

Republic of the Philippines  
Congress of the Philippines  
Quezon City

Seventeenth Congress  
First Regular Session

House Bill No. **3351**

HOUSE OF REPRESENTATIVES	
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Introduced by: Representative Carlos Roman L. Uybarreta, 1-Care Partylist

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#### EXPLANATORY NOTE

Electricity plays a fundamental part in the economic growth process. It is common knowledge that energy use and economic growth go hand in hand. Increased energy supply leads to economic growth while economic growth leads to greater energy demand. Steps should, therefore, be taken in order to have a sufficient and reliable access to electricity. Insufficient, unreliable or costly access to power is binding constraint to economic growth.

In the Philippines, the power sector has three (3) components: generation, transmission and distribution. Power generation is separate from transmission and distribution. This allows multiple power generators to supply electricity into a single grid. Electricity moves from distant power plants to service areas through high voltage transmission. How we operate this transmission network is essential to our ability to reliably deliver energy. Our electricity providers are committed to providing customers with the reliable electricity supply they expect and deserve.

Frequent power interruptions, however, bring negative impact on the nation's economy and the loss of millions of revenue. These power outages are mostly due to obstructions from fast-growing trees, plants and other structures constructed under or near power transmission lines. The conduct of hazardous activities such as burning of waste and other materials, excavation, quarrying and other activities of the same nature under or near the power transmission lines also contribute to the problem. Moreover, if a branch of a tree falls or gets too close to a transmission line, the tree and nearby ground become electrified. Anyone touching the tree or ground can be seriously injured or killed. Finally, sparks from high-voltage lines can jump to nearby branches or plants and start a fire.

Reliability standards for transmission lines should be in place. A vegetation management program to remove all trees, shrubs and other plants that have the potential to touch the line or grow too close to a transmission line's right-of-way for safety should also be developed. Structures or improvements which are under or

within the power transmission lines right of way corridors should also be removed, dismantled or demolished. The conduct of hazardous activities within the power transmission lines right of way corridors should also be prohibited.

The legislature in its exercise of its police power need to rationalize and harmonize the country's economic development with the environment and should prohibit the introduction of plants and structures and the conduct of hazardous activities within the right-of-way of transmission lines. A vegetation management program that will remove all trees, shrubs, other plants as well as structures and improvements within the right-of-way limit of transmission lines should also be started.

In view thereof, the passage of this measure is earnestly sought.



**CARLOS ROMAN UYBARRETA**  
Representative, I-CARE Party List

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**ANTI-POWER LINE DISTURBANCE ACT**

**AN ACT TO ENSURE THE CONTINUOUS AND UNINTERRUPTED  
TRANSMISSION OF POWER, PROMOTE PUBLIC SAFETY AND  
PROTECT THE INTEGRITY AND RELIABILITY OF THE NATIONWIDE  
TRANSMISSION AND DISTRIBUTION SYSTEM, AND PROVIDING  
PENALTIES IN VIOLATION THEREOF.**

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

WHEREAS, electricity is the lifeblood of every nation's economy and any  
disruption in the transmission and distribution thereof would cause tremendous loss of  
revenue and render adverse effects to the nation's economy and progress;

WHEREAS, it is the policy of the state to ensure the success of its electrification  
program by ensuring the continuous and reliable flow of electricity from the power  
plants down to the end user or consumer;

WHEREAS, statistics show that power outages are mostly attributed to the  
presence of high-growing plants and trees within the right-of-way corridors of power  
transmission or distribution lines; the conduct of hazardous activities therein such as,  
but not limited to, excavation, quarrying and burning of wastes and other materials;  
and/or, the existence of structures within the right-of-way corridors of power  
transmission or distribution lines;

WHEREAS, obstructions within the right-of-way corridors of power lines,  
whether intentionally introduced or otherwise, and the conduct of hazardous activities  
therein not only hamper the smooth delivery of power, but are likely to endanger the  
lives of people and destruction of nearby properties especially during the occurrence of  
calamities;

WHEREAS, frequent power outages caused by obstructions within the right-of-  
way corridors of power lines and/or the conduct of hazardous activities therein have a  
negative impact on the nation's economy considering that they redound to the loss of  
millions of pesos in terms of revenue, while simultaneously undermining the stability  
and integrity of the transmission and distribution systems;

WHEREAS, frequent power interruptions hinder the government's efforts  
towards attaining sustainable economic development and, at the same time, erode the  
people's faith in the government and the latter's ability to pursue its economic  
development programs;

WHEREAS, consistent with its re-greening programs, the government encourages the massive planting of trees, which must, however, be carried out in areas where these would be most beneficial without causing economic harm to the nation;

WHEREAS, the regular and periodic clearing of obstructions along power lines to ensure the continuous and uninterrupted flow of electricity is exacting its toll on transmission and distribution service providers in terms of payment of damages for the removal of such obstructions. These costs increase operating expenses leading to higher electricity bills and thereby burden the consuming public.

