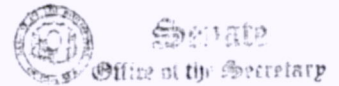


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
THIRD REGULAR SESSION)



SENATE

'18 AUG 15 A11 :27

Senate Bill No. 1939

RECEIVED _____ *J*

Introduced by Sen. Win Gatchalian

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

EXPLANATORY NOTE

The electric power industry is hindered by problems with right of way easements over lands traversed by transmission, sub-transmission, and distribution lines. The National Grid Corporation of the Philippines (NGCP) has repeatedly requested for assistance from the government to help resolve problems with property owners who have refused to allow NGCP personnel to enter their properties to clear and restore damaged transmission lines.¹ In some cases, NGCP has gone as far as the courts to seek redress.²

One aspect of energy security is the continuous and uninterrupted operation of transmission, sub-transmission, and distribution infrastructure. Programs must be in place to allow undisturbed maintenance and rehabilitation of transmission, sub-transmission, and distribution lines. Hence this bill.

This measure ensures the integrity and reliability of the electric power infrastructure nationwide by (1) recognizing the key role played by private landowners in ensuring that the Power Line Corridor remain

¹ <http://www.rappler.com/trending/%20Agus%202-Kibawe%20Line%201> visited 22 November 2016.
"Right-of-way issues prevent NGCP from fixing critical power lines". Published 18 October 2015.

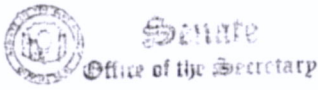
² <http://newsinfo.inquirer.net/764354/court-help-sought-for-tower-repair> visited 22 November 2016.
"Court help sought for tower repair" by Riza T. Olchondra published on 13 February 2016.

free of any hazardous impediments; (2) authorizing personnel to have unhindered access over public or private property to conduct inspection, repair, restoration, and preservation of transmission, sub-transmission, and distribution lines; and (2) defining prohibited acts which interfere, obstruct, or threaten the functioning of existing transmission, sub-transmission, and distribution facilities.

Seeing that the ceaseless conveyance of electricity from generating plants to end users is crucial to the country's economic development, the immediate passage of this bill is sought.



WIN GATCHALIAN



SENATE

'18 AUG 15 A11 :27

S.B. No. 1939

RECEIVED 

Introduced by SEN. WIN GATCHALIAN

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

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

- 1 **SECTION 1. Short Title.** – This Act shall be referred to as the “Power Line
- 2 Integrity and Reliability Act of 2018.”
- 3
- 4 **SECTION 2. Declaration of Policy.** – It is hereby declared the policy of the
- 5 State to ensure uninterrupted Conveyance of Electricity from generating
- 6 plants to End Users, and protect the integrity and reliability of the country’s
- 7 transmission, sub-transmission, and distribution infrastructure by keeping
- 8 the land beneath, the air spaces surrounding, and the area traversed by
- 9 Power Lines clear of dangerous obstructions.
- 10
- 11 The State further recognizes that the continuous Conveyance of Electricity is
- 12 a matter of national security and is essential to sustaining the country’s
- 13 economic development. Finally, the State acknowledges the crucial role of
- 14 property owners in ensuring that Power Lines remain free of any dangerous
- 15 and hazardous activities and impediments.
- 16
- 17 **SECTION 3. Coverage.** – This Act shall cover all Power Lines and other
- 18 related facilities for the Conveyance of Electricity throughout the country.
- 19
- 20 **SECTION 4. Definition of Terms.** – For purposes of this Act, the following
- 21 terms shall be defined as stated below:
- 22

