

[REPUBLIC ACT NO. 11361, August 08, 2019]

AN ACT ENSURING THE CONTINUOUS AND UNINTERRUPTED TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND THE PROTECTION OF THE INTEGRITY AND RELIABILITY OF POWER LINES, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

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

SECTION 1. *Short Title.* - This Act shall be referred to as the "Anti-Obstruction of Power Lines Act."

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to ensure uninterrupted conveyance of electricity from generating plants to end users, and protect the integrity and reliability of the country's transmission, sub-transmission, and distribution systems by keeping the land beneath, the air spaces surrounding and the are traversed by power lines clear of dangerous obstructions.

The State further recognizes that the continuous conveyance of electricity is a matter of national security and is essential to sustaining the country's economic development. Finally, the State acknowledge the crucial role of property owners in ensuring that power lines remain free of any dangerous and hazardous activities and improvements.

SEC. 3. *Coverage.* - This Act shall cover all power lines and other related facilities for the conveyance of electricity throughout the country.

SEC. 4. *Definition of Terms.* - For purposes of this Act, the following terms shall be defined as stated below:

(a) *Board of Electrical Engineering* refers to the Board created under Republic Act No. 7920, otherwise known as the New Electrical Engineering Law under the general supervision and administrative control of the Professional Regulation Commission;

(b) *Civil Code of the Philippines* refers to Republic Act No. 386, as amended;

(c) *Conveyance of electricity* refers to the delivery of electricity from the generating plants to the premises of the end user, through power lines.

(d) *Dangerous structure or building* refers to those which are structurally unsafe; or which constitute a fire hazard not provided with safe agres, or are otherwise dangerous to human health; or which in relation to existing use constitute a hazard to safety, health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment; or which otherwise contribute to the pollution of the site or the community to an intolerable degree. It

also refers to any building or structure which has any or all of the conditions or defects described in Section 1.01.08(b), Republic Act No. 6541, otherwise known as the "National Building Code of the Philippines": *Provided*, That such condition or defect exists to the extent that life, health, property, or safety of the public or its occupants are endangered;

(e) *Distribution lines* refers to the portion of the distribution system pertaining to the lines or wires;

(f) *Distribution system* refers to the system of wires and associated facilities belonging to a franchised distribution utility extending between the delivery points on the transmission or sub-transmission system or generator connection and the point of connection to the premise of the end user;

(g) *Distribution utility (DU)* refers to any electric cooperative, private corporation, or government-owned utility which has a franchise to operate a distribution system including those whose franchise covers economic zones.

(h) *Easement fee* refers to the just compensation for the legal easement imposed upon the property of the owner, as determined by the courts in accordance with relevant laws, rules and regulations;

(i) *End users* refers to any person or entity requiring the supply and delivery of electricity for its own use;

(j) *Hazardous activities* refer to burning of waste and other materials, excavation, quarrying, construction, and other activities of the same nature and character, which are performed partially or wholly inside the power line corridor which threaten or endanger the continuous and uninterrupted conveyance of electricity;

(k) *Hazardous improvements* refer to structure buildings, and improvements of whatever kind, whether temporary or permanent in character and regardless of the purpose for which they are intended, which are located partially or wholly inside the power line corridor which threaten or endanger the continuous and uninterrupted conveyance of electricity;

(l) *Joint Congressional Energy Commission (JCEC)* refers to the congressional oversight body created under Section 62 of Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act of 2001, as amended by Republic Act No. 11285, otherwise known as the Energy Efficiency and Conservation Act;

(m) *Other distribution entities* refer to entities that own, operate or control one or more distribution systems in the main grid and off-grid other than DUs such as, but not limited to, Qualified Third Parties and those under management contracts for the conveyances of electricity;

(n) *Owner or operator of power lines* refers to generation companies, the transmission owner and its concessionaire, DUs, other distribution entities, which have ownership or responsibility for the operation and maintenance of power lines;

(o) *Philippine Electrical Code* refers to the set of rules which provide for the safety in electrical installation, construction, operation and maintenance, and the utilization of

electricity mandated under the New Electrical Engineering Law;

(p) *Power lines* refer to transmission lines, sub-transmission lines, distribution lines, and generation dedicated point to point lines, and other connection assets including the poles and towers used to support the lines, and other related facilities constructed or erected used for the purpose of conveyance of electricity;

(q) *Power line obstruction* refers to any hazardous activity or hazardous improvement and other similar circumstances that threaten or endanger the continuous and uninterrupted conveyance of electricity;

(r) *Sub-transmission lines* refer to the portion of the sub-transmission system pertaining to the lines or wires;

(s) *Sub-transmission system* refers to the portion of the distribution system that is delineated by the connection point to the transmission system and the primary side of all substation transformers;

(t) *Tall growing plants* refer to plants, vines, and other plant species, which grow or have the potential to grow more than three (3) meters in height from the ground;

(u) *transmission lines* refer to the portion of the transmission system referring to the lines or wires; and

(v) *Transmission system* refers to the high voltage backbone system of interconnected transmission lines, substations and related facilities, located in each of Luzon, Visayas, and Mindanao, or as may be otherwise determined by the Energy Regulatory Commission in accordance with Section 45 of Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act of 2001.

SEC. 5. *Power Line Corridor.* - The land beneath, the air spaces surrounding, and the areas traversed by power lines including its horizontal, vertical, and similar clearance requirements shall constitute the power line corridor, which shall at all times be kept clear and free from any power line obstructions, dangerous structures, hazardous activities and improvements, and other similar circumstances in accordance with the provisions of this Act.

The horizontal, vertical and other similar clearance requirements that constitute the power line corridor shall be determined by the Board of Electrical Engineering and approved by the Department of Energy (DOE), and shall be in accordance with the current Philippine Electrical Code.

In case where the power line corridor is wholly or partially located within a private property not owned by the owner or operator of the power lines, it shall constitute a legal easement upon the private property in accordance with the relevant provisions under Book II, Title VII, Chapter 2 of the Civil Code, except if the owner or operator of the power lines shall acquire, lease or enter into other gratuitous or onerous arrangement with the property owner. In the case of legal easement, the owner of the private property shall be compensated the proper easement fee pursuant to the provisions of the Civil Code and other relevant laws, rules and regulations.