



SENATE

S. No. 2098

PREPARED AND SUBMITTED BY THE COMMITTEE ON ENERGY
WITH SENATOR GATCHALIAN AS AUTHOR THEREOF

AN ACT ENSURING THE CONTINUOUS AND
UNINTERRUPTED TRANSMISSION AND DISTRIBUTION
OF ELECTRICITY AND THE PROTECTION OF THE
INTEGRITY AND RELIABILITY OF POWER LINES,
AND PROVIDING PENALTIES FOR VIOLATIONS
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
2 as the “Anti-Obstruction of Power Lines Act of 2018”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared
4 the policy of the State to ensure uninterrupted conveyance
5 of electricity from generating plants to end users, and
6 protect the integrity and reliability of the country’s
7 transmission, sub-transmission, and distribution systems
8 by keeping the land beneath, the air spaces surrounding,

1 and the area traversed by power lines clear of dangerous
2 obstructions.

3 The State further recognizes that the continuous
4 conveyance of electricity is a matter of national security
5 and is essential to sustaining the country's economic
6 development. Finally, the State acknowledges the crucial
7 role of property owners in ensuring that power lines
8 remain free of any dangerous and hazardous activities and
9 improvements.

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

13 SEC. 4. *Definition of Terms.* – For purposes of this
14 Act, the following terms shall be defined as stated below:

15 (a) *Armed Forces of the Philippines (AFP)* refers to
16 the government agency mandated under Section 3, Article
17 II of the 1987 Constitution, and whose organizational
18 structure is provided under Executive Order No. 292,
19 otherwise known as the "Administrative Code of 1987";

1 (b) *Board of Electrical Engineering* refers to the
2 Board created under Republic Act No. 7920, otherwise
3 known as the "New Electrical Engineering Law" under the
4 general supervision and administrative control of the
5 Professional Regulation Commission;

6 (c) *Civil Code of the Philippines* refers to Republic Act
7 No. 386;

8 (d) *Conveyance of electricity* refers to the delivery of
9 electricity from the generating plant to the premises of the
10 end user, through power lines;

11 (e) *Dangerous structure or building* refers to those
12 which are structurally unsafe; or which constitute a fire
13 hazard not provided with safe egress, or are otherwise
14 dangerous to human health; or which in relation to
15 existing use constitute a hazard to safety, health, or public
16 welfare, by reason of inadequate maintenance,
17 dilapidation, obsolescence, fire hazard, or abandonment; or
18 which otherwise contribute to the pollution of the site or
19 the community to an intolerable degree. It also refers to
20 any building or structure which has any or all of the

1 conditions or defects described in Section 1.01.08 (b),
2 Republic Act No. 6541, otherwise known as the “National
3 Building Code of the Philippines”: *Provided*, That such
4 condition or defect exists to the extent that life, health,
5 property, or safety of the public or its occupants are
6 endangered;

7 (f) *Department of Energy (DOE)* refers to the
8 government agency created pursuant to Republic Act
9 No. 7638, otherwise known as the “Department of Energy
10 Act of 1992” and whose powers were expanded under
11 Republic Act No. 9136, otherwise known as the “Electric
12 Power Industry Reform Act of 2001”;

13 (g) *Department of Environment and Natural*
14 *Resources (DENR)* refers to the government agency created
15 pursuant to Executive Order No. 192, otherwise known as
16 “Providing for the Reorganization of the Department of
17 Environment, Energy and Natural Resources, Renaming it
18 as the Department of Environment and Natural Resources,
19 and for Other Purposes”;

1 (h) *Distribution lines* refer to the portion of the
2 distribution system pertaining to the lines or wires;

3 (i) *Distribution utility (DU)* refers to any electric
4 cooperative, private corporation, or government-owned
5 utility which has a franchise to operate a distribution
6 system including those whose franchise covers economic
7 zones;

8 (j) *Distribution system* refers to the system of wires
9 and associated facilities belonging to a franchised
10 distribution utility extending between the delivery points
11 on the transmission or sub-transmission system or
12 generator connection and the point of connection to the
13 premises of the end user;

14 (k) *Easement fee* refers to the just compensation for
15 the legal easement imposed upon the property of the
16 owner, as determined by the courts in accordance with
17 relevant laws, rules, and regulations;

18 (l) *End user* refers to any person or entity requiring
19 the supply and delivery of electricity for its own use;

