

[ **ERB, July 07, 1995** ]

**RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 7832**

Pursuant to Section 14 of Republic Act No. 7832, the Energy Regulatory Board hereby adopts and promulgates the following Rules and Regulations to implement the aforesaid law.

**RULE I**  
**General Provisions**

*SECTION 1. Title* — These Rules shall be known as the Implementing Rules and Regulations of the Anti-Pilferage of Electricity and Theft of Electric Transmission Lines/Materials Act of 1994.

*SECTION 2. Construction* — These Rules shall be strictly construed to attain the efficient and effective implementation of R.A. 7832.

*SECTION 3. Definition of Terms* — As used in this Rules:

- a. "**ERB**" means the Energy Regulatory Board;
- b. "**DOE**" means the Department of Energy;
- c. "**NEA**" means the National Electrification Administration;
- d. "**NPC**" means the National Power Corporation;
- e. "**Utility**" means the Private or Investor-owned Electric Utility and that owned and/or operated by the Municipal, City, Provincial or National Government;
- f. "**Cooperative**" means the Rural Electric Cooperative;
- g. "**Electric Power Transmission Line/Material**" refers to electric power transmission steel towers, wood-poles, cables, wires, insulators, line hardware, electrical conductors and other related items with minimum voltage of sixty-nine kilovolts (69 kv), such as the following:
  - 1. Steel transmission line towers made of galvanized steel angular members and plates or creosoted and/or tannalized woodpoles/concrete poles and designed to carry and support the conductors;
  - 2. Aluminum conductor steel reinforced (ACSR) in excess of one hundred (100) MCM;
  - 3. Overhead ground wires made of 7 strands of galvanized steel wires, 3.08 millimeters in diameter and designed to protect the electrical conductors from lightning strikes;

4. Insulators made of porcelain or glass shell and designed to insulate the electrical conductors from steel towers or woodpoles; and
5. Various transmission line hardware and materials made of aluminum alloy or malleable steel and designed to inter-connect the towers, conductors, ground wires, and insulators mentioned in subparagraphs (1), (2), (3), and (4) above for the safe and reliable operation of the transmission lines.

h. **"Differential Billing"** shall refer to the amount to be charged to the person concerned for the unbilled electricity illegally consumed as determined through the use of methodologies outlined in Section 6 of R.A. 7832;

i. **"Apprehension"** shall be understood to mean the discovery of the presence of any of circumstances enumerated in Section 4 of R.A. No. 7832 in the establishment or outfit of the consumer concerned as personally witnessed and attested to by the consumer concerned or a duly authorized ERB representative or any officer of the law, as the case may be.

j. **"Power Sold by NPC or any other entity that supplies power directly to the consumer"** is deemed to be sale directly to the consumer if: (1) the point of metering by the NPC or any other utility is less than one thousand (1,000) meters from the consumer, or (2) consumer's electric consumption is three (3%) or more of the total load consumption of all the customers of the utility, or (3) there is no other consumer connected to the distribution line of the utility which connects to the NPC or any other utility point of metering to the consumer meter;

k. **"Current Bill"** shall mean the latest monthly bill served by the utility or cooperative which does not include any period before the time of apprehension;

l. **"Current Rate"** shall mean the average rate of electricity per kilowatt-hour as reflected in the current bill.

## **RULE II**

### **Illegal Use of Electricity and Theft of Electric Power Transmission Lines and Materials**

*SECTION 1. Illegal, Use of Electricity* — It shall be unlawful for any person, natural or juridical, private or public to:

a. Tap, make or cause to be made any connection with overhead lines, service drops, or other electric service wires, without previous authority or consent of the private electric utility or rural electric cooperative concerned;

b. Tap, make or cause to be made any connection to the existing electric service facilities of any duly registered consumer without the latter's or the electric utility's consent or authority;

c. Tamper, install or use a tampered electrical meter, jumper, current reversing transformer, shorting or shunting wire, loop connection or any other device which interferes with the proper or accurate registry or

metering of electric current or otherwise results in its diversion in a manner whereby electricity is stolen or wasted;

d. Damage or destroy an electric meter, equipment, wire or conduit or allow any of them to be so damaged or destroyed as to interfere with the proper or accurate metering of electric current; and

e. Knowingly use or receive the direct benefit of electric service obtained through any of the acts mentioned in subsections (a), (b), (c) and (d) above.

**SECTION 2. *Theft of Electric Power Transmission Lines and Materials*** — It shall be unlawful for any person, natural or juridical, public or private to:

a. Cut, saw, slice separate, split, sever, smelt or remove any electric power transmission line/material or meter from a tower, pole, any other installation or place of installation or any other place or site where it may be rightfully or lawfully stored, deposited, kept, stocked, inventoried, situated or located, without the consent of the owner, whether or not the act is done for profit or gain;

b. Take, carry away or remove or transfer, with or without the use of a motor- vehicle or other means of conveyance, any electric power transmission line/material or meter from a tower, pole any other installation or place of installation, or any place or site where it may be rightfully or unlawfully stored, deposited, kept, stocked, inventoried, situated or located, without the consent of the owner, whether or not the act is done for profit or gain;

c. Store, possess or otherwise keep in his premises, custody or control, any electrical power transmission line/material or meter without the consent of the owner, whether or not the act is done for profit or gain; and

d. Load, carry, ship or move from one place to another, whether by land, air or sea any electrical power transmission line/material, whether or not the act is done for profit or gain, without first securing a clearance/ permit for the said purpose from its owner or the NPC or its regional office concerned, as the case may be.