- 1 (a) **Armed Forces of the Philippines** refers to the government agency
2 mandated under Section 4, Article XVI of the 1987 Constitution, and
3 whose organizational structure is provided under Republic Act No.
4 7898, otherwise known as “An Act Providing for the Modernization of
5 the Armed Forces of the Philippines and for Other Purposes” as
6 amended by Republic Act No. 10349, otherwise known as “An Act
7 Amending Republic Act No. 7898, Establishing the Revised AFP
8 Modernization Program and for Other Purposes”;
- 9
- 10 (b) **Board of Electrical Engineering** refers to the Board created under
11 Republic Act No. 7920 otherwise known as the “New Electrical
12 Engineering Law” under the general supervision and administrative
13 control of the Professional Regulation Commission;
- 14
- 15 (c) **Civil Code of the Philippines** refers to Republic Act No. 386;
- 16
- 17 (d) **Conveyance of Electricity** refers to the delivery of electricity from
18 the generating plant to the premises of the End User, through Power
19 Lines;
- 20
- 21 (e) **Dangerous Structure or Building** refers to those which are
22 structurally unsafe; or which constitute a fire hazard not provided
23 with safe egress, or are otherwise dangerous to human health; or
24 which in relation to existing use constitute a hazard to safety,
25 health, or public welfare, by reason of inadequate maintenance,
26 dilapidation, obsolescence, fire hazard, or abandonment; or which
27 otherwise contribute to the pollution of the site or the community to
28 an intolerable degree. It also refers to any building or structure
29 which has any or all of the conditions or defects described in Section
30 1.01.08 (b), Republic Act No. 6541, otherwise known as the
31 “National Building Code of the Philippines”: *Provided*, That such
32 condition or defect exists to the extent that life, health, property, or
33 safety of the public or its occupants are endangered;
- 34
- 35 (f) **Department of Energy (DOE)** refers to the government agency
36 created pursuant to Republic Act No. 7638, otherwise known as the
37 “Department of Energy Act of 1992” and whose powers were
38 expanded under Republic Act No. 9136, otherwise known as the
39 “Electric Power Industry Reform Act of 2001”;
- 40
- 41 (g) **Department of Environment and Natural Resources (DENR)**
42 refers to the government agency created pursuant to Executive

1 Order No. 292, otherwise known as the "Administrative Code of
2 1987";

- 3
4 (h) **Distribution Lines** refer to the system of wires and associated
5 facilities, used for the Conveyance of Electricity, belonging to a
6 Distribution Utility and extending between the delivery points on the
7 transmission, sub-transmission system, or generating plant
8 connection and the point of connection to the premises of the End
9 User;
- 10
11 (i) **Distribution Utility (DU)** refers to any electric cooperative, private
12 corporation, or government-owned utility which has a franchise to
13 operate a distribution system including those whose franchise covers
14 economic zones;
- 15
16 (j) **Easement Fee** refers to the amount corresponding to the full and
17 fair value of the property being taken from the owner, as determined
18 by the courts in accordance with relevant laws, rules, and
19 regulations.
- 20
21 (k) **End User** refers to any person or entity requiring the supply and
22 delivery of electricity for its own use;
- 23
24 (l) **Hazardous Activities** refer to burning of waste and other materials,
25 excavation, quarrying, and other activities of the same nature and
26 character, which are performed partially or wholly inside the Power
27 Line Corridor;
- 28
29 (m) **Hazardous Improvements** refer to structures, buildings, and
30 improvements of whatever kind, whether temporary or permanent in
31 character and regardless of the purpose for which they are intended,
32 which are located partially or wholly inside the Power Line Corridor;
- 33
34 (n) **Housing and Land Use Regulatory Board (HLURB)** refers to the
35 government agency designated as the sole regulatory body for
36 housing and land development by Executive Order No. 90, otherwise
37 known as "Identifying the Government Agencies Essential for the
38 National Shelter Program and Defining Their Mandates, Creating the
39 Housing and Urban Development Coordinating Council,
40 Rationalizing Funding Sources and Lending Mechanisms for Home
41 Mortgages and for Other Purposes";
- 42

