



House Bill No. 5380

Introduced by Congressmen Michael Angelo C. Rivera and Rodel Batocabe

EXPLANATORY NOTE

In response to state policy of total electrification, access to electricity service by 9 million consumer connections have been provided in the rural areas. The ultimate beneficiaries represent half of the Philippine population all living in areas being served by the 119 electric cooperatives (ECs) nationwide. Behind the achievements of the electric cooperatives is the National Electrification Administration (NEA) as mentor, counselor, supervisor and financier rolled into one.

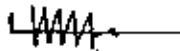
ECs are not mere cooperatives. They are large infrastructures operating as electric utility in an environment where compliances to performance standards and regulations are demanded of the business. Within the provincial setting they catalyzed the growth in communications technology, people empowerment, education, population control, health services, and most importantly, job generation. Considered the most successful program patterned after the US model, the ECs, with an average of 65,000 – 85,000 member-consumers, continue to be important vehicles for countryside development, making possible the positioning of the country among emerging hubs and global trends for business processing outsourced services, economic zones, among others. Thus the Electric Power Industry Reform Act (EPIRA) mandates NEA:

- a. To prepare electric cooperatives in operating and competing under the deregulated electric market in an environment of open access and retail wheeling;
- b. To strengthen the technical capability and financial viability of rural electric cooperatives; and
- c. To review and upgrade regulatory policies with a view to enhancing the viability of rural electric cooperatives as electric utilities

The legislative intent of the bill is very timely and relevant to the critical issues that have emerged on the privatization of NPC assets, the deregulation of electric generation sector, regulations relating to open access and retail competition, corporate governance of electric cooperatives, the requirements of open access for high-tech facilities, among others which impact on the afore-stated additional mandate to NEA by the EPIRA. Necessarily, the charter calls for the infusion of additional capital to enable it to guarantee EC transactions. The bill seeks to empower NEA implement on the electric cooperatives the state policy for good governance;

enhanced step-in rights to ensure that the NEA has adequate powers to protect investment in ECs and provide them with options so as not to disrupt public service. The bill proposes that the NEA shall exercise regulatory and supervisory functions over all electric cooperatives registered under PD 269 as amended, and those registered with the Cooperative Development Authority (CDA) under RA 6938 and RA 9520, and those with the Securities and Exchange Commission (SEC). The end goal is a stronger and better improved rural electric service to meet the demands of globalization.

In view of the foregoing, the immediate passage of the bill is earnestly sought.



REP. MICHAEL ANGELO C. RIVERA
I-CARE Party List



REP. RODEL BATOCABE
AKO BICOL Party List

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5380

Introduced by Congressmen Michael Angelo C. Rivera and Rodel Batocabe

**AN ACT REVITALIZING THE NATIONAL ELECTRIFICATION ADMINISTRATION
(NEA), AMENDING PRESIDENTIAL DECREE NO. 269 FOR THE PURPOSE**

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

CHAPTER I – POLICY AND DEFINITIONS

1 Section 1. Sections 1, 2, and 3 of Presidential Decree (PD) No. 269 is hereby
2 amended to read as follows:

3 Sec 1. Title. – [This Decree shall be referred to as the "National Electrification
4 Administration Decree] **THIS ACT SHALL BE KNOWN AS THE "REVISED**
5 **CHARTER OF THE NATIONAL ELECTRIFICATION ADMINISTRATION OF**
6 **2011".**

7 Sec 2. Declaration of National Policy. –

8 [The total electrification of the Philippines on an area coverage basis being vital to the welfare
9 its people and the sound development of the Nation, it is hereby declared to be the policy of the
10 State to pursue and foster, in an orderly and vigorous manner, the attainment of this objective.
11 For this purpose, the State shall promote, encourage and assist all public service entities engaged
12 in supplying electric service, particularly electric cooperatives, which are willing to pursue
13 diligently this objective.

14
15 Because of their non-profit nature, cooperative character and the heavy financial burdens that
16 they must sustain to become effectively established and operationally viable, electric
17 cooperatives, particularly, shall be given every tenable support and assistance by the National
18 Government, its instrumentalities and agencies to the fullest extent of which they are capable;

19 and, being by their nature substantially self-regulating and Congress having, by the enactment of
20 this Decree, substantially covered all phases of organization and operations requiring or
21 justifying regulation, and in order to encourage and promote their development, they should be
22 subject to minimal regulation by other administrative agencies.