1 (m) *Hazardous activities* refer to burning of waste
2 and other materials, excavation, quarrying, construction,
3 and other activities of the same nature and character,
4 which are performed partially or wholly inside the power
5 line corridor which threaten or endanger the continuous
6 and uninterrupted conveyance of electricity;

7 (n) *Hazardous improvements* refer to structures,
8 buildings, and improvements of whatever kind, whether
9 temporary or permanent in character and regardless of the
10 purpose for which they are intended, which are located
11 partially or wholly inside the power line corridor which
12 threaten or endanger the continuous and uninterrupted
13 conveyance of electricity;

14 (o) *Housing and Land Use Regulatory Board*
15 (*HLURB*) refers to the government agency designated as
16 the sole regulatory body for housing and land development
17 by Executive Order No. 648, otherwise known as
18 "Reorganizing The Human Settlements Regulatory
19 Commission", as amended;

1 (p) *Joint Congressional Power Commission (JCPC)*
2 refers to the congressional oversight body created under
3 Section 62 of Republic Act No. 9136, otherwise known as
4 the "Electric Power Industry Reform Act of 2001";

5 (q) *National Power Corporation (NPC)* refers to the
6 government corporation created under Republic Act
7 No. 6395, otherwise known as "An Act Revising the
8 Charter of the National Power Corporation", as amended,
9 and whose additional mandate is further set in
10 Republic Act No. 9136, otherwise known as the "Electric
11 Power Industry Reform Act of 2001";

12 (r) *Other Distribution entities* refer to entities that
13 own, operate, or control one or more distribution systems
14 in the main grid and off-grid other than distribution
15 utilities such as, but not limited to, qualified third parties
16 and those under management contracts for the conveyance
17 of electricity;

18 (s) *Owner or Operator of power lines* refers to
19 generation companies, the transmission owner and its
20 concessionaire, distribution utilities, other distribution

1 entities, and entities which have ownership or
2 responsibility for the operation and maintenance of power
3 lines;

4 (t) *Philippine Coconut Authority (PCA)* refers to the
5 government agency created by Presidential Decree
6 No. 961, otherwise known as the "Coconut Industry Code",
7 as amended by Presidential Decree No. 1468, otherwise
8 known as the "Revised Coconut Industry Code";

9 (u) *Philippine Electrical Code* refers to the set of rules
10 which provide for the safety in electrical installation,
11 construction, operation and maintenance, and the
12 utilization of electricity mandated under Republic Act
13 No. 7920, otherwise known as the "New Electrical
14 Engineering Law";

15 (v) *Philippine National Police (PNP)* refers to the
16 government agency created by Republic Act No. 6975,
17 otherwise known as the "Department of the Interior and
18 Local Government Act of 1990", as amended by
19 Republic Act No. 8551, otherwise known as the "Philippine
20 National Police Reform and Reorganization Act of 1998";

1 (w) *Professional Regulation Commission (PRC)* refers
2 to the government agency created by Republic Act
3 No. 8981, otherwise known as the "PRC Modernization Act
4 of 2000";

5 (x) *Power lines* refer to transmission lines,
6 sub-transmission lines, distribution lines, and generation
7 dedicated point to point lines, and other connection assets
8 including the poles and towers used to support the lines,
9 and other related facilities constructed or erected used for
10 the purpose of conveyance of electricity;

11 (y) *Power line obstruction* refers to any hazardous
12 activity or hazardous improvement and other similar
13 circumstances that threaten or endanger the continuous
14 and uninterrupted conveyance of electricity;

15 (z) *Sub-transmission lines* refer to the portion of the
16 sub-transmission system pertaining to the lines or wires;

17 (aa) *Sub-transmission system* refers to the portion of
18 the distribution system that is delineated by the
19 connection point to the transmission system and the
20 primary side of all substation transformers;

1 (bb) *Tall growing plants* refer to plants, vines, and
2 other plant species, which grow or have the potential to
3 grow more than three (3) meters in height from the
4 ground;

5 (cc) *Transmission lines* refer to the portion of the
6 transmission system referring to the lines or wires; and

7 (dd) *Transmission system* refers to the high voltage
8 backbone system of interconnected transmission lines,
9 substations and related facilities, located in each of Luzon,
10 Visayas, and Mindanao, or as may be otherwise
11 determined by the ERC in accordance with Section 45 of
12 Republic Act No. 9136, otherwise known as the "Electric
13 Power Industry Reform Act of 2001".