- 1 (o) **Joint Congressional Power Commission (JCPC)** refers to the
2 congressional oversight body created under Section 62 of Republic
3 Act No. 9136, otherwise known as the “Electric Power Industry
4 Reform Act of 2001”;
- 5
6 (p) **National Power Corporation (NPC)** refers to the government
7 corporation created under Republic Act No. 6395, otherwise known
8 as “An Act Revising the Charter of the National Power Corporation”
9 as amended, and whose additional mandate is further set in
10 Republic Act No. 9136, otherwise known as the “Electric Power
11 Industry Reform Act of 2001”;
- 12
13 (q) **Other Distribution Entities** refers to entities that procure the
14 supply of power for the captive market, and own, operate or control
15 one or more distribution systems in the main grid and off-grid other
16 than Distribution Utilities such as but not limited to Qualified Third
17 Parties and those under Management Contracts;
- 18
19 (r) **Owner or Operator of Power Lines** refers to Distribution Utilities,
20 Other Distribution Entities, and entities which have ownership or
21 responsibility for the operation and maintenance of Transmission
22 Lines, Sub-transmission Lines, and other Power Lines;
- 23
24 (s) **Philippine Coconut Authority (PCA)** refers to the government
25 agency created by Presidential Decree No. 961, otherwise known as
26 the “Coconut Industry Code” as revised by Presidential Decree No.
27 1468 otherwise known as the “Revised Coconut Industry Code”;
- 28
29 (t) **Philippine Electrical Code** refers to the set of rules which provide
30 for the safety in electrical installation and construction, and the use
31 of electricity mandated under Republic Act No. 7920, otherwise
32 known as the “New Electrical Engineering Law”;
- 33
34 (u) **Philippine National Police (PNP)** refers to the government agency
35 created by Republic Act No. 6975, otherwise known as the
36 “Department of the Interior and Local Government Act of 1990” as
37 amended by Republic Act No. 8551, otherwise known as the
38 “Philippine National Police Reform and Reorganization Act of 1998”
39 and Republic Act No. 9708, otherwise known as “An Act Extending
40 for Five (5) Years the Reglementary Period for Complying with the
41 Minimum Educational Qualification for Appointment to the
42 Philippine National Police (PNP) and Adjusting the Promotion System

1 Thereof, Amending for the Purpose Pertinent Provisions of Republic
2 Act No. 6975 and Republic Act No. 8551 and for Other Purposes”;

- 3
- 4 (v) **Professional Regulation Commission (PRC)** refers to the
5 government agency created by Republic Act No. 8981, otherwise
6 known as the “PRC Modernization Act of 2000”;
- 7
- 8 (w) **Power Lines** refer to Transmission Lines, Sub-transmission Lines,
9 Distribution Lines, including the poles and towers used to support
10 the lines, and other related facilities constructed or erected used for
11 the purpose of Conveyance of Electricity from the generating plants
12 to the premises of the End Users;
- 13
- 14 (x) **Power Line Disturbance** refers to any Hazardous Activity or
15 Hazardous Improvement that threatens or endangers the continuous
16 and uninterrupted Conveyance of Electricity;
- 17
- 18 (y) **Sub-transmission Lines** refer to the system of wires and associated
19 facilities used for the Conveyance of Electricity that are below the
20 transmission system voltages and based on the functional
21 assignment of assets including, but not limited to, step-down
22 transformers used solely by load customers, associated with a
23 switchyard/substation, control and protective equipment, reactive
24 compensation equipment, overhead lines, and the land where such
25 facilities/equipment are located. These include NPC assets linking
26 the transmission system and the distribution system, which are
27 neither classified as generation or transmission;
- 28
- 29 (z) **Tall Growing Plants** refer to plants, vines, and other plant species,
30 which grow or have the potential to grow more than three (3) meters
31 in height from the ground; and
- 32
- 33 (aa) **Transmission Lines** refer to the high voltage backbone system of
34 interconnected transmission lines, substations, and related facilities.
- 35

36 **Section 5. Power Line Corridor.** – The land beneath, the air spaces
37 surrounding, and the area traversed by Power Lines including its horizontal,
38 vertical, and similar clearance requirements shall constitute the Power Line
39 Corridor. It shall be kept clear and free from any Power Line Disturbance,
40 Dangerous Structures, Hazardous Activities, or Hazardous Impediments in
41 accordance with the provisions of this Act.