### **RULE III**

#### **Prima Facie Evidence**

**SECTION 1. *Prima Facie Evidence of Illegal Use of Electricity*** — The presence of any of the following circumstances shall constitute *prima facie* evidence of illegal use of electricity by the person benefited thereby:

a. The presence of a bored hole on the glass cover of the electric meter or at the back or any part of said meter;

b. The presence of salt, sugar and other elements inside the electric meter that could result in the inaccurate registration of the meter's internal parts to prevent its accurate registration of consumption of electricity;

- c. The existence of any wiring connection which affects the normal operation or registration of the electric meter;
- d. The absence of an ERB/NEA seal or the presence of a tampered, broken or fake seal on the meter or mutilated, altered or tampered meter recording chart or graph or computerized chart, graph or log;
- e. The presence of a current reversing transformer, jumper, shorting and/or shunting wire and/or loop connection or any other similar device in any part of a building or its premises which is subject to the control of the consumer or on the electric meter;
- f. The mutilation, alteration, reconnection disconnection, bypassing or tampering of instruments, transformers and accessories;
- g. The destruction of or attempt to destroy any integral accessory of the metering device box which encases an electric meter or its metering accessories; and
- h. The acceptance of money and/or other valuable consideration by any officer or employee of the electric utility concerned or the making of such an offer to any such officer or employee for not reporting the presence of any of the circumstances enumerated in subparagraphs (a), (b), (c), (d), (e), (f ), or (g), hereof.

A *prima facie* evidence of illegal use of electricity shall be the basis for: (a) immediate disconnection by the electric utility or cooperative to such person after due notice; (b) the holding of preliminary investigation by the prosecutor and the subsequent filing in court of the pertinent information; and (c) the lifting of any temporary restraining order or injunction which may have been issued against a utility or cooperative.

In order to constitute *prima facie* evidence, the discovery of any of the circumstances enumerated in Section 1 thereof, must be personally witnessed and attested to by the consumer concerned or a duly authorized ERB representative or any officer of the law, as the case may be.

An ERB authorized representative is one who is assigned to conduct testing of electric meters or inspection of electric lines and facilities of any distribution entity or one who may be specially authorized by the duly authorized head of the main regional ERB offices.

An officer of the law is any person who, by direct provision of law or by election or by appointment by competent authority, is charged with the maintenance of public order and the protection and security of life and property, such as barangay captain, barangay chairman, barangay councilman, barangay leader, officer or member of Barangay Community Brigades, barangay policeman, PNP policeman, municipal councilor, municipal mayor and provincial fiscal.

**SECTION 2. *Prima Facie Evidence of Theft of Electric Power Transmission Lines and Materials*** — The possession, control or custody of electric power transmission line/material by any person, natural or juridical, not engaged in the transformation, transmission or distribution of electric power, or in the manufacture of such electric power transmission line/material shall be *prima facie* evidence that such line/material is the fruit of the offense defined in Section 2, Rule II hereof, and such

line/material may be confiscated from the person in possession, control or custody thereof.

#### **RULE IV Incentives**

**SECTION 1. Incentive Scheme** — An incentive scheme by way of monetary reward in the minimum amount of Five Thousand Pesos (P 5,000) shall be given to any person who shall report to the NPC or police authorities any act which may constitute a violation of Section 2, Rule II hereof. The Department of Energy (DOE), in consultation with the NPC, shall issue the necessary guidelines for the proper implementation of this incentive scheme within thirty (30) days from the effectivity of R.A. 7832.

#### **RULE V Disconnection of Electric Service**

**SECTION 1. Right to Disconnect and its Requirements** — The utility or cooperative concerned shall have the right and authority to disconnect immediately the electric service of any person, natural or juridical, without the need of a court or administrative order and deny restoration of the same, in the following circumstances:

- a. When the owner/occupant of the house or establishment concerned or someone acting in his behalf shall have been caught in flagrante delicto doing any of the acts enumerated in Section 1, Rule III hereof, Provided: that a written notice or warning to that effect has been serve by the utility or cooperative concerned to the owner of the house/establishment or his duly authorized representative, prior to such disconnection.
- b. When any of the circumstances enumerated in Section 1, Rule III shall have been discovered for the second time, Provided: that a written notice or warning shall have been issued upon the first discovery.

The written notice or warning being referred to herein shall be served prior to such disconnection and shall indicate the name and address of the consumer, consumer account number, date of apprehension, findings of fact, amount of energy pilfered in kilowatt-hour, the amount representing the differential billing as determined herein, which shall indicate the following :

- a. Computation of the unbilled consumption in kilowatt-hour.
- b. The period to be used in computing the differential billing.
- c. The latest Inspection Report prior to apprehension.

**SECTION 2. Deposit** — The utility or cooperative concerned shall not immediately disconnect or shall immediately restore the electric service upon the deposit by the person denied the service with the utility or the cooperative concerned or with the competent court, as the case may be, of the amount representing the differential billing.

#### **RULE VI Penalties**