23

24 Area coverage electrification cannot be achieved unless service to the more thinly settled
25 areas and therefore most costly to electrify is combined with service to the most densely settled
26 areas and therefore less costly to electrify. Every public service entity should hereafter cooperate
27 in national program of electrification on an area coverage basis, or else surrender its franchise in
28 favor of those public service entities which will. It is hereby found that the total electrification of
29 the Nation requires the laws and administrative practices relating franchise electric service areas
30 be revised and made more effective, as herein provided. It is therefore hereby declared to be the
31 policy of the State that franchises for electric service areas shall hereafter be so issued,
32 conditioned, altered or repealed, and shall be subject to such continuing regulatory surveillance,
33 that the same shall conduce to the most expeditious electrification of the entire Nation on an area
34 coverage basis.]

35 IT IS HEREBY DECLARED THE POLICY OF THE STATE TO ENERGIZE THE RURAL
36 AREAS TO SPUR THE ECONOMIC DEVELOPMENT THEREIN. TOWARDS THIS END,
37 THE STATE SHALL EMPOWER AND STRENGTHEN THE NATIONAL
38 ELECTRIFICATION ADMINISTRATION TO PURSUE THIS PROGRAM AND BRING
39 ELECTRICITY - THROUGH THE ELECTRIC COOPERATIVES AS ITS IMPLEMENTING
40 ARM - TO THE COUNTRYSIDE EVEN IN MISSIONARY OR ECONOMICALLY
41 UNVIABLE AREAS.

42 SECTION 3. Definitions. As used in this decree the following words or terms shall have
43 the following meanings, unless a different meaning clearly appears from the context;

xxx xxx xxx
xxx xxx xxx

44 (S) "MISSIONARY ELECTRIFICATION" SHALL MEAN THE PROVISION
45 OF BASIC ELECTRICITY SERVICE IN UNVIABLE AREAS WITH THE
46 ULTIMATE AIM OF BRINGING THE OPERATIONS IN THESE AREAS TO
47 VIABILITY LEVELS.

48

49 (T) "GUARANTEE" SHALL MEAN A WRITTEN UNDERTAKING BY NEA
50 TO TAKE ON THE DEBT OBLIGATION OF ELECTRIC COOPERATIVES IF
51 THE LATTER DEFAULT ON THE PAYMENT OF OBLIGATIONS.

52

53 (U) "AILING ELECTRIC COOPERATIVE" SHALL REFER TO THOSE ELECTRIC
54 COOPERATIVES WHICH HAVE NO MEANS OF MEETING THEIR
55 OUTSTANDING OBLIGATIONS DUE TO TECHNICAL AND/OR
56 INSTITUTIONAL INEFFICIENCY INCLUDING HIGH SYSTEM LOSS, LOW
57 COLLECTION EFFICIENCY, CURRENT RATIO, OPERATING LOSS, HUGE
58 LIABILITIES, NEGATIVE NET WORTH AND INSTITUTIONAL PROBLEMS SUCH
59 AS GOVERNANCE, CONSUMER PER EMPLOYEE RATIO AND ADHERENCE TO
60 POLICIES

61

62 **CHAPTER II - THE NATIONAL ELECTRIFICATION ADMINISTRATION**

63 Sec. 4. NEA, Authorities, Powers and Directives. - Section 4 is hereby amended by adding the
64 following provisions:

xxx xxx xxx
xxx xxx xxx

65 (P) TO GUARANTEE THE TRANSACTIONS FOR ELECTRIC
66 COOPERATIVES SUBJECT TO THE POLICIES PROMULGATED BY
67 THE NEA PURSUANT TO THE PROVISIONS OF THIS ACT;

68

69 (Q) TO EXERCISE STEP-IN RIGHTS AS HEREIN PROVIDED

70

71 (R) TO RESTRUCTURE AILING ELECTRIC COOPERATIVES;