42

1 The horizontal, vertical, and other similar clearance requirements that
2 constitute the Power Line Corridor shall be determined by the Board of
3 Electrical Engineering and approved by the Department of Energy, and shall
4 be in accordance with the Philippine Electrical Code.

5
6 In cases where the Power Line Corridor is wholly or partially located within a
7 private property not owned by the owner or operator of the Power Lines, it
8 shall constitute a legal easement upon the private property, in accordance
9 with the relevant provisions under Chapter 2 of the Civil Code. The owner of
10 the private property shall be compensated the proper Easement Fee
11 pursuant to the provisions of the Civil Code and other relevant laws, rules,
12 and regulations.

13
14 **SECTION 6. Prohibited Acts.** – It is hereby declared unlawful for any
15 person, whether natural or juridical, public or private, to:

- 16
17 (a) Plant or cause to be planted Tall Growing Plants of whatever kind or
18 variety within the Power Line Corridor;
- 19
20 (b) Construct or erect any Hazardous Improvements within the Power
21 Line Corridor;
- 22
23 (c) Conduct or perform any Hazardous Activities within the Power Line
24 Corridor;
- 25
26 (d) Prevent or refuse, without reasonable cause, duly authorized agents
27 of the owner or operator of Power Lines, entry to the property in the
28 performance of acts enumerated under Section 7 of this Act.
29 *Provided*, that such entry is in accordance with the provisions of
30 Section 8; and
- 31
32 (e) Perform other analogous acts or activities, which will impair the
33 Conveyance of Electricity and cause damage to Power Lines.

34
35 **SECTION 7. Removal of Power Line Disturbance on Public Property or**
36 **on Property Owned by Owner or Operator of Power Lines.** – In cases
37 where the Power Line Corridor is wholly or partially located within public
38 property or on property owned by the owner or operator of the Power Lines,
39 the owner or operator of Power Lines shall have the right to enter the said
40 property to prevent and remove any Power Line Disturbance, and in
41 particular, perform the following acts:

- 1 (a) To conduct maintenance and inspection activities within the Power
2 Line Corridor;
- 3
4 (b) To conduct repair or restoration activities within the Power Line
5 Corridor;
- 6
7 (c) To conduct trimming, pruning, cutting, or clearing activities for Tall
8 Growing Plants within the Power Line Corridor without securing
9 prior clearance or permit from, but with due notice to, the
10 Department of Environment and Natural Resources, Philippine
11 Coconut Authority, and Housing and Land Use Regulatory Board;
- 12
13 (d) To remove, dismantle, or demolish Hazardous Improvements in
14 accordance with Republic Act No. 6541, otherwise known as the
15 "National Building Code of the Philippines": *Provided*, That such acts
16 may be carried out without prior clearance or permit from, but with
17 due notice to, the Department of Environment and Natural
18 Resources, Philippine Coconut Authority, and Housing and Land
19 Use Regulatory Board;
- 20
21 (e) To stop, prevent, or prohibit the conduct of Hazardous Activities;
22 and
- 23
24 (f) Perform other analogous acts or activities, which will cause the
25 removal of Power Line Disturbance.

26
27 **SECTION 8. Removal of Power Line Disturbance on Private Property. –**

28 In cases where the Power Line Corridor is wholly or partially located within a
29 private property, the property owner shall have the primary duty and
30 responsibility to voluntarily prevent and remove Power Line Disturbances
31 and perform the acts enumerated under Section 7. In the performance of the
32 above acts, the property owner shall be entitled to necessary assistance
33 such as but not limited to education and information, and technical and
34 manpower support from the owner or operator of Power Lines.

35
36 In the event that the property owner failed to perform the duty and
37 responsibility under the preceding paragraph, the owner or operator of the
38 Power Lines shall have the right to access the Power Line Corridor in order
39 to undertake the acts enumerated under Section 7: *Provided*, That entry to
40 private property may only be effected after due notice, proper coordination,
41 and in the presence of the property owner or a duly authorized
42 representative: *Provided however*, That the foregoing shall no longer be

1 required to avert an imminent danger posed by a Power Line Disturbance in
2 accordance with Article 432 of the Civil Code.

