

**Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila**

**EIGHTEENTH CONGRESS  
First Regular Session**

**HOUSE BILL NO. 4665**



---

**Introduced by Hon. Anthony Peter "Onyx" D. Crisologo**

---

**AN ACT  
MANDATING ALL UTILITY AND TELECOMMUNICATIONS  
COMPANIES TO COMPLY WITH THE REGULATIONS ON THE  
USE OF UTILITY POLES AND FOR OTHER PURPOSES**

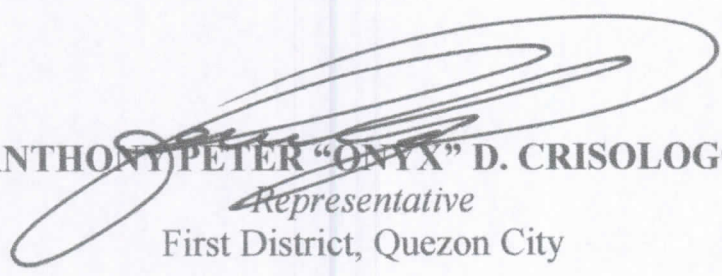
**EXPLANATORY NOTE**

Pole Structures, Pole Attachments, and Cable Wires are significant in the provision of basic electric and telecommunication services. They should be installed in appropriate locations and manner that would facilitate efficiency and would not pose perils to the general public. However, despite existing laws and ordinances by the government on the adherence to safety guidelines, the current practice still remains far from what is deemed safe and proper based on international standards.

Until today, dangling wires are still a common sight in numerous communities in our country. In many instances, this serves as a health hazard, causes accidents, and results to disaster. Furthermore, these deface many historic buildings and cityscape which becomes detrimental to the growth of our tourism industry.

Thus, this Act aims to provide safety standards of pole structures and regulate the use thereof.

In view of the foregoing, the passage of this bill is fervently sought.

  
**ANTHONY PETER "ONYX" D. CRISOLOGO**  
*Representative*  
First District, Quezon City

1                                **Republic of the Philippines**  
2                                **HOUSE OF REPRESENTATIVES**  
3                                **Quezon City, Metro Manila**

4  
5                                **EIGHTEENTH CONGRESS**  
6                                **First Regular Session**

7                                **HOUSE BILL NO. 4665**  
8                                \_\_\_\_\_  
9

---

10  
11                              **Introduced by Hon. Anthony Peter “Onyx” D. Crisologo**  
12

---

13  
14                              **AN ACT**  
15                              **MANDATING ALL UTILITY AND TELECOMMUNICATIONS**  
16                              **COMPANIES TO COMPLY WITH THE REGULATIONS ON THE**  
17                              **USE OF UTILITY POLES AND FOR OTHER PURPOSES**  
18

19                              *Be it enacted by the Senate and House of Representatives of the*  
20                              *Philippines in Congress assembled.*  
21

22                              **Section 1. Short Title.-** This Act shall be known as the “*Safety*  
23                              *Standards of Pole Structures Act of 2019*”  
24

25                              **Section 2. Declaration of Policy.-** It is hereby declared the policy of  
26                              the State:  
27

28                              (a) To ensure the safety of all citizens, properties,  
29                              structures, and facilities of the country.  
30

31                              (b) To create measures to avoid grave accidents brought  
32                              about by poorly installed pole structures, attachments, and cable  
33                              wires.  
34

35                              (c) To ensure the sustained enhancement of urban  
36                              landscape development of the Philippines.  
37

38                              (d) To adopt the best practices exercised internationally  
39                              that are responsive to the distinct needs of our country and its  
40                              people.  
41

42                              **Section 3. Definition of Terms.-**  
43

44                              (a) Board refers to the implementing body created  
45                              under this Act.  
46

47                              (b) Utility Pole refers to a column or post used to  
48                              support and carry overhead utility lines such as electrical cable,  
49                              coaxial cable, telephone cable, fiber optic cable, and such other  
50                              similar cables used to transmit electricity, and  
51                              telecommunications signals.