14 SEC. 5. *Power Line Corridor*. – The land beneath, the
15 air spaces surrounding, and the area traversed by power
16 lines including its horizontal, vertical, and similar
17 clearance requirements shall constitute the power line
18 corridor, which shall at all times be kept clear and free
19 from any power line obstructions, dangerous structures,
20 hazardous activities and improvements, and other similar

1 circumstances in accordance with the provisions of this
2 Act.

3 The horizontal, vertical, and other similar clearance
4 requirements that constitute the power line corridor shall
5 be determined by the Board of Electrical Engineering and
6 approved by the Department of Energy (DOE), and shall be
7 in accordance with the current Philippine Electrical Code.

8 In case where the power line corridor is wholly or
9 partially located within a private property not owned by
10 the owner or operator of the power lines, it shall constitute
11 a legal easement upon the private property in accordance
12 with the relevant provisions under Book II, Title VII,
13 Chapter 2 of the Civil Code, except if the owner or operator
14 of the power lines shall acquire, lease or enter into other
15 gratuitous or onerous arrangement with the property
16 owner. In the case of legal easement, the owner of the
17 private property shall be compensated the proper easement
18 fee pursuant to the provisions of the Civil Code and other
19 relevant laws, rules, and regulations.

1 SEC. 6. *Prohibited Acts.* – It is hereby declared
2 unlawful for any person, whether natural or juridical,
3 public or private, to:

4 (a) Plant or cause to be planted tall growing plants of
5 whatever kind or variety within the power line corridor;

6 (b) Construct or erect any hazardous improvements
7 within the power line corridor;

8 (c) Conduct or perform any hazardous activities
9 within the power line corridor;

10 (d) Prevent or refuse, without reasonable cause, duly
11 authorized agents of the owner or operator of power lines,
12 entry to the property in the performance of acts
13 enumerated under Section 7: *Provided*, That such entry is
14 in accordance with the provisions of Section 8; and

15 (e) Perform other analogous acts or activities, which
16 will impair the conveyance of electricity and cause damage
17 to power lines.

18 SEC. 7. *Prevention and Removal of Power Line*
19 *Disturbance on Public Property or on Property Owned by*
20 *Owner or Operator of Power Lines.* – In cases where the

1 power line corridor is wholly or partially located within
2 public property or on property owned by the owner or
3 operator of the power lines, the owner or operator of power
4 lines shall have the right to enter the said property to
5 prevent and remove any power line obstruction, and in
6 particular, perform the following acts:

7 (a) To conduct maintenance and inspection activities
8 within the power line corridor;

9 (b) To conduct repair or restoration activities within
10 the power line corridor;

11 (c) To conduct trimming, pruning, cutting, or clearing
12 activities for tall growing plants within the power line
13 corridor without securing prior clearance or permit from,
14 but with due notice to, the DENR, PCA in the case of
15 coconut trees, and the concerned local government units
16 (LGUs);

17 (d) To remove, dismantle, or demolish hazardous
18 improvements in accordance with Republic Act No. 6541,
19 otherwise known as the "National Building Code of the
20 Philippines": *Provided*, That such acts may be carried out

1 without prior clearance or permit from, but with due notice
2 to, the Department of Public Works and Highways,
3 HLURB, and the concerned LGUs;

4 (e) To stop, prevent, or prohibit the conduct of
5 hazardous activities; and

6 (f) Perform other analogous acts or activities, which
7 will cause the prevention and removal of any power line
8 obstruction.

9 SEC. 8. *Prevention and Removal of Power Line*
10 *Obstruction on Private Property.* – The owner or operator of
11 power lines shall have the primary duty and responsibility
12 to remove power line obstructions. In cases where the
13 power line corridor is wholly or partially located within a
14 private property, the property owner shall coordinate and
15 assist the owner or operator of the power lines by
16 facilitating the necessary access in order to perform the
17 acts enumerated in Section 7.

18 The property owner shall have the primary duty and
19 responsibility to prevent power line obstructions and to
20 inform the owner or operator of the power line of their

1 existence. In the performance of these acts, the property
2 owner shall be entitled to necessary assistance such as, but
3 not limited to, education and information, and technical
4 and manpower support from the owner or operator of
5 power lines.

6 In the event that the property owner fails to perform
7 any duty and responsibility under the preceding
8 paragraphs, the owner or operator of the power lines shall
9 have the right to access the power line corridor in order to
10 undertake the acts enumerated under Section 7: *Provided,*
11 That entry to private property may only be effected after
12 due notice to, and proper coordination with the property
13 owner: *Provided, however,* That the foregoing shall no
14 longer be required to avert an imminent danger posed by a
15 power line obstruction in accordance with Article 432 of the
16 Civil Code.

