

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

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 1223



Introduced by Honorable REYNALDO V. UMALI

EXPLANATORY NOTE

Electricity is the lifeblood of every nation's economy and any disruption thereof would cause tremendous loss of revenue and render adverse effects to the nation's economy. It is the policy of the state to ensure the success of its electrification program and to attain reliable and quality power through an efficient power delivery program. A successful and efficient power delivery program could be readily achieved through clean and safe power lines free from any obstructions of whatever kind.

The incidents of power outages are mostly due to obstructions of power lines consisting of high- and fast-growing trees and other structures constructed under or near the power transmission lines. Frequent power interruptions caused by obstructions to power lines may trigger cascading outages on the whole power system resulting in widescale power interruptions bringing negative impact on the nation's economy and the loss of millions of revenue. Power interruptions have adversely affected the government's efforts towards attaining sustainable economic development and have undermined the people's faith in the government and the latter's ability to pursue its economic development programs.

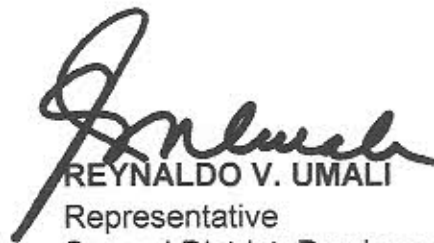
High- and fast-growing trees and other hazardous improvements found within the right-of-way (ROW) clearance of power transmission Lines, whether intentionally introduced by the landowners or otherwise, have been tagged as the major causes of power interruptions in all parts of the country which, not only hamper the smooth delivery of power, but are likely to endanger the lives of people in the community, particularly during bad weather.

The recurrence of obstructions yearly along the power transmission lines is exacting tremendous amount on the government coffers in terms of payments of damages caused on improvements during Clearing Operations of power transmission

lines, which amount is substantial enough to construct additional transmission line projects.

Congress in the exercise of its police power and the need to rationalize and harmonize the national economic development with the environment, find compelling reasons to prohibit the introduction of plants and structures within the ROW limit of power transmission lines to ensure smooth and efficient delivery of power to the nation.

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

A handwritten signature in black ink, appearing to read 'Reynaldo V. Umali', is written over the printed name.

REYNALDO V. UMALI

Representative

Second District, Province of Oriental Mindoro

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

SEVENTEENTH CONGRESS
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AN ACT
PROHIBITING THE PLANTING OF PLANTS AND TREES, AND THE
CONSTRUCTION OF ANY STRUCTURE UNDER OR WITHIN THE RIGHT-OF-
WAY CLEARANCE OF ALL POWER TRANSMISSION LINES AND PROVIDING
PENALTIES FOR VIOLATION THEREOF

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."

SEC. 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 that 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 free the power lines of any obstructions of whatever kind; and to ensure the efficient supply of electricity and to prevent the occurrence of unnecessary power outages at all times.

SEC. 3.Scope. -This Act shall cover all power transmission lines of the National Transmission Corporation (Transco), the National Grid Corporation of the Philippines (NGCP) and/or their successors-in-interest, Distribution Utilities and Electric Cooperatives.

SEC. 4.Definition of Terms. – As used in this Act, the following terms are defined herein:

a) High-growing trees refers to trees, plants, palms, vines and other plant species whose height goes above three (3) meters from the ground so that their branches and leaves at their maturity tend to touch the conductor wires of power transmission lines;

b) Hazardous Improvements refers to high-growing trees, constructions of whatever kind, such as buildings whether temporary or permanent in character and for whatever purpose;

c) Power Transmission Lines refers to power lines that transmit electric power, whether 69, 115, 138, 230 and 500 KV lines.

SEC. 5. Illegal Improvements.- It is hereby declared unlawful for any person, whether natural or juridical, public or private, to:

(a) Plant or cause to be planted high-growing trees that grows above three (3) meters height from the surface of the ground within the Right of Way limit of power transmission lines of the National Transmission Corporation, Private Electric Utilities or Rural Electric Cooperatives; and

(b) Construct building, structure of whatever kind whether it be of permanent or temporary in character under or within the Right of Way Clearance of Power Transmission Lines of the National Transmission Corporation and Distribution Utilities or Electric Cooperatives.

