

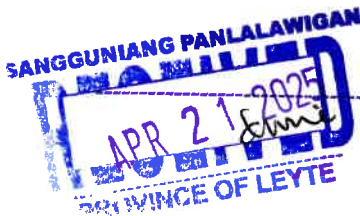


Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Province of Leyte
Legal Office



2nd INDORSEMENT
April 4, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 04 series of 2025 of the Sangguniang Bayan of Tabontabon, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 04 series of 2025 entitled: **"An Ordinance adopting RA 11361 or the "Anti-Obstruction of Powerlines Act" and further strengthening its implementation in the Municipality of Tabontabon, Leyte,."**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 447(a)(1)¹ and (a)(1)(iii)² of the Local Government Code of 1991 (R.A 7160) pursuant to RA 11361³. Hence, we recommend for the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.


ATTY. JOSE RAYMUND A. ACOL
Provincial Legal Officer

¹ (a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:

(1) Approve ordinances and pass resolutions necessary for an efficient and effective municipal government,

² (iii) Approve ordinances imposing a fine not exceeding Two thousand five hundred pesos (P2,500.00) or an imprisonment for a period not exceeding six (6) months, or both in the discretion of the court, for the violation of a municipal ordinance;

³ "Anti-Obstruction of Power Lines Act."

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Palo, Leyte
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
04 April 2025

Province of Leyte
Legal Office
Recd. [Signature]
15.00
4.4.25

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 04, series of 2025 of the Municipality of Tabontabon, Leyte**, entitled: **An Ordinance adopting Republic Act 11361 or the "Anti-Obstruction of Powerlines Act" and further strengthening its implementation in the Municipality of Tabontabon, Leyte.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

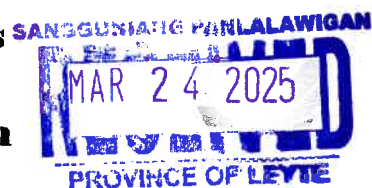


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OFFICE OF THE SANGGUNIANG BAYAN



ID. No. 10293

14th SANGGUNIANG BAYAN

HON. PONCIANO R. JUSTIMBASTE, JR.
Municipal Vice Mayor/Presiding Officer

MEMBERS OF THE
SANGGUNIANG BAYAN

HON. HERMAN I. BIBAR
SB Member

HON. FRANCISCO M. FERNANDEZ
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Ex-Officio Member/ABC Pres

HON. THEA JASMINE A. PRISNO
Ex-Officio Member/SK Pres.

MUNICIPAL ORDINANCE NO. 04 SERIES 2025

AN ORDINANCE ADOPTING REPUBLIC ACT 11361 OR THE
“ANTI-OBSTRUCTION OF POWER LINES ACT” AND FURTHER
STRENGTHENING ITS IMPLEMENTATION IN THE
MUNICIPALITY OF TABONTABON, LEYTE.

WHEREAS, the Philippine Congress on August 8, 2019 enacted Republic Act 11361 (R.A. 11361), “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”, also referred to as the “Anti-Obstruction of Power Lines Act”;

WHEREAS, pursuant to Section 17 of Republic Act No. 11361, “(hereinafter referred to as the “Act”), the Department of Energy (DOE), in consultation with the appropriate government agencies such as the National Electrification Administration (NEA), the National Power Corporation (NPC), Board of Electrical Engineering (BEE), National Transmission Corporation (TransCo), the Department of Public Works and Highways (DPWH), the National Housing Authorities (NHA), the Department of Human Settlement and Urban Development (DHSUD), the Department of Environment and Natural Resources (DENR), the Philippine Coconut Authority (PCA), The National Commission on Indigenous Peoples (NCIP), the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), concerned electric power industry stakeholders, and private stakeholders, and the Joint Congressional Energy Commission (JCEC), has issued, adopted and promulgated the Implementing Rules and Regulations (IRR) to implement the provisions of the Act;

WHEREAS, the IRR of R.A. 11361 includes the general provisions to be followed in outlining the responsibilities of the owner or operator of power lines in the prevention and removal of power line obstructions located within any public or private property, with the ultimate objective of ensuring the continuous and uninterrupted conveyance of electricity;

WHEREAS, the local government unit of Tabontabon, Leyte has a compelling interest in ensuring that the power lines within the municipality located along the national highway and the interior barangays are free of obstructions to ensure the uninterrupted conveyance of electricity essential to sustain the municipality’s economic developments;