17 SEC. 9. *Assistance from Local Government Units,*
18 *Philippine National Police, and Armed Forces of the*
19 *Philippines.* – In the performance of the acts under
20 Sections 7 and 8, the owner or operator of the power lines

1 may seek the assistance of LGU officials, the Philippine
2 National Police, and the AFP, as may be deemed
3 necessary.

4 SEC. 10. *Information, Education, and Communication.* –

5 The owner or operator of the power lines shall have the
6 duty and responsibility to inform, educate, and
7 communicate to individuals and communities in the areas
8 it serves the danger of existing power line obstructions, the
9 urgency of removing them, the manner of preventing them,
10 and other important related information.

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

16 SEC. 12. *Gathering, Collecting, and Removing of*
17 *Lumber.* – Gathering, collecting, removing, and
18 transporting timber, forest products, and coconut lumber
19 as a result of acts performed under Sections 7 and 8 shall
20 not be considered illegal acts: *Provided,* That due notice is

1 given to the DENR and the PCA in the case of coconut
2 lumber.

3 SEC. 13. *Permits.* – Building officials of LGUs shall
4 require the building owner who will be undertaking
5 construction or maintenance activities surrounding,
6 adjacent, or proximate to the power line corridor to give
7 due notice to, and coordinate with the concerned owner or
8 operator of the power lines prior to the issuance of a
9 building permit.

10 SEC. 14. *Penalties.* – Without prejudice to civil and
11 administrative liability, the following penalties shall be
12 imposed upon any person, both natural and juridical, found
13 guilty of committing any of the prohibited acts specified in
14 Section 6 of this Act:

15 (a) First Offense – the penalty of *arresto mayor* or a
16 fine of Fifty thousand pesos (P50,000.00), or both, at the
17 discretion of the court;

18 (b) Second Offense – the penalty of *prision correccional*
19 or a fine of One hundred thousand pesos (P100,000.00), or
20 both, at the discretion of the court; and

1 (c) Third Offense – the penalty of *prision mayor* or a
2 fine of Two hundred thousand pesos (P200,000.00), or both,
3 at the discretion of the court.

4 If the offenses are committed by or in conspiracy with
5 an officer or employee of the owner or operator of the
6 power line, such officer or employee shall suffer a penalty
7 one (1) degree higher than the penalty provided herein.

8 The local building official who issued a building
9 permit in violation of Section 13 of this Act shall be meted
10 a penalty one (1) degree higher than the penalty provided
11 herein and shall forthwith suffer the penalty of dismissal.

12 SEC. 15. *Congressional Oversight.* – The Joint
13 Congressional Power Commission shall exercise oversight
14 powers over implementation of this Act.

15 SEC. 16. *Implementing Rules and Regulations.* – The
16 DOE shall, in consultation with the National
17 Electrification Administration, National Power
18 Corporation, Board of Electrical Engineering, National
19 Transmission Commission, DPWH, National Housing
20 Authority, HLURB, Housing and Urban Development

1 Coordinating Council, DENR, PCA, National Commission
2 on the Indigenous Peoples, PNP, AFP, electric power
3 industry stakeholders, and private stakeholders issue the
4 implementing rules and regulations of this Act within
5 ninety (90) days upon its effectivity.

6 SEC. 17. *Separability Clause.* – Any portion or
7 provision of this Act, which may be declared
8 unconstitutional or invalid shall not have the effect of
9 nullifying other portions or provisions hereof.

10 SEC. 18. *Repealing Clause.* – The relevant provisions
11 of Presidential Decree No. 705, as amended, otherwise
12 known as the “Revised Forestry Code of the Philippines”,
13 Republic Act No. 8048, as amended, otherwise known as
14 the “Coconut Preservation Act of 1995”, and Republic Act
15 No. 7279, as amended, otherwise known as the “Urban
16 Development and Housing Act of 1992” are hereby
17 amended. All other laws, ordinances, rules, regulations
18 and other issuance or parts thereof, which are inconsistent
19 with this Act, are hereby amended, modified, or repealed
20 accordingly.

1 SEC. 19. *Effectivity Clause.* – This Act shall take
2 effect fifteen (15) days after its publication in at least two
3 (2) newspapers of general circulation.

Approved,