72

73 (S) TO DEVELOP, SET, AND ENFORCE TECHNICAL AND FINANCIAL
74 COMPLIANCE STANDARDS FOR THE EFFICIENT OPERATION OF
75 ELECTRIC COOPERATIVES SUCH AS THE OBSERVANCE OF
76 GOVERNMENT PROCUREMENT PROCEDURES; AND

77

78 (T) TO PURSUE ELECTRIFICATION PROGRAMS THROUGH THE
79 ELECTRIC COOPERATIVES;

80 Section 5. A new section is hereby added as section 6-A and to read as follows:

81

82 SEC. 6-A CAPITAL STOCK – THE AUTHORIZED CAPITAL STOCK OF NEA is
83 HEREBY INCREASED TO TWENTY-FIVE BILLION PESOS (P25B) DIVIDED INTO TWO
84 HUNDRED FIFTY MILLION SHARES WITH A PAR VALUE OF ONE HUNDRED (P
85 100.00) PESOS EACH, WHICH SHARES ARE NOT TO BE TRANSFERRED,
86 NEGOTIATED, PLEDGED, MORTGAGED, OR OTHERWISE GIVEN AS SECURITY FOR
87 THE PAYMENT OF ANY OBLIGATION.

88 OF THE 25 BILLION CAPITAL STOCK, THE SUM OF FIVE BILLION PESOS (P5B)
89 HAS ALREADY BEEN SUBSCRIBED AND PAID WHOLLY BY THE GOVERNMENT OF
90 THE PHILIPPINES IN ACCORDANCE WITH THE PROVISIONS OF RA 2700, RA 638, PD
91 269 AND PD1645. THE REMAINING BALANCE SHALL BE WHOLLY SUBSCRIBED BY
92 THE GOVERNMENT OF THE PHILIPPINES.

93 Sec. 6. Enforcement Powers. Sec. 10 is hereby amended to read as follows:

94 Sec. 10. [Enforcement Powers. – If any public service entity which has borrowed funds
95 from the NEA, or from any other lender with the NEA'S lawfully required prior to approval,
96 shall default in its principal or interest payments, or shall fail, after notice from NEA to comply
97 with any term of condition of a loan agreement or of any rule or regulation promulgated by the
98 NEA in administering the provisions of this Decree, the Board of Administrators is hereby
99 authorized and empowered in its discretion to do any or any combination of the following:

100

101 (a) Refuse to make, or give any required approval, to any new loan to the borrower;

102

103 (b) Withhold without limitation the NEA's advancement, or withhold its approval for any other
104 lender with respect to which the NEA has such approving power to make advancement, of
105 funds pursuant to any loan already made to the borrower;

106

107 (c) Withhold any technical or professional assistance otherwise being finished or that might be
108 furnished to the borrower;

109

110 (d) Foreclose any mortgage or deed or trust or other security held by the NEA on the properties
111 of such borrower, in connection with which the NEA, may, subject to any superior or co-
112 equal rights in such lien held by any other lender, (1) bid for any purchase or otherwise
113 acquire such properties, (2) pay the purchase price thereof and any costs and expenses
114 incurred in connection herewith out of the revolving fund, (3) accept title to such properties
115 in the name of the Republic of the Philippines; and (4) even prior to the institution of

foreclosure proceedings, operate or lease such properties for such period, and in such manner as may be deemed necessary or advisable to protect the investment therein, including the improvement, maintenance and rehabilitation of systems to be foreclosed, but the NEA shall, within five years after acquiring such properties in foreclosure proceedings, sell the same for such considerations as it determines most conducive to the achievement of the purposes of this decree; or

(e) Take any other remedial measure for which the loan agreement may provide.

In addition to the foregoing, the Board of Administrators may, as its own instance and in the name of NEA, petition any court having jurisdiction for such purpose or any administrative agency possessing regulatory powers for such purposes (including the Board of Power and Waterworks) to issue such order and afford such lawful relief as may be necessary.

No borrower shall, without the approval of the Board of Administrators and of any other lender holding or sharing a lien on such borrower's properties, sell or dispose of the property, rights, franchises, permits or any other assets acquired and/or mortgaged pursuant to the provisions of this Decree until all outstanding indebtedness to the NEA and any other such lender, including all interest owing thereon, shall have been repaid. Provided, that the NEA may, by appropriate rule or regulation, grant general permission to borrowers to dispose of incidental properties (excluding real property), rights, franchises, permits or other assets no longer deemed necessary or useful in conducting the borrower's operations.

