

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

EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 4056



INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO

EXPLANATORY NOTE


Presidential Decree (PD) No. 269, as amended, authorizes electric cooperatives (ECs) to construct, maintain and operate electric transmission and distribution lines along, upon, under, and across publicly owned lands and public thoroughfares, including all roads, highways, streets, alleys, bridges and causeways. Prior to 2013, this authority granted to ECs was limited by the proviso that such electric transmission and distribution lines must not prevent or unduly impair the primary public uses to which publicly owned lands and public thoroughfares are devoted to.

On 7 May 2013, Republic Act (RA) No. 10531, further amending PD No. 269, was signed into law. Among the amendments introduced by the new statute was the deletion of the above proviso and, in its place, the addition of a new provision, which states that ECs shall be compensated in the event that the government shall now need and make use of the publicly owned lands and public thoroughfares occupied by EC facilities.

The use of publicly owned lands and public thoroughfares free of charge for their subtransmission and distribution facilities is a privilege granted to ECs by law. Moreover, until RA No. 10531, ECs were obliged to ensure that, in their use of this privilege, their facilities must not impair the public use of these lands and thoroughfares. Congress erred in withdrawing this obligation and allowing ECs to be “compensated” even after having enjoyed the free use of publicly owned lands and public thoroughfares. Moreover and more importantly, the grant of this “right to compensation” has spawned a troubling mindset among the management of ECs. ECs now insist that they be compensated first before relocating their facilities, even when these now pose a grave danger to the public. Thus, we have, all over the country, the comical but extremely worrying sight of electric posts occupying significant portions of roads and, sometimes, electric posts standing right smack in the middle of roads. Apparently, ECs now care more about being compensated first than road safety and the safety of the public.

ECs know that lands and thoroughfares they have been using free of charge would sooner or later be utilized for public use and, being fully aware of this, they have surely fully prepared for this eventuality. Accordingly, ECs do not need to be compensated for the relocation of their facilities. ECs should remove and relocate their facilities at their own expense and, if needed, repair and restore the lands and thoroughfares that they occupied. The amendment to PD No. 269 proposed by this measure will mandate ECs to do so.

In view of the foregoing, the support of the Members of Congress for the prompt and timely passage of this measure is earnestly sought.


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**AN ACT
FURTHER AMENDING SECTION 16 OF PRESIDENTIAL DECREE NO. 269, AS
AMENDED, AND FOR OTHER PURPOSES**

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

1 SECTION 1. Section 16 of Presidential Decree No. 269, as amended, is hereby further amended
2 to read as follows:

3 “Section 16. Powers. A cooperative is hereby vested with all powers necessary or
4 convenient for the accomplishment of its corporate purpose and capable of being
5 delegated by the President or the CONGRESS [~~National Assembly~~] when it
6 comes into existence; and no enumeration of particular powers hereby granted
7 shall be construed to impair any general grant of power herein contained, nor to
8 limit any such grant to a power or powers of the same class as those so
9 enumerated. Such powers shall include but not be limited to, the power:

10 x x x

11 (j) To INSTALL [~~construct, acquire, own, operate,~~] and maintain electric
12 subtransmission and distribution lines along, upon, under, and across publicly
13 owned lands and public thoroughfares, including, without limitation, all roads,
14 highways, streets, LANES, alleys, AVENUES, SIDEWALKS, bridges and
15 causeways, AND ROAD RIGHT-OF-WAYS, WITH THE PRIOR APPROVAL
16 OF THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH),
17 LOCAL GOVERNMENT UNIT (LGU), OR OTHER GOVERNMENT
18 AGENCY CONCERNED; PROVIDED, THAT IN the event of the need of such
19 lands and thoroughfares for the primary purpose of the government, the electric

1 cooperative shall IMMEDIATELY REMOVE AND RELOCATE SUCH LINES
2 AT ITS OWN EXPENSE; PROVIDED, FURTHER, THAT ANY PUBLICLY
3 OWNED LAND OR PUBLIC THOROUGHFARE, INCLUDING ROADS,
4 HIGHWAYS, STREETS, LANES, ALLEYS, AVENUES, SIDEWALKS,
5 BRIDGES AND CAUSEWAYS, AND ROAD RIGHT-OF-WAYS,
6 DISTURBED, ALTERED, OR CHANGED BY REASON OF THE
7 INSTALLATION AND OPERATION OR THE RELOCATION AND
8 REMOVAL OF ELECTRIC SUBTRANSMISSION AND DISTRIBUTION
9 LINES, SHALL BE RESTORED AND REPAIRED IN WORKMANLIKE
10 MANNER BY THE ELECTRIC COOPERATIVE; PROVIDED, FURTHER,
11 THAT SHOULD THE ELECTRIC COOPERATIVE, AFTER DUE NOTICE
12 FROM THE DPWH, LGU, OR OTHER GOVERNMENT AGENCY
13 CONCERNED, FAIL, REFUSE, OR NEGLECT TO REMOVE AND
14 RELOCATE ITS LINES OR RESTORE OR REPAIR SUCH PUBLICLY
15 OWNED LAND OR PUBLIC THOROUGHFARE, THE DPWH, LGU, OR
16 OTHER GOVERNMENT AGENCY CONCERNED SHALL HAVE THE
17 RIGHT TO HAVE SUCH LINES REMOVED AND HAVE SUCH LAND OR
18 THOROUGHFARE RESTORED OR REPAIRED IN GOOD ORDER AND
19 CONDITION AND CHARGE THE ELECTRIC COOPERATIVE THE
20 AMOUNT OF THE COSTS AND EXPENSES FOR SUCH REMOVAL AND
21 RESTORATION OR REPAIR; PROVIDED, FINALLY, THAT SUCH
22 FAILURE, REFUSAL, OR NEGLECT ON THE PART OF THE ELECTRIC
23 COOPERATIVE SHALL MERIT THE IMPOSITION OF DISCIPLINARY
24 MEASURES AGAINST IT'S BOARD OF DIRECTORS, GENERAL
25 MANAGER, AND OTHER RESPONSIBLE OFFICERS [be—properly
26 compensated];

27 x x x"

28 SEC. 2. The Department of Energy and the National Electrification Administration (NEA) shall
29 ensure that all electric cooperatives shall remove and relocate all of their improperly located or

1 obstructing electric subtransmission and distribution lines in publicly owned lands and public
2 thoroughfares.

3
4 SEC. 3. Within sixty (60) days from the effectivity of this Act, the Secretary of Energy shall,
5 after due consultation with the Department of Public Works and Highways, League of Provinces
6 of the Philippines, League of Cities of the Philippines, League of Municipalities of the
7 Philippines, and NEA, issue the rules and regulations to effectively implement this Act.

8
9 SEC. 4. All other laws, decrees, orders, rules and regulations, and other issuances or parts thereof
10 that are inconsistent with the provisions of this Act are hereby repealed, amended, or modified
11 accordingly.

12
13 SEC. 5. If any provision of this Act is declared invalid or unconstitutional, the other provisions
14 not affected thereby shall remain in full force and effect.

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

18
19 Approved,