1  
2 (c) Pole Owner refers to any person, natural or  
3 juridical, that owns and/or controls utility poles, related support  
4 structures, or rights way used or useful, in the transmission of  
5 electricity or telecommunications signals.

6  
7 (d) Attaching Entity refers to any person, natural or  
8 juridical, that makes or maintains a pole attachment for the  
9 transmission of electricity or telecommunications signal.

10  
11 (e) Pole Attachment refers to the attachment made by  
12 an attaching entity to a pole owner's utility pole, related support  
13 structure or right of way used or useful, in whole or in part, in  
14 the transmission electricity or telecommunications signal.

15  
16 (f) Pole Attachment Fee refers to the amount to be  
17 paid by the attaching entity to the pole owner in consideration  
18 of the pole attachment privilege payable at the end of every  
19 quarter of the year on a per utility pole basis.

20  
21 (g) Additional Maintenance Expense refers to the  
22 necessary quarterly cost directly and exclusively pertaining to  
23 preserving the integrity and proper functioning of the pole  
24 attachment.

25  
26 (h) Pole Premium refers to the amount, equivalent to  
27 Twelve percent (12%) of the additional maintenance expense,  
28 payable to the pole owner as premium for the pole attachment.  
29 It forms the other part of the pole attachment fee.

30  
31 **Section 4. Creation and Composition of Pole Structures Board.** - A  
32 Pole Structures Board is hereby created which shall be composed of nine  
33 members, with the Secretary of the Department of Public Works and  
34 Highways (DPWH) as ex-officio head, and the secretaries of the Department  
35 of Energy (DOE), Department of Transportation (DOT), Department of  
36 Information and Communications Technology (DICT), and the  
37 Commissioner of the National Telecommunications Commission (NTC) as  
38 ex-officio members. The four remaining members shall come from the  
39 representatives of electric utility companies, internet provider companies,  
40 telecommunications companies and cable television companies which have  
41 been in operation for the last five years prior to the effectivity of this Act.  
42 The four members from the private sectors shall be appointed for a term for  
43 two years by the President of the Philippines upon the recommendation of  
44 the Secretary of DPWH. The members of the Board shall be entitled to per  
45 diem prescribed and authorized under existing laws, rules and regulations.

46  
47 Congress shall appropriate an amount in the General Appropriations  
48 Act, particularly in the budget of the DPWH, sufficient to cover the  
49 expenditures necessary to implement the provisions of this ACT.  
50

1       **Section 5. Powers of the Board.** - The Board shall have the  
2 following powers:

- 3
- 4           (a) To regulate pole attachment fees;
- 5
- 6           (b) To cause the periodic inspection of pole  
7 attachments;
- 8
- 9           (c) To order the removal of dangling wires and cables at  
10 the expense of the attaching entity;
- 11
- 12           (d) To settle disputes between the pole owner and the  
13 attaching entity relating to the actual number of  
14 utility poles, amount of pole attachment fees to be  
15 paid, and other issues that may arise in the  
16 implementation of the provisions of this Act;
- 17
- 18           (e) To impose penalties for violation of this Act and its  
19 Implementing Rules and Regulations;
- 20

21       **Section 6. Formula for the Pole Attachment Fee** – The pole  
22 attachment fee shall be equal to the sum of the additional maintenance  
23 expense and the pole premium, wherein:

24

25           (a) Unless proven otherwise by the Pole Owner or the  
26 Attaching Entity, the additional maintenance expense shall be  
27 presumed to be equal to be Twenty five pesos (₱ 25.00), *Provided*,  
28 that the said amount shall be adjusted by the Board five (5) years after  
29 the effectivity of this Act, and every 5 years thereafter, after public  
30 hearing for the said purpose, provided further, that in no case shall the  
31 adjustment be more than Twenty percent (20%) of the previous  
32 amount.

33

34           The pole owner or the attaching entity, may dispute before the  
35 Board the said amount and rates by presenting sufficient and  
36 competent evidence.

37

38           (b) The pole premium shall be equal to Twelve percent  
39 (12%) of the additional maintenance expense.

40

41           (c) The number of utility poles for which pole attachment  
42 fees are payable shall be equal to the number of utility poles applied  
43 for pole attachment by the attaching entity minus the number of pole  
44 attachments validly denied by the pole owner.

45

46           Any dispute relating to the actual number of utility pole for  
47 which pole attachment fees are payable may be brought before the  
48 Board.

49

50       **Section 7. Nondiscriminatory Access** – A pole owner shall provide  
51 and maintain nondiscriminatory access to all utility poles and related support



1 structures it owns and rights of way it controls in exchange for the payment  
2 of the pole attachment fee, on terms and conditions uniform to all attaching  
3 entities, including its own affiliates or subsidiaries. For this purpose, the  
4 pole owner shall submit to the Board a copy of all pole attachment contracts  
5 it has entered into, *Provided*, that a pole owner may validly deny in writing a  
6 pole attachment to a utility pole or related support structure it owns or a right  
7 way it controls by reason of recognized standards of safety, industry  
8 practices or generally accepted engineering principles, and *Provided further*,  
9 that in case a pole owner validly denies a pole attachment, or removes the  
10 same due to an emergency, and thereafter the reason for such denial or  
11 removal ceases or additional capacity becomes available for a pole  
12 attachment, the pole owner shall be bound to offer the capacity for a pole  
13 attachment to be denied or previous attaching entity first, before occupying  
14 the same or offering it to other potential attaching entities, including its own  
15 affiliates or subsidiaries. Any removal not due to an emergency shall require  
16 prior written notice to the attaching entity.

17  
18 **Section 8. *Rights and Responsibilities of the pole owner and the***  
19 ***attaching entities*** – The pole owners and the attaching entities shall have the  
20 following additional rights and responsibilities:

21  
22 (a) Attaching entities shall, at their expense, shall make,  
23 modify and remove pole attachments. They shall make, modify and  
24 remove the pole attachments in a manner that preserves the integrity  
25 and proper functioning of the utility poles, related support structures  
26 and rights of way.

27  
28 (b) Pole owners shall, at their own expense, shall maintain  
29 and replace the rights of way, utility poles and related support  
30 structures. They shall be responsible for the maintenance and  
31 replacement of the utility poles, related support structures and rights  
32 of way in a manner that preserves the integrity and proper functioning  
33 of the pole attachments.

34  
35 (c) Both the attaching entities and the pole owners shall  
36 ensure the proper bundling and installation of the cables to prevent  
37 them from dangling. Within 5 days from notice from the Board, the  
38 attaching entities or owners of the cable shall fix or remove the  
39 dangling wires identified by the Board.

40  
41 (d) Pole owners and attaching entities shall ensure to  
42 maintain and adhere to the safe standards of pole structures, and  
43 weight and stress limit of pole structures.

44  
45 **Section 9. *Sanction*** – Any violation of this act shall be imposed a fine  
46 of not less than Two hundred thousand pesos (₱200,000.00) but not more  
47 than Five hundred thousand pesos (₱ 500,000.00). Unpaid fines for at least  
48 2 violations shall be a ground for the cancellation or revocation of the  
49 business permits or licenses to operate.

1       **Section 10. *Implementing Rules and Regulations*** – Within ninety (90)  
2 days from the effectivity of this Act, the Secretaries of DPWH, DOE, DOT  
3 and DICT, and the Commissioner of NTC shall promulgate rules and  
4 regulations to carry out the intent, objectives purposes, policies and other  
5 provisions of this Act. The implementing rules and regulations shall  
6 include, among others:

- 7  
8       (a) the prescribed pole loads of utility poles;  
9       (b) safety standards of pole structures;and  
10       (c) the prevention and removal of dangling wires and cables.

11  
12       **Section 11. *Separability Clause***. – If any provision or part of this  
13 Act is declared unconstitutional, the remaining provisions shall continue to  
14 be in force and in effect.

15  
16       **Section 12. *Repealing Clause***. – Laws, decrees, executive orders  
17 and rules and regulations inconsistent with the provisions of this Act are  
18 deemed repealed or modified accordingly.

19  
20       **Section 13. *Effectivity***. – This Act shall take effect in fifteen (15)  
21 days after its publication in at least two (2) newspapers of general  
22 circulation.

23  
24               Approved,