No cooperative shall borrow money from any source without the Board of Administrator's prior approval; Provided, that the Board of Administrators may, by appropriate rule or regulation, grant general permission to cooperatives to secure short-term loans not requiring the encumbering of their real properties or of a substantial portion of their other properties or assets.]

ENFORCEMENT OF LOAN REMEDIES.- IF ANY ELECTRIC COOPERATIVE WHICH HAS BORRROWED FUNDS FROM NEA, OR FROM ANY OTHER LENDER WITH THE NEA'S REQUIRED PRIOR WRITTEN APPROVAL, SHALL DEFAULT IN ITS PRINCIPAL OR INTEREST PAYMENTS,OR SHALL FAIL, AFTER NOTICE FROM NEA, TO COMPLY WITH ANY OTHER TERM OF THE LOAN AGREEMENT OR OF ANY LOAN POLICIES PROMULGATED BY NEA, THE BOARD OF ADMINISTRATORS IS HEREBY AUTHORIZED AND EMPOWERED IN ITS DISCRETION TO DO ANY, OR A COMBINATION OF ANY OF THE FOLLOWING:

153
154 (A) REFUSE TO MAKE, OR APPROVE ANY NEW LOAN TO THE BORROWER OR TO
155 RELEASE FUNDS TO IMPLEMENT LOANS THAT HAVE OTHERWISE BEEN
156 APPROVED;
157
158 (B) WITHHOLD NEA ADVANCES, OR WITHHOLD APPROVAL OF ADVANCES ON
159 WHICH THE NEA HAS SUCH POWER TO RELEASE FUND ON BEHALF OF ANY
160 OTHER LENDER;
161
162 (C) WITHHOLD ANY TECHNICAL, INSTITUTIONAL OR PROFESSIONAL ASSISTANCE
163 OTHERWISE BEING FURNISHED OR THAT MIGHT BE FURNISHED TO THE
164 BORROWER;
165
166 (D) FORECLOSE ANY MORTGAGE OR DEED OF TRUST OR OTHER SECURITY HELD
167 BY THE NEA ON THE PROPERTIES OF SUCH BORROWER, IN CONNECTION WITH
168 WHICH THE NEA, MAY, SUBJECT TO ANY SUPERIOR OR CO-EQUAL RIGHTS IN
169 SUCH LIEN HELD BY ANY OTHER LENDER; (1) BID FOR AND PURCHASE OR
170 OTHERWISE ACQUIRE SUCH PROPERTIES; (2) PAY THE PURCHASE PRICE THEREOF
171 AND ANY COSTS AND EXPENSES INCURRED IN CONNECTION THEREWITH OUT OF
172 ITS REVOLVING FUND; (3) ACCEPT TITLE TO SUCH PROPERTIES UNDER ITS NAME;
173 AND (4) EVEN PRIOR TO THE INSTITUTION OF FORECLOSURE PROCEEDINGS,
174 OPERATE OR LEASE SUCH PROPERTIES FOR SUCH PERIOD, AND IN SUCH MANNER
175 AS MAY BE DEEMED NECESSARY OR ADVISABLE TO PROTECT THE INVESTMENT
176 THEREIN, INCLUDING THE IMPROVEMENT, MAINTENANCE AND REHABILITATION
177 OF SYSTEMS TO BE FORECLOSED. THE NEA SHALL, WITHIN FIVE YEARS AFTER
178 ACQUIRING SUCH PROPERTIES IN FORECLOSURE PROCEEDINGS, SELL THE SAME
179 FOR SUCH CONSIDERATION AS IT DETERMINES TO BE REASONABLE AND UPON
180 SUCH TERMS AND CONDITIONS AS IT DETERMINES MOST CONDUCTIVE TO THE
181 ACHIEVEMENT OF THE PURPOSES OF THIS ACT; OR
182
183 (E) TAKE ANY OTHER REMEDIAL MEASURE FOR WHICH THE LOAN AGREEMENTS
184 MAY PROVIDE.
185
186 NO COOPERATIVE SHALL BORROW MONEY FROM ANY SOURCE WITHOUT THE
187 PRIOR WRITTEN APPROVAL OF NEA; PROVIDED, THAT THE NEA MAY, BY
188 APPROPRIATE RULE OR REGULATION, GRANT GENERAL PERMISSION TO

189 COOPERATIVES TO SECURE SHORT-TERM LOANS NOT REQUIRING THE
190 ENCUMBERANCE OF THEIR REAL PROPERTIES OR OF A SUBSTANTIAL PORTION
191 OF THEIR OTHER PROPERTIES OR ASSETS.

