

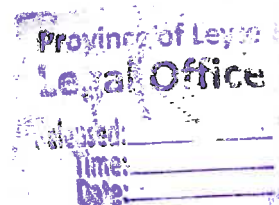


Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

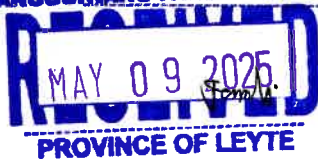
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PROVINCIAL LEGAL OFFICE

Item No.: 04
Date: 10 2025 JUN



SANGGUNIAN PANLALAWIGAN



2nd INDORSEMENT

May 6, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 25-10 series of 2025 of the Sangguniang Bayan of Burauen, Leyte.

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

- Ordinance No. 25-10 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 Burauen, Leyte,."

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office opines that the subject Ordinance is, in general, within the legislative authority of the Sangguniang Bayan 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,

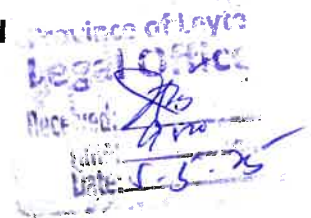
² (iii) Approve ordinances imposing a fine not exceeding Two thousand five hundred pesos (P2,500.00) or an imprisonment for a period not exceeding six (6) months, or both in the discretion of the court, for the violation of a municipal ordinance;

³ "Anti-Obstruction of Power Lines Act."

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
02 May 2025



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 25-10, series of 2025**, of the **Municipality of Burauen, Leyte**, entitled: **An Ordinance adopting Republic Act 11361 or the "Anti-Obstruction of Powerlines Act" and further strengthening its implementation in the Municipality of Burauen, Leyte.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF BURAUEN

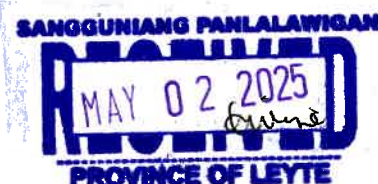


OFFICE OF THE SANGGUNANG BAYAN

May 2, 2025

THE HONORABLE MEMBERS
Sangguniang Panlalawigan
Province of Leyte

ATTENTION: FLORINDA JILL S. UYVICO
Secretary to the Sanggunian
Province of Leyte
Palo, Leyte



Ladies/Gentlemen:

We transmit herewith 15 copies of **Municipal Ordinance No. 25-10**, Series of 2025 of the Sangguniang Bayan of Burauen, Leyte, entitled ***“An Ordinance Adopting Republic Act No. 11361 or the “Anti-Obstruction of Power Lines Act” and Further Strengthening its Implementation in the Municipality of Burauen, Leyte”***, for review and approval of the body.

Thank you and please acknowledge receipt hereof.

Respectfully yours,


ATTY. RUDEJANE S. TAN
Secretary to the Sanggunian

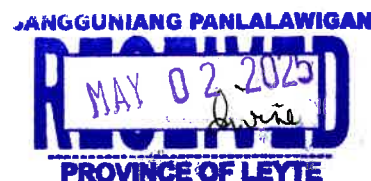


Republic of the Philippines
Province of Leyte
Municipality of Burauen



OFFICE OF THE SANGGUNIAN BAYAN

MUNICIPAL ORDINANCE NO. 25-10
Series of 2025



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

Sponsored by Hon. Cipriano R. Relatorres, Jr.

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 Authority (NHA), the Department of Human Settlements and Urban Development (DHSUD), the Department of Environment and Natural Resources (DENR), the Philippine Coconut Authority (PCA), the National Commission on the 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 Burauen 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 development;

WHEREAS, the Local Government Unit of Burauen 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 of Hon. Cipriano R. Relatorres, Jr., seconded by all Members of the Sangguniang Bayan present:

Be it ordained by the Sangguniang Bayan of Burauen, Leyte, in session duly assembled, that:

Section 1. PURPOSE. To ensure the uninterrupted conveyance of electricity from DORELCO/LEYECO I power substations to the end-users – the member-consumer-owners, and protect the integrity and reliability of the Electric Cooperative’s distribution systems by keeping the land beneath, the air spaces surrounding and the area traversed by power lines clear of dangerous obstructions.

Municipal Ordinance No. 25-10, Series of 2025; March 17, 2025
“Anti-Obstruction of Power Lines Ordinance”

Section 2. COVERAGE. This Ordinance shall cover all power lines and other related facilities for the conveyance of electricity throughout the Municipality of Burauen.