WHEREAS, in the exercise of its police power and cognizant of the need to rationalize and harmonize national economic development with environmental sustainability, Congress finds compelling reasons to regulate the introduction of plants and prohibit the construction of hazardous structures beneath power transmission lines and within their right-of-way corridors in order to ensure the smooth, continuous and efficient delivery of power to the nation.

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

**SECTION 1. Short Title.** - This Act shall be referred to as the "Anti- Power Line Disturbance Act of 2016."

**SECTION 2. Declaration of Policy.** - It is hereby declared the policy of the State to foster and ensure not only obedience to its authority, but also to adopt such measures as would effectively promote the general welfare, which are essential for the enjoyment by all the people of the blessings of democracy in a just and humane society; to keep the right-of-way corridors of power lines free and clear of any hazard or dangerous obstruction to ensure the continuous and uninterrupted flow of electricity from power plants to end users, promote public safety and protect the integrity and reliability of transmission and distribution facilities nationwide.

**SECTION 3. Definition of Terms:**

- a) Distribution Utilities - refers to any electric cooperative, private corporation, government-owned utility or existing local government unit which has an exclusive franchise to operate a distribution system in accordance with this Act;
- b) Electric Cooperatives - shall refer to distribution utilities created and operating pursuant to Presidential Decree No. 269, as amended;
- c) High-growing Vegetation - refers to plants, vines and other plant species, which grow or has a potential to grow more than three (3) meters in height from the ground so that their branches and leaves tend to touch the conductor wires of power lines or breach the safe or critical distance from the conductors, and all trees of whatever kind, variety or height;
- d) Hazardous Improvements - refers to structures, buildings and improvements of whatever kind, whether temporary or permanent in character and regardless of the purpose for which they are intended, which are within the Right-of-Way Corridor of Power Transmission Lines;
- e) Hazardous Activities - refers to burning of waste and other materials, excavation, quarrying, and other activities of the same nature and character

- 106 that are considered hazardous and which are within the Right-of-Way  
107 Corridor of Power Transmission Lines;
- 108 f) National Grid Corporation of the Philippines - refers to the privately owned  
109 corporation in charge of operating, maintaining, and developing the country's  
110 state-owned power grid;
- 111 g) National Transmission Corporation - refers to the government agency  
112 created under Republic Act No. 9136;
- 113 h) Power Transmission Lines - refers to 69kV, 115kV, 138kV, 230kV and 500kV  
114 transmission lines, or any other high voltage transmission lines that may be  
115 constructed or erected in the future.
- 116 i) Right-of-Way Corridor - refers to the easement on lands traversed by power  
117 lines, running along the length of the power line and having a width  
118 dependent on the power line's voltage as specified under Section 6.  
119

120 **SECTION 4. - Coverage.** This Act shall cover all Power Transmission Lines of  
121 the National Transmission Corporation, National Grid Corporation of the Philippines  
122 and their successors-in-interest, Distribution Utilities and Electric Cooperatives.  
123

124 **SECTION 5. - Prohibited Acts.** - It is hereby declared unlawful for any person,  
125 whether natural or juridical, public or private, to:  
126

- 127 (a) Plant or cause to be planted High-growing Vegetation, including trees of  
128 whatever kind, variety or height, within the Right-of-Way Corridor of Power  
129 Transmission Lines;
- 130 (b) Construct Hazardous Improvements under or within the Right-Of-Way  
131 Corridor of Power Transmission Lines;
- 132 (c) Conduct Hazardous Activities within or near the Right-of-Way Corridor of  
133 Power Transmission Lines; and
- 134 (d) During calamities, states of emergency or calamity declared by the concerned  
135 appropriate government authorities or election periods, whether national or  
136 local, prevent or refuse to allow entry to the property for purposes of repair of  
137 power lines and/or restoration of power, or to conduct the necessary  
138 clearing, cutting, trimming and pruning of High-growing Vegetation and  
139 removing, dismantling or demolishing of Hazardous Improvements.  
140

