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

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4665

Introduced by Hon. Anthony Peter “Onyx” D. Crisologo

AN ACT
MANDATING ALL UTILITY AND TELECOMMUNICATIONS
COMPANIES TO COMPLY WITH THE REGULATIONS ON THE
USE OF UTILITY POLES AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Pole Structures, Pole Attachments, and Cable Wires are significant in
the provision of basic electric and telecommunication services. They should
be installed in appropriate locations and manner that would facilitate
efficiency and would not pose perils to the general public. However, despite
existing laws and ordinances by the government on the adherence to safety
guidelines, the current practice still remains far from what is deemed safe
and proper based on international standards.

Until today, dangling wires are still a common sight in numerous
communities in our country. In many instances, this serves as a health
hazard, causes accidents, and results to disaster. Furthermore, these deface
many historic buildings and cityscape which becomes detrimental to the
growth of our tourism industry.

Thus, this Act aims to provide safety standards of pole structures and
regulate the use thereof.

In view of the foregoing, the passage of this bill is fervently sought.

ANTHONY PETER "ONYX" D. CRISOLOGO
Representative
First District, Quezon City
Republic of the Philippines
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Quezon City, Metro Manila

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

Section 1. Short Title.- This Act shall be known as the "Safety
Standards of Pole Structures Act of 2019"

Section 2. Declaration of Policy.- It is hereby declared the policy of
the State:

(a) To ensure the safety of all citizens, properties, structures, and facilities of the country.

(b) To create measures to avoid grave accidents brought about by poorly installed pole structures, attachments, and cable wires.

(c) To ensure the sustained enhancement of urban landscape development of the Philippines.

(d) To adopt the best practices exercised internationally that are responsive to the distinct needs of our country and its people.

Section 3. Definition of Terms.-

(a) Board refers to the implementing body created under this Act.

(b) Utility Pole refers to a column or post used to support and carry overhead utility lines such as electrical cable, coaxial cable, telephone cable, fiber optic cable, and such other similar cables used to transmit electricity, and telecommunications signals.
(c) Pole Owner refers to any person, natural or juridical, that owns and/or controls utility poles, related support structures, or rights way used or useful, in the transmission of electricity or telecommunications signals.

(d) Attaching Entity refers to any person, natural or juridical, that makes or maintains a pole attachment for the transmission of electricity or telecommunications signal.

(e) Pole Attachment refers to the attachment made by an attaching entity to a pole owner’s utility pole, related support structure or right of way used or useful, in whole or in part, in the transmission electricity or telecommunications signal.

(f) Pole Attachment Fee refers to the amount to be paid by the attaching entity to the pole owner in consideration of the pole attachment privilege payable at the end of every quarter of the year on a per utility pole basis.

(g) Additional Maintenance Expense refers to the necessary quarterly cost directly and exclusively pertaining to preserving the integrity and proper functioning of the pole attachment.

(h) Pole Premium refers to the amount, equivalent to Twelve percent (12%) of the additional maintenance expense, payable to the pole owner as premium for the pole attachment. It forms the other part of the pole attachment fee.

Section 4. Creation and Composition of Pole Structures Board. - A Pole Structures Board is hereby created which shall be composed of nine members, with the Secretary of the Department of Public Works and Highways (DPWH) as ex-officio head, and the secretaries of the Department of Energy (DOE), Department of Transportation (DOT), Department of Information and Communications Technology (DICT), and the Commissioner of the National Telecommunications Commission (NTC) as ex-officio members. The four remaining members shall come from the representatives of electric utility companies, internet provider companies, telecommunications companies and cable television companies which have been in operation for the last five years prior to the effectivity of this Act. The four members from the private sectors shall be appointed for a term for two years by the President of the Philippines upon the recommendation of the Secretary of DPWH. The members of the Board shall be entitled to per diem prescribed and authorized under existing laws, rules and regulations.