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WHEREAS, the Local Government Unit of Tabontabon, Leyte acknowledges the crucial role of property owners in ensuring that power lines remain free of any dangerous and hazardous activities and improvements;

NOW THEREFORE, on motion by Hon. Jerry Gwen L. Conde and unanimously seconded;

BE IT RESOLVE, as it is hereby resolved to enact/approve Municipal Ordinance No. 04 Series of 2025 entitled "AN ORDINANCE ADOPTING REPUBLIC ACT 11361 OR THE "ANTI-OBSTRUCTION OF POWER LINES ACT" AND FURTHER STRENGTHENING ITS IMPLEMENTATION IN THE MUNICIPALITY OF TABONTABON, LEYTE";

BE IT ORDAINED by the Honorable Sangguniang Bayan, in its Regular Session assembled, that:

SECTION 1. Purpose. To ensure the uninterrupted conveyance of electricity from DORELCO power substations to the end-users – the member-consumer-owners, and protect the integrity and reliability of the Electric Cooperative' distribution systems by keeping the land beneath, the air space surrounding and the area traversed by power lines clear of dangerous obstructions.

SECTION 2. Coverage. This ordinance shall cover all power lines and other related facilities for the conveyance of electricity throughout the Municipality of Tabontabon.

SECTION 3. Definition of Terms. For the purpose of this Ordinance, the following terms are defined as follows:

- "Act" refers to Republic Act No. 11361, otherwise known as the "Anti-Obstruction of Power Lines Act";
- "Associated facilities" refers to any or all of the equipment and other fixtures that are attached or connected with, and are integral to a power line, such as, but not limited to poles, guys, crossarms, insulators, and conductors;
- "Conveyance of electricity" refers to the delivery of electricity from DORELCO Power Substation to the premises of the end user, through power line;
- "Distribution lines" refers to the portion of the distribution system;



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- e) "Distribution system" refers to the system of wires and associated facilities belonging to DORELCO extending between delivery points from the EC power substation and the connection to the premises of the end-user;
- f) "Electric cooperative" or "EC" refers to DORELCO, a duly organized and registered Electric Cooperative pursuant to Presidential Decree No. 269, as amended, otherwise known as the "National Electrification Administration Decree", holding the franchise to distribute electricity to thirteen (13) municipalities in Leyte, including Tabontabon;
- g) "End-user" refers to any person or entity requiring the supply and delivery of electricity for its own use;
- h) "Hazardous activities" refer to planting of plants and trees, burning of waste and other materials, excavation, quarrying, construction, and other activities of the same nature and character and regardless of purpose intended, which are performed partially/wholly inside the powerline corridor which threaten or endanger the continuous and uninterrupted conveyance of electricity;
- i) "Hazardous improvements" refer to plants, trees, structures, buildings and building of whatever kind, whether temporary or permanent in character, and regardless of purpose for which they are intended, which are located partially/wholly, inside the Power Line Corridor which threaten or endanger the continuous and uninterrupted conveyance of electricity;
- j) "Owner or Operator of Power Line" or "Power Line owner/Operator" or "PLO" refers to DORELCO having the ownership and/or responsibility for the operation and maintenance of the distribution power lines;
- k) "Power lines" refers to the transmission lines, sub-transmission lines, distribution 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;



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- l) "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;
- m) "Tall growing plants" refers 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;
- n) "Power Line Corridor (PLC)" refers to and is constituted as the land beneath, the air spaces surrounding, and the area traversed by power lines, which shall be kept clear and free from any power line obstructions, dangerous structures, hazardous activities and improvements and other similar circumstances in accordance with provision of the Act.

SECTION 4. Prevention and Removal of Power Line Obstruction on Public Property. In cases where the power line corridor is wholly or partially located within public property, DORELCO shall have the right to enter the said property to prevent and remove line obstruction and in particular, perform the following acts:

- To conduct maintenance and inspection activities within the power line corridor;
- To conduct repair or restoration activities within the power line corridor;
- To conduct trimming, pruning, cutting, or clearing activities for tall growing plants within the power line corridor without securing prior clearance or permit from the Local Government of Tabontabon, Leyte;
- To remove, dismantle, or demolish hazardous improvement in accordance with the National Building Code of the Philippines: Provided that such acts may be carried without prior clearance or permit from, but with due notice to the Local Government Unit of Tabontabon, Leyte;
- To stop, prevent, or prohibit the conduct of hazardous activities; and
- Perform other analogous acts or activities, which will cause the prevention and removal of any power line obstruction.