141 **SECTION 6. Right-of-Way Corridor of Transmission Lines.** The standard  
142 Right-of-Way Corridors of Power Transmission Lines are as follows:  
143

- 144 a) For 69kV Lines, Single Circuit Wood Pole - total width of 15 Meters or 7.5  
145 Meters measured from the centerline to each side;
- 146 b) For 69kV Lines, Double Circuit Wood Pole - total width of 20 Meters or 10.0  
147 meters measured from the centerline to each side;
- 148 c) For 115kV Lines, Single and Double Circuit Steel Tower - total width of 30  
149 Meters or 15 meters measured at from the center line to each side;
- 150 d) For 138kV Lines, Single Circuit Wood Pole - total width of 30 Meters or 15  
151 meters measured from the centerline to each side;
- 152 e) For 138kV Lines, Single Circuit Steel Tower - total width of 35 Meters or 17.5  
153 Meters measured from centerline to each side;
- 154 f) For 138kV Lines, Double Circuit Steel Tower - total width of 40 Meters or 20  
155 Meters measured from the center line to each side;
- 156 g) For 230kV Lines, Single Circuit Steel Pole - total width of 35 Meters or 17.5  
157 Meters measured from the center line to each side;



- h) For 230kV Lines, Double Circuit Steel Tower - total width of 40 Meters or 20 Meters measured from the center line to each side;
- i) For 350 Bipolar - total width of 50 Meters or 25 Meters measured from the center line to each side;
- j) For 500kV Lines, Single Circuit Steel Tower - total width of 60 Meters or 30 Meters measured from the center line to each side;
- k) For 500kV Lines, Double Circuit Steel Tower - total width of 65 Meters or 32.5 Meters measured from the centerline to each side.

**SECTION 7. Immediate Removal of Obstructions.** - To ensure the continuous and uninterrupted flow of power to consumers, prevent the loss of lives or damage to property, and protect the integrity and reliability of power transmission and distribution facilities, the National Transmission Corporation, National Grid Corporation of the Philippines and their successors-in-interest, Distribution Utilities and Electric Cooperatives are granted the authority to enter public or private property *motu proprio*, without prior permission or clearance from the owner, tiller, occupant or possessor of the land, and without securing prior clearance or permit from the Department of Environment and Natural Resources for the following purposes:

- (a) To conduct routine inspection of transmission or distribution facilities on the property;
- (b) To conduct repair or restoration activities on power lines located on or traversing the property;
- (c) To conduct trimming, pruning, cutting or clearing of High-growing Vegetation within the Right-of-Way Corridor of Power Transmission Lines traversing the property;
- (d) To remove, dismantle or demolish Hazardous Improvements within the Right-of-Way Corridors of Power Transmission Lines traversing the property; and
- (e) To stop, prevent or prohibit the conduct of Hazardous Activities within the Right-of-Way Corridors of Power Transmission Lines traversing the property.

The National Transmission Corporation, National Grid Corporation of the Philippines and their successors-in-interest, Distribution Utilities and Electric Cooperatives shall likewise have the authority to trim or remove extended branches and leaves of High-growing Vegetation outside the Right-of-Way Corridors of Power Transmission Lines that may otherwise disrupt the smooth operation of the Power Transmission Lines.

In the case of removal of Hazardous Improvements, such buildings or structures shall be considered as "dangerous" as defined under the National Building Code of the Philippines, and thus shall immediately be abated or demolished in accordance with the provisions of the said law regardless of the presence of a building, fencing or other permit.

For purposes of this Section, the Philippine National Police is deputized and authorized to lead the personnel of the National Transmission Corporation, National Grid Corporation of the Philippines and their successors-in-interest, Distribution Utilities and Electric Cooperatives concerned and effect entry into the property for purposes of carrying out the activities mentioned herein.

Without prejudice to the institution of appropriate criminal action, any person found to have planted High-growing Vegetation, introduced Hazardous

Improvements, or conducts Hazardous Activities in bad faith or who unreasonably refuses to allow the removal of High-growing Vegetation or Hazardous Improvements or the abatement of Hazardous Activities within the Right-of-Way Corridors of Power Transmission Lines shall be liable for damages, including, but not limited to, the loss of revenue for undelivered power. In addition, the removal of the High-growing Vegetation, Hazardous Improvement and repair or restoration of damaged power facilities shall be carried out at his expense.