Section 3. DEFINITION OF TERMS. For the purpose of this Ordinance, the following terms are defined as follows:

- a. *Act* – refers to Republic Act No. 11361, otherwise known as the “Anti-Obstruction of Power Lines Act”.
- b. *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.
- c. *Conveyance of Electricity* – refers to the delivery of electricity from the DORELCO/LEYECO I Power Substation to the premises of the end-user, through power lines.
- d. *Distribution Lines* – refer to the portion of the distribution system pertaining to the lines or wires.
- e. *Distribution System* – refers to the system of wires and associated facilities belonging to DORELCO/LEYECO I extending between the 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/LEYECO I, 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 Burauen.
- 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 buildings of whatever-kind, whether temporary or permanent in character, and regardless of 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.
- j. *“Owner or Operator of Power Lines” or “Power Line Owner/Operator” or “PLO”* – refers to DORELCO/LEYECO I having the ownership and/or responsibility for the operation and maintenance of the distribution power lines.
- k. *Power Lines* – refer to 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 or the purpose of conveyance of electricity.
- 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* – 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.
- 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 the provisions 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/LEYECO I shall have the right to enter the said property to prevent and remove any power line obstruction, and in particular, perform the following acts:

- a.) To conduct maintenance and inspection activities within the power line corridor;
- b.) To conduct repair or restoration activities within the power line corridor;
- c.) To conduct trimming, pruning, cutting, or clearing activities for tall growing plants within the power line corridor without the need of securing prior clearance or permit, from the Local Government Unit of Burauen and the barangay concerned, subject to the notice process and requirements to the relevant agencies, as prescribed in Rule V of the IRR of RA 11361;
- d.) To remove, dismantle, or demolish hazardous improvements in accordance with the National Building Code of the Philippines: Provided, that such acts may be carried out without prior clearances or permit from, but with due notice to, the Local Government Unit of Burauen: Provided, that the notice procedure set forth in Rule VI of the IRR of RA 11361 is observed;
- e.) To stop, prevent, or prohibit the conduct of hazardous activities; and
- f.) Perform other analogous acts or activities, which will cause the prevention and removal of any power line obstruction.

Section 5. PREVENTION AND REMOVAL OF POWER LINE OBSTRUCTION ON PRIVATE PROPERTY. DORELCO/LEYECO I 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 DORELCO/LEYECO I 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/LEYECO I 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/LEYECO I.

In the event that the property owner fails to perform any duty and responsibility under the preceding paragraphs, the owner or operator of the power lines shall have the right to access 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 Sections 4 and 5, DORELCO/LEYECO I shall coordinate and be assisted by the Barangay concerned where the clearing or removal of the line obstructions are being conducted.

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

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

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 of by the Barangay where the clearing or removal of line obstructions are conducted in accordance with the relevant barangay and municipal ordinances.

Section 8. REPEALING CLAUSE. – The provisions of previous local enactments, resolutions, memoranda, circulars, and other issuances inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 9. SEPARABILITY CLAUSE. – Should any portion of this Ordinance be declared ultra vires or unconstitutional by competent authority, the remainder not so affected shall continue to be in full force and effect as it is susceptible to enforcement and application.

Section 10. EFFECTIVITY. – This Ordinance shall take effect after the required posting and publication are satisfied, as prescribed under the Local Government Code of 1991.

ENACTED AND APPROVED, March 17, 2025.

CERTIFIED CORRECT:


ATTY. RUDEJANE S. TAN
Secretary to the Sanggunian

ATTESTED:


HON. NOEL P. ALPINO
Vice Mayor/Presiding Officer

(absent)
HON. VINCENT G. ENERLAN
Sangguniang Bayan Member


HON. CIPRIANO R. RELATORRES, JR.
Sangguniang Bayan Member


HON. HERMENIA C. CAMASIN
Sangguniang Bayan Member


HON. BRYAN R. CINCO
Sangguniang Bayan Member


HON. DEXTER R. SENO
Sangguniang Bayan Member


HON. ROBERT G. DEL PILAR
Sangguniang Bayan Member


HON. EWALE A. CORAL
Sangguniang Bayan Member


HON. OSCAR A. CAGARA
Sangguniang Bayan Member


HON. FES RENOMERON
LnB President/ Ex-Officio SB Member

(absent)
HON. JUSTINE MERP G. ANDRADE
SK Federation President/ Ex-Officio Member

APPROVED:


HON. JUANITO E. RENOMERON
Municipal Mayor



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF BURAUEN




OFFICE OF THE SANGGUNANG BAYAN

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that **Municipal Ordinance No. 25-10**, Series of 2025 of the Sangguniang Bayan of Burauen, Leyte, entitled, ***“An Ordinance Adopting Republic Act No. 11361 or the “Anti-Obstruction of Power Lines Act” and Further Strengthening Its Implementation in the Municipality of Burauen, Leyte”***, was enacted on March 17, 2025, approved on even date, and has been posted in two (2) conspicuous and publicly accessible places of the municipality from *March 19, 2025 to April 8, 2025*, in compliance with Section 59, paragraph (b) of Republic Act No. 7160, otherwise known as the “Local Government Code of 1991”.

Burauen, Leyte, April 14, 2025.


ATTY. RUDEJANE S. TAN
Secretary to the Sanggunian