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SECTION 5. Prevention and Removal of Power Line Obstruction on Public Property. DORELCO shall have the primary duty and responsibility to remove power line obstructions. In cases where the power line corridor is wholly or partially located within a private property, the property owner shall coordinate and assist the DORELCO by facilitating the necessary access in order to perform the acts enumerated in Section 4.

The property owner shall have the primary duty and responsibility to prevent power line obstructions and to inform DORELCO of their existence. In the performance of these acts, the property owner shall be entitled to necessary assistance such as, but not limited to, education, and information, and technical and manpower support from DORELCO.

In the event the property owner fails to perform any duty and responsibility under the preceding paragraphs, the owner of the power line corridor in order to undertake the acts enumerated under Section 4: Provided, however, that the NOTICE TO THE PROPERTY OWNER shall no longer be required to avert an imminent danger posed by a power line obstruction.

SECTION 6. Assistance from the Barangay. In the performance of this acts under Section 4 and Section 5, DORELCO shall coordinate and be assisted by the Barangay concerned where the clearing or removal of the line obstructions shall be conducted.

The Barangay is mandated to provide assistance by way of providing manpower to augment the clearing crew / personnel of DORELCO.

The Barangay is mandated to keep the residents updated and notified of the clearing schedules as provided by DORELCO.

SECTION 7. Disposal of Waste and Debris. Waste and debris which resulted from the removal of obstructions and other activities under this Ordinance shall be disposed by the Barangay where the clearing or removal of line obstructions are conducted in accordance with the relevant barangay or municipal ordinance.

SECTION 8. PENALTIES.

Any violator of the aforementioned provisions shall be penalized accordingly, to wit:

First Offense - Fine of One Thousand Pesos (P1,000.00)

Second Offense - Fine of One Thousand Five Hundred Pesos

(P1,500.00)



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Third Offense - Fine of Two Thousand Five Hundred Pesos

(₱ 2,500.00)

SECTION 9. SEPARABILITY CLAUSE. Any portion or provisions of this Ordinance, which may be declared unconstitutional or invalid shall not have the effect of nullifying portions or provisions not affected thereof.

SECTION 10. EFFECTIVITY. This Ordinance shall take effect immediately upon approval.

ENACTED unanimously, February 24, 2025.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

MARIA CORAZON E. BAUTISTA
Secretary to the Sangguniang Bayan

ATTESTED:

HON. HERMAN I. BIBAR
Sangguniang Bayan Member/Temp. Presiding Officer

APPROVED:

HON. EFREN D. REDOÑA
Municipal Mayor
MAR 14 2025



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Municipality of Tabontabon**

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the herein Municipal Ordinances of the Municipality of Tabontabon, Leyte, had been posted in conspicuous places in the municipality, and all the bulletin areas in the barangays, to wit:

- 1. Municipal Ordinance No. 01 Series 2025** entitled “AN ORDINANCE MANDATING ALL BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF TABONTABON, LEYTE ENGAGED IN THE MANUFACTURING, SALE AND DISTRIBUTION OF PNP UNIFORMS, INSIGNIAS AND OTHER ACCOUTREMENTS TO SECURE CERTIFICATE OF CONFORMITY”;
- 2. Municipal Ordinance No. 02 Series 2025** entitled “AN ORDINANCE REGULATING THE USE AND OPERATION OF MOTOR VEHICLES WITH MODIFIED MUFFLERS, WITHIN THE MUNICIPALITY OF TABONTABON, LEYTE AND PRESCRIBING PENALTIES THEREOF”;
- 3. Municipal Ordinance No. 03 Series 2025** entitled “AN ORDINANCE INSTITUTIONALIZING KATUWANG SA DIWA AT GAWA SA MASAGANANG ANI AT MATAAS NA KITA (KADIWA) NG PANGULO (KNP) IN THE MUNICIPALITY OF TABONTABON, LEYTE”;
- 4. Municipal Ordinance No. 04 Series 2025** entitled “AN ORDINANCE ADOPTING REPUBLIC ACT 11361 OR THE “ANTI-OBSTRUCTION OF POWER LINES ACT” AND FURTHER STRENGTHENING ITS IMPLEMENTATION IN THE MUNICIPALITY OF TABONTABON, LEYTE”;

ISSUED this 17th day of March, 2025 at Tabontabon, Leyte.


MARIA CORAZON E. BAUTISTA
Secretary to the Sangguniang Bayan