**SECTION 8. Right of Eminent Domain.** - Subject to the limitations and procedures prescribed by law, the power to exercise the right of eminent domain granted to any private entity with a franchise to operate, manage and maintain the nationwide transmission system shall be governed by Rule 67 of the Revised Rules of Civil Procedure.

**SECTION 9. Restrictions on the Issuance of Restraining Orders or Writs of Injunctions.** - No Writ of Injunction or Restraining Order shall be used by any Court against the National Transmission Corporation, National Grid Corporation of the Philippines and their successors-in-interest, Distribution Utilities or Electric Cooperatives exercising the right and authority to clear the Right-of-Way Corridors of Power Transmission Lines from High-growing Vegetation and other Hazardous Improvements as provided in this Act, unless there is *prima facie* evidence that this was made with evident bad faith or grave abuse of authority.

If, notwithstanding the provisions of this section, a Court issues an Injunction or Restraining Order, such Injunction or Restraining Order shall be effective only upon the filing of a Bond with the Court. Provided, however, that such Injunction or Restraining Order shall automatically be denied or, if granted, shall be dissolved upon the filing of a Counter-bond similar in form and amount as that above required: Provided, finally, that whenever such Injunction is granted, the Court issuing it shall, within ten (10) days from its issuance, submit a report to the Supreme Court setting forth in detail the grounds or reasons for its order.

**SECTION 10. - Permits.** - Local building officials shall require contractors who will be conducting construction activities near high-voltage Power Transmission Lines to secure clearance from the National Transmission Corporation, National Grid Corporation of the Philippines and their successors-in-interest, Distribution Utilities or Electric Cooperatives within the area PRIOR to the issuance of a building permit.

**SECTION 11. - Penalties. -**

- a) The following penalties shall be imposed upon any person found guilty of intentionally and deliberately introducing High-growing Vegetation or Hazardous Improvements and conducting Hazardous Activities within the Right-of-Way Corridors of Power Transmission Lines:

First Offense - the penalty of *arresto menor* or a fine of Php20,000.00 or both, at the discretion of the court;

Second Offense - the penalty of *arresto mayor* or a fine of Php50,000 or both, at the discretion of the court; and

Third Offense - The penalty of *prision correccional* or a fine ranging from P100,000.00 or both, at the discretion of the court.

264  
265 The foregoing penalties are without prejudice to civil damages, which  
266 may be recovered by the National Transmission Corporation, National Grid  
267 Corporation of the Philippines and their successors-in-interest, Distribution  
268 Utilities or Electric Cooperatives for the illegal acts committed in violation of this  
269 Act.  
270

- 271 b) Penalties for Connivance. If the introduction of High-growing Vegetation  
272 and/or Hazardous Improvements and the conduct of Hazardous Activities  
273 within the Right-of-Way Corridors of Power Transmission Lines is committed by  
274 or in connivance with an officer or employee of the National Transmission  
275 Corporation, National Grid Corporation of the Philippines and their successors-  
276 in-interest, Distribution Utilities or Electric Cooperatives, such officer or  
277 employee shall, upon conviction, be punished with a penalty one (1) degree  
278 higher than the penalty provided herein, and forthwith be dismissed and  
279 perpetually disqualified from employment in the government service.  
280
- 281 c) The local building official who issued a building permit in violation of this Act  
282 shall, upon conviction, be punished with a penalty one (1) degree higher than the  
283 penalty provided herein, and forthwith be dismissed and perpetually  
284 disqualified from employment in the government service.  
285

286 **SECTION 12. Information Dissemination.** - The Department of Energy,  
287 National Transmission Corporation, National Grid Corporation of the Philippines and  
288 their successors-in-interest, Distribution Utilities and Electric Cooperatives shall  
289 undertake a vigorous campaign to inform the general public of the provisions of this  
290 Act within sixty (60) days from its effectivity.  
291

292 **SECTION 13. Separability Clause.** - Any portion or provision of this Act,  
293 which may be declared unconstitutional or invalid shall not have the effect of nullifying  
294 other portions or provisions hereof.  
295

296 **SECTION 14. Repealing Clauses.** - All other laws, ordinances, rules,  
297 regulations and other issuance or parts thereof, which are inconsistent with this Act, are  
298 hereby repealed or modified accordingly.  
299

300 **SECTION 15. Effectivity Clause.** - This Act shall take effect fifteen (15) days  
301 after its publication in at least two (2) newspapers of general circulation.  
302

303 Approved.