SEC. 6. ROW Clearance of Transmission Lines.- The standard ROW Clearance of power transmission lines shall be as follows:

a) For 69 KV Lines, Single Circuit Wood Pole – 15 Meters or 7.5 Meters measured from the center of the line to both sides;

b) For 69 KV Lines, Double Circuit Wood Pole – 20 Meters measured at 10.0 Meters from the center of the line to both sides;

c) For 115 KV Lines, Single and Double Circuit Steel Tower – 30 Meters measured at 15 Meters from the center of the line to both sides;

d) For 138 KV Lines, Single Circuit Wood Pole – 30 Meters measured at 15 Meters from the center of the line to both sides;

e) For 138 KV Lines, Single Circuit Steel Tower – 35 Meters measured at 17.5 Meters from the center of the line to both sides;

f) For 138 KV Lines, Double Circuit Steel Tower – 40 Meters measured at 20 Meters from the center of the line to both sides;

g) For 230 KV Lines, Single Circuit Steel Pole – 35 Meters measured at 17.5 Meters from the center of the line to both sides;

h) For 230 KV Lines, Double Circuit Steel Tower – 40 Meters measured at 20 Meters from the center of the line to both sides;

i) For 350 Bipolar – 50 Meters measured at 25 Meters from the center of the line to both sides;

j) For 500 KV Lines, Single Circuit Steel Tower – 60 Meters measured at 30 Meters from the center of the line to both sides;

k) For 500 KV Lines, Double Circuit Steel Tower – 65 Meters measured at 32.5 Meters from the center of the line to both sides.

SEC. 7. Immediate Removal of Line Obstructions.- Transco, NGCP, Distribution Utilities and Electric Cooperatives shall have the authority to immediately cut, prune or remove any hazardous improvements that are found within the ROW Clearance of any Power Transmission Lines without the need of prior permission from the owner. Branches of high-growing trees although not within the Right of Way Clearance of

Power Transmission Lines but which are likely to disrupt the smooth operation of a nearby Power Transmission Lines shall likewise be trimmed or removed. Without prejudice to the institution of criminal actions, persons found in evident bad faith or who refuse on their part the removal of line obstructions found within the Right of Way Clearance of the Power Transmission Lines shall be liable for damages and the hazardous improvements shall be removed at his expense.

SEC. 8. 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 Transco and NGCP, exercising the right and authority to clear the power transmission lines of high-growing trees and other hazardous improvements as provided in this act, unless there is prima facie evidence that the clearing 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 refused 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.

SEC. 9. Penalties. - The following penalties shall be imposed on any person found guilty of intentionally and deliberately introducing hazardous improvements within the ROW clearance of power transmission lines, thus:

- 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 P 50,000 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.

SEC. 10. Penalties for Connivance. - If the introduction of Improvements within the ROW Clearance of Power Transmission Lines is committed by or in connivance with an officer or employee of Transco and/or NGCP, such officer or employee shall, upon conviction, be punished with a penalty one (1) degree higher than the penalty provided herein, and forthwith be dismissed and perpetually disqualified from employment and from government service, where applicable.

SEC. 11. Information Dissemination. -The Department of Energy, Transco and NGCP shall undertake a vigorous campaign to inform the general public on the provisions of this Act within sixty (60) days from its effectivity.

SEC. 12. Separability Clause. -If for any reason, any section or provision of this Act shall be declared unconstitutional, illegal, or invalid, such parts not affected thereby shall remain in full force and effect.

SEC. 13.Repealing Clause.- All laws, decrees, executive orders, proclamations, administrative regulations, ordinances, rules, regulations and other issuance or parts thereof, inconsistent herewith, are hereby repealed or modified accordingly.

SEC. 14.Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,