Congress shall appropriate an amount in the General Appropriations Act, particularly in the budget of the DPWH, sufficient to cover the expenditures necessary to implement the provisions of this ACT.
Section 5. Powers of the Board. - The Board shall have the following powers:

(a) To regulate pole attachment fees;

(b) To cause the periodic inspection of pole attachments;

(c) To order the removal of dangling wires and cables at the expense of the attaching entity;

(d) To settle disputes between the pole owner and the attaching entity relating to the actual number of utility poles, amount of pole attachment fees to be paid, and other issues that may arise in the implementation of the provisions of this Act;

(e) To impose penalties for violation of this Act and its Implementing Rules and Regulations;

Section 6. Formula for the Pole Attachment Fee – The pole attachment fee shall be equal to the sum of the additional maintenance expense and the pole premium, wherein:

(a) Unless proven otherwise by the Pole Owner or the Attaching Entity, the additional maintenance expense shall be presumed to be equal to be Twenty five pesos (₱ 25.00), Provided, that the said amount shall be adjusted by the Board five (5) years after the effectivity of this Act, and every 5 years thereafter, after public hearing for the said purpose, provided further, that in no case shall the adjustment be more than Twenty percent (20%) of the previous amount.

The pole owner or the attaching entity, may dispute before the Board the said amount and rates by presenting sufficient and competent evidence.

(b) The pole premium shall be equal to Twelve percent (12%) of the additional maintenance expense.

(c) The number of utility poles for which pole attachment fees are payable shall be equal to the number of utility poles applied for pole attachment by the attaching entity minus the number of pole attachments validly denied by the pole owner.

Any dispute relating to the actual number of utility pole for which pole attachment fees are payable may be brought before the Board.

Section 7. Nondiscriminatory Access – A pole owner shall provide and maintain nondiscriminatory access to all utility poles and related support
structures it owns and rights of way it controls in exchange for the payment of the pole attachment fee, on terms and conditions uniform to all attaching entities, including its own affiliates or subsidiaries. For this purpose, the pole owner shall submit to the Board a copy of all pole attachment contracts it has entered into, Provided, that a pole owner may validly deny in writing a pole attachment to a utility pole or related support structure it owns or a right way it controls by reason of recognized standards of safety, industry practices or generally accepted engineering principles, and Provided further, that in case a pole owner validly denies a pole attachment, or removes the same due to an emergency, and thereafter the reason for such denial or removal ceases or additional capacity becomes available for a pole attachment, the pole owner shall be bound to offer the capacity for a pole attachment to be denied or previous attaching entity first, before occupying the same or offering it to other potential attaching entities, including its own affiliates or subsidiaries. Any removal not due to an emergency shall require prior written notice to the attaching entity.

Section 8. Rights and Responsibilities of the pole owner and the attaching entities – The pole owners and the attaching entities shall have the following additional rights and responsibilities:

(a) Attaching entities shall, at their expense, shall make, modify and remove pole attachments. They shall make, modify and remove the pole attachments in a manner that preserves the integrity and proper functioning of the utility poles, related support structures and rights of way.

(b) Pole owners shall, at their own expense, shall maintain and replace the rights of way, utility poles and related support structures. They shall be responsible for the maintenance and replacement of the utility poles, related support structures and rights of way in a manner that preserves the integrity and proper functioning of the pole attachments.

(c) Both the attaching entities and the pole owners shall ensure the proper bundling and installation of the cables to prevent them from dangling. Within 5 days from notice from the Board, the attaching entities or owners of the cable shall fix or remove the dangling wires identified by the Board.

(d) Pole owners and attaching entities shall ensure to maintain and adhere to the safe standards of pole structures, and weight and stress limit of pole structures.

Section 9. Sanction – Any violation of this act shall be imposed a fine of not less than Two hundred thousand pesos (₱200,000.00) but not more than Five hundred thousand pesos (₱500,000.00). Unpaid fines for at least 2 violations shall be a ground for the cancellation or revocation of the business permits or licenses to operate.
Section 10. Implementing Rules and Regulations – Within ninety (90) days from the effectivity of this Act, the Secretaries of DPWH, DOE, DOT and DICT, and the Commissioner of NTC shall promulgate rules and regulations to carry out the intent, objectives purposes, policies and other provisions of this Act. The implementing rules and regulations shall include, among others:

(a) the prescribed pole loads of utility poles;
(b) safety standards of pole structures; and
(c) the prevention and removal of dangling wires and cables.

Section 11. Separability Clause. – If any provision or part of this Act is declared unconstitutional, the remaining provisions shall continue to be in force and in effect.

Section 12. Repealing Clause. – Laws, decrees, executive orders and rules and regulations inconsistent with the provisions of this Act are deemed repealed or modified accordingly.

Section 13. Effectivity. – This Act shall take effect in fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,