



JOINT CIRCULAR OF THE DEPARTMENT OF ENERGY (DOE) AND THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS

Joint Circular (JC) No. 3

PROVIDING THE MECHANISM FOR THE IMMEDIATE RELOCATION OF ELECTRIC POLES WITHIN THE NATIONAL GOVERNMENT'S RIGHT-OF-WAY AND PROVIDING TIMELINE THEREOF

WHEREAS, the DOE and DPWH issued the Joint Circular No. 1 (JC1), series of 2017 entitled "Prescribing the Uniform Guidelines and Procedures for the Proper Payment of Compensation and/or Recovery of Cost in the Event of the Need to Relocate the Electric Cooperative Distribution/Sub-transmission Lines for the Primary Purpose of the Government", which took effect upon its publication on July 28, 2017;

WHEREAS, Section 13 thereof provides that "within one (1) year from the effectivity of this Joint Circular, the National Electrification Administration (NEA) and Electric Cooperative (EC) shall cause the removal and relocation of any improperly located facility in the government's right-of-way, subject to payment of compensation provided in this Joint Circular";

WHEREAS, the DOE and the DPWH adopted Joint Circular No. 2 (JC2 series of 2019), to extend the period of relocation of obstructing facilities provided in Section 13 of JC1, for up to 31 December 2019, and for the purpose of implementing thereof, created the Inter-Agency Task Force (IATF);

WHEREAS, the deadline provided in JC2 has lapsed while significant number of poles remain in the government's right-of-way raising public safety concerns;

WHEREAS, in a hearing called by Senate Committee on Energy, Senator Sherwin T. Gatchalian raised concerns on the delay of the relocation and express support for the full implementation thereof;

WHEREAS, NEA endorsed that Fifty Nine Thousand Six Hundred Forty (59,640) electric poles particularly described in **Annex "A"** hereof, still need to be relocated and compensated notwithstanding their classification as OBSTRUCTING or AFFECTED;

WHEREAS, all relevant stakeholders recognize that the period provided in JC2 is not sufficient as relocation thereof were not timely implemented due to circumstances beyond the control of the ECs and the concerned National Government Agencies;

WHEREAS, considering that removal of the electric poles obstructing in the national roads and highways is still a primordial concern of the government, the IATF, in its Resolution No. 1 Series of 2020, recommended to dispense the classification and deadline of the submission of the requisites for the 59,640 electric poles endorsed by NEA, and extend the period of relocation set forth in JC1 and JC2, to accomplish the complete clearing of electric poles in the government's right-of-way; and

WHEREAS, in the same Resolution, the IATF recommended further the adoption of a new DOE and DPWH Joint Circular to provide mechanisms and timeline for the immediate relocation of electric poles within the government's right-of-way.

NOW THEREFORE, for and in consideration of the foregoing, the DOE and the DPWH hereby jointly issue, adopt and promulgate the following:

Section 1. Final list of Compensable Electric Cooperatives' Improperly Located Electric Poles in the Government-Right-of-Way Pursuant to Section 13 of JC1 and JC2. Upon the effectivity of this Joint Circular, electric poles improperly located in the government's right of way as indicated in the attached Annex A shall be the final list of Obstructing Facilities defined in Section 13 of JC1 qualified for compensation as provided in applicable provisions of JC1 and JC2, subject to complete submission of the requirements thereof. Obstructing Facilities not included in the said list shall no longer be compensable and shall be removed and relocated by the NEA, at the expense of the EC, pursuant to applicable provisions of JC1 and JC2. Provided that facilities affected by future DPWH projects shall be subject to the applicable provisions of JC1;

Section 2. Immediate Relocation of Obstructing Facilities. The NEA shall direct all the concerned ECs stated in Annex A to complete the relocation of the electric poles in the following manner:

2.1 The NEA shall cause the execution of a Memorandum of Agreement for the total transfer of funds that the DPWH allocated for FY 2019 and 2020 and any available funds that it may have for the said purpose, to the NEA, as it may deem necessary, to facilitate the orderly transfer of funds thereof to the concerned EC, subject to the terms and conditions that both government agencies may agree and applicable government accounting rules and procedures;

2.2 The NEA shall direct all ECs to complete the relocation of electric poles within six (6) months from the downloading of funds to NEA;

2.3 Within thirty (30) days upon the effectivity of this Joint Circular, the DPWH, thru its Regional Office, in coordination with the NEA and the electric cooperative, shall identify the necessary relocation site for the said poles that need to be relocated. In case that no public property shall be available as relocation site for the EC's electric pole, the provision of Section 9 of JC1, series of 2017 shall apply without cost to the government as to the EC's acquisition of private property;

2.4 The DPWH may endorse to the NEA a list of areas that will be prioritized in the relocation activities taking into consideration public safety;

2.5 Failure of the ECs to relocate the facilities listed in Annex A shall be subject

to strict application of Section 13 of JC1 and Section 7 of JC2; and

2.6 Strict compliance of the ECs on the relocation of poles stated in Annex A shall be jointly monitored by the DOE, DPWH and the NEA through the joint inspectorate team that will be created for this purpose.

Section 3. Funding

The DPWH national revenue allotment as approved, shall be allocated as available, to compensate the ECs for the relocation of facilities identified in Annex A. The amount shall be transferred to NEA through an execution of a Memorandum of Agreement between NEA and the DPWH.

In case the funds transmitted by the DPWH to the NEA is not sufficient to cover the necessary budget for the completion of the purpose stated in this Joint Circular, the deficit in the budget thereof shall be caused to be funded by the NEA in its budget for the next fiscal year.

Section 4. Monitoring and Validation.

The DOE, DPWH and NEA through the IATF created under the JC2 shall create an inspectorate team to conduct actual ocular inspection to monitor strict compliance of the ECs in the timely removal and relocation of the electric poles. The inspectorate team shall regularly submit a report to the IATF providing progress of relocation including issues that may prevent completion thereof and as necessary, provide recommendations to resolve the same.

Section 5. Separability Clause. Should any provision of this Joint Circular or any part hereof be declared invalid, the remaining provisions, insofar as they are separable from the invalid ones shall remain effective notwithstanding the invalidity of other provisions.

Section 6. Repealing Clause. All issuances and circulars inconsistent with the provisions of this Joint Circular shall be modified and repealed accordingly.

Section 7. Effectivity and Publication. This Joint Circular shall be effective immediately upon publication in one (1) newspaper of national circulation and shall remain in effect until revoked.

Issued on _____, City of _____, the Philippines.

DEPARTMENT OF ENERGY

**DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS**

By:

By:

ALFONSO G. CUSI
Secretary

MARK A. VILLAR
Secretary