3
4 **SECTION 9. Assistance from Law Enforcement Officers.** – In the
5 performance of the acts under Sections 7 and 8, the owner or operator of the
6 Power Lines may seek the assistance of local barangay officials and law
7 enforcement officers, such as but not limited to the Philippine National
8 Police or the Armed Forces of the Philippines to achieve the orderly removal
9 of any Power Line Disturbance.

10
11 **SECTION 10. Resettlement.** – Persons residing in Hazardous
12 Improvements shall be relocated in accordance with Republic Act No. 7279,
13 otherwise known as the “Urban Development and Housing Act of 1992” as
14 amended.

15
16 **SECTION 11. Restrictions on the Issuance of Temporary Restraining**
17 **Orders or Writs of Injunctions.** – No restraining order or writ of injunction
18 shall be issued by any court lower than the Court of Appeals, against the
19 owner or operator of Power Lines in the performance of acts under Section 7
20 and Section 8 of this Act.

21
22 **SECTION 12. Permits.** – Local building officials shall require contractors
23 who will be undertaking construction activities surrounding, adjacent, or
24 proximate to the Power Line Corridor to secure a clearance from the owner
25 or operator of the Power Lines prior to the issuance of a building permit.

26
27 **SECTION 13. Penalties.** – Without prejudice to civil damages which may be
28 recovered by the owner or operator of Power Lines, the following penalties
29 shall be imposed upon any person, both natural and juridical, found guilty
30 of committing any of the prohibited acts specified in Section 6 of this Act:

- 31
32 (a) First Offense – the penalty of *arresto mayor* or a fine of fifty thousand
33 pesos (PhP 50,000.00), or both, at the discretion of the court; and
34
35 (b) Second Offense – the penalty of *prision correccional* or a fine ranging
36 from one hundred thousand pesos (PhP 100,000.00), or both, at the
37 discretion of the court; and
38
39 (c) Third Offense – the penalty of *prision mayor* or a fine ranging from
40 two hundred thousand pesos (PhP 200,000.00), or both, at the
41 discretion of the court.

1 If the offenses are committed by or in conspiracy with an officer or employee
2 of the owner or operator of the Power Line, such officer or employee shall
3 suffer a penalty one (1) degree higher than the penalty provided herein, and
4 if applicable, shall suffer the penalty of dismissal. If the offenses are
5 committed in bad faith, the offender shall be liable for damages.

6
7 The local building official who issued a building permit in violation of
8 Section 12 of this Act shall be meted a penalty one (1) degree higher than
9 the penalty provided herein and shall forthwith suffer the penalty of
10 dismissal.

11
12 **SECTION 14. Congressional Oversight.** – The Joint Congressional Power
13 Commission shall exercise oversight powers over implementation of this Act.

14
15 **SECTION 15. Implementing Rules and Regulations.** – The Department of
16 Energy shall, in consultation with the National Electrification
17 Administration, National Power Corporation, Board of Electrical
18 Engineering, and electric power industry stakeholders, issue the
19 implementing rules and regulations of this Act within sixty (60) days upon
20 its effectivity.

21
22 **SECTION 16. Separability Clause.** – Any portion or provision of this Act,
23 which may be declared unconstitutional or invalid shall not have the effect
24 of nullifying other portions or provisions hereof.

25
26 **SECTION 17. Repealing Clauses.** – The relevant provisions of Presidential
27 Decree No. 705, as amended, otherwise known as the “Revised Forestry
28 Code of the Philippines”, Republic Act No. 8048, as amended, otherwise
29 known as the “Coconut Preservation Act of 1995”, and Republic Act No.
30 7279, as amended, otherwise known as the “Urban Development and
31 Housing Act of 1992” are hereby amended. All other laws, ordinances,
32 rules, regulations and other issuance or parts thereof, which are
33 inconsistent with this Act, are hereby amended, modified, or repealed
34 accordingly.

35
36 **SECTION 18. Effectivity Clause.** – This Act shall take effect fifteen (15)
37 days after its publication in at least two (2) newspapers of general
38 circulation.

39
40 *Approved,*