his expense.

SECTION 8. *Restrictions on the Issuance of Restraining Orders or Writs of Injunctions.* – No Writ of Injunction or Restraining Order shall be used by any Court against the National Transmission Corporation and/or its successor-in-interest exercising the right and authority to clear the power transmission lines of high growing trees and other hazardous improvements as provided in this act, unless there is prima facie evidence that the clearing was made with evident bad faith or grave abuse of authority;

If notwithstanding the provisions of this section, a Court issues Injunction or Restraining Order, such Injunction or Restraining Order shall be effectively only upon the filing of a Bond with the Court, Provided, however, That such Injunction or Restraining Order shall automatically be refused or, if granted, shall be dissolved upon the filing of a Counter-bond similar in form and amount as that above required: Provided, finally, That whenever such Injunction is granted, the Court issuing it shall, within ten (10) days from its issuance, submit a report to the Supreme Court setting forth in detail the grounds or reasons for its order.

SECTION 9. *Penalties.* - The following penalties shall be imposed on any person found guilty of intentionally and deliberately introducing hazardous improvements within the Right of Way clearance of power transmission lines:

First Offense – the penalty of arresto menor or a fine of P20,000.00 or both, at the discretion of the court;

Second Offense – the penalty of arresto mayor or a fine of P50,000.00 or both, at the discretion of the court

Penalties for Connivance. If the introduction of improvements within the Right of Way Clearance of Power Transmission Lines is committed by or in connivance with an officer or employee of TransCo, such officer or employee shall, upon conviction, be punished with a penalty one (1) degree higher than the penalty provided herein, and forthwith be dismissed and perpetually disqualified from employment in the government service.

SECTION 10. *Information Dissemination.* – The Department of Energy and the National Transmission Corporation shall undertake a vigorous campaign to inform the general public of the provisions of this Act within sixty (60) days from its effectivity.

SECTION 11. *Separability Clause.* – Any portion or provision of this Act which may be declared unconstitutional or invalid, shall not have the effect of nullifying other portions or provisions hereof.

SECTION 12. **Repealing Clauses.** – All other laws, ordinances, rules, regulations, and other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

SECTION 13. **Effectivity Clause.** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved.