

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

EIGHTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 5030

Introduced by **Representative Manuel Luis T. Lopez**

AN ACT
REQUIRING ALL PUBLIC UTILITIES TO RESTORE ANY DISTURBED, ALTERED, OR
CHANGED PUBLIC PLACE MADE IN THE COURSE OF THEIR INSTALLATION,
CONSTRUCTION, OPERATION, OR MAINTENANCE WORK

EXPLANATORY NOTE

It is well-established in jurisprudence that the business and operations of a public utility are imbued with public interest. A public utility is engaged in public service—providing basic commodities and services indispensable to the interest of the general public.¹


In the delivery of basic services, a public utility is allowed to install materials and equipment, to construct poles and other structures, and to conduct maintenance work in public places towards ensuring its services are provided continuously, adequately, and in accordance with established, just and reasonable standards. In the course of these work, public places, roads, highways, streets, lanes, alleys, avenues, sidewalks or bridges are at times disturbed, altered, or changed.

While some franchised laws require the public utility to restore affected public places in accordance with the standards set by the Department of Public Works and Highways (DPWH) or the Local Government Unit (LGU) concerned, some public utilities are remiss in performing this duty. It is not uncommon to see poorly restored roads or sidewalks after a public utility had conducted maintenance work for instance. Consequently, the substandard restoration of affected public places, or the lack thereof, pose safety hazards, risks, and inconvenience to everyday pedestrians.

¹ See *Republic of the Philippines v. Manila Electric Company*, G.R. No. 141314, 9 April 2003. *Manila Electric Company v. Spouses Ramos*, G.R. No. 195145, 10 February 2016. *Manila Memorial Park, Inc., et al. v. Secretary of the Department of Social Welfare and Development, et al.*, G.R. No. 175356, 3 December 2013.

This proposed measure seeks to give teeth to the duty of public utilities to restore disturbed public places by mandating a restoration work certificate and imposing appropriate penalties.

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


HON. MANUEL LUIS T. LOPEZ
Representative
1st District, City of Manila

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "*Public Utility Restoration*
2 *Work Act*".

3
4 **SEC. 2. Declaration of Policy.** - It is the policy of the State to ensure that public
5 service is provided and maintained according to the highest degree of responsibility,
6 integrity, and efficiency. Towards this end, the State shall ensure that in the performance
7 of their duties, public utilities shall prevent and/or restore any disturbances, alterations,
8 or changes caused to roads, streets, passageways, pathways, and other public places for
9 the safety and convenience of the general public.

10
11 **SEC. 3. Coverage.** - This Act shall apply to all public utility agencies and companies
12 or corporations, both public and private, that supply water, electric light, heat, and power,
13 gas, sewerage system, wire or wireless communications systems, wire or wireless
14 broadcasting stations and other similar public services (hereinafter referred to, for
15 brevity, as "public utility").

16
17 **SEC. 4. Acts Required.** - Any existing law to the contrary notwithstanding, the
18 public utility shall, within seventy-two (72) hours from completion of any installation,
19 construction, operation, or maintenance work involving , restore any disturbed, altered,
20 or changed road, highway, street, lane, alley, avenue, sidewalk, bridge, or any public place
21 caused by its excavation, destruction, demolition, or other similar activities, by repairing
22 it in accordance with the standards set by the Department of Public Works and Highways

1 or the Local Government Unit concerned. The public utility is thereafter required to
2 secure a certificate of repair work completion from the punong barangay concerned:
3 *Provided, that*, the punong barangay concerned, or in his absence, the barangay secretary,
4 shall personally inspect the repair or reconstruction work prior to the issuance of the
5 certificate. A duplicate original of the certificate shall be retained by the barangay official,
6 for barangay record purposes.
7

8 **SEC. 5. *Penalty.*** – The manager and official of the public utility who have direct
9 supervision in the repair or reconstruction work shall be liable for violation of this Act,
10 and upon conviction, shall be punished with imprisonment of not less than six (6) months
11 but not more than one (1) year and a fine of not less than Fifty Thousand Pesos (PhP
12 50,000.00) but not more than One Hundred Thousand Pesos (PhP 100,000.00).
13

14 **SEC. 6. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication
15 in the Official Gazette or in a national newspaper of general circulation.
16

17 Approved,