192 SEC. 10-A. "ENFORCEMENT OF REGULATORY AND SUPERVISORY
193 FUNCTIONS".

194 (A) IN THE EXERCISE OF ITS POWER OF SUPERVISION AND CONTROL
195 OVER ELECTRIC COOPERATIVES, THE NEA IS EMPOWERED TO ISSUE
196 ORDERS, RULES AND REGULATIONS AND *MOTU PROPIO* OR UPON
197 PETITION OF THIRD PARTIES, CONDUCT INVESTIGATIONS, REFERENDA
198 AND OTHER SIMILAR ACTIONS IN ALL MATTERS AFFECTING SAID
199 ELECTRIC COOPERATIVES;

200
201 (B) THE NEA SHALL CONTINUE TO EXERCISE REGULATORY AND
202 SUPERVISORY FUNCTIONS ON ALL ELECTRIC COOPERATIVES
203 ORIGINALLY REGISTERED UNDER PD 269, NOTWITHSTANDING THEIR
204 REGISTRATION WITH THE COOPERATIVE DEVELOPMENT AUTHORITY
205 (CDA) OR SECURITIES AND EXCHANGE COMMISSION (SEC).

206
207 (C) IN THE EXERCISE OF ITS REGULATORY AND SUPERVISORY
208 FUNCTIONS, THE NEA SHALL TAKE PREVENTIVE AND/OR DISCIPLINARY
209 MEASURES INCLUDING BUT NOT LIMITED TO SUSPENSION AND/OR
210 REMOVAL AND REPLACEMENT OF ANY OR ALL OF THE MEMBERS OF
211 THE BOARD OF DIRECTORS, OFFICERS OR EMPLOYEES OF THE
212 ELECTRIC COOPERATIVE, AS THE NEA MAY DEEM FIT AND NECESSARY
213 AND TO TAKE ANY OTHER REMEDIAL MEASURES AS THE LAW OR THE
214 LOAN AGREEMENT MAY PROVIDE.

215
216 (D) ALL EXISTING PERSONNEL OF NEA SHALL CONTINUE TO BE
217 EMPLOYEES THEREOF, WITHOUT DEMOTION IN RANK OR DIMINUTION
218 IN SALARY, AND ALL ON-GOING PROJECTS AND/OR APPROVED LOANS
219 OF THE NEA ESTABLISHED UNDER REPUBLIC ACT NO. 6038 AND PD 269,
220 AS AMENDED, SHALL BE REVIEWED BY THE NEA ESTABLISHED UNDER
221 THIS ACT AND IN SO FAR AS IT MAY BE FOUND TO BE ECONOMICALLY
222 FEASIBLE IN ACCORDANCE WITH SOUND MANAGEMENT, ENGINEERING

223 AND TECHNICAL STANDARDS, SHALL BE CONTINUED AND COMPLETED
224 ON A PRIORITY BASIS.

225 SEC. 10-B. THE NEA SHALL HAVE STEP-IN RIGHTS IN CASES OF
226 AILING ELECTRIC COOPERATIVES. UPON EXERCISING ITS STEP-IN RIGHTS,
227 THE NEA SHALL IMMEDIATELY TAKE OVER THE OPERATIONS OF THE
228 AILING ELECTRIC COOPERATIVE FROM THE BOARD. DURING THE TAKE
229 OVER, THE NEA MAY ALSO REMOVE OFFICERS IN ORDER TO EFFECTIVELY

231 MONTHS FROM THE TAKE OVER, THE NEA MAY CONVERT THE AILING
232 ELECTRIC COOPERATIVE TO EITHER A STOCK COOPERATIVE REGISTERED
233 WITH THE CDA OR A STOCK CORPORATION REGISTERED WITH THE
234 