



HOUSE OF REPRESENTATIVES

H. No. 6276

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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

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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:*

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

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

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

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

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

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

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

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

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

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

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

25           (e) *Grid* refers to the high voltage backbone system of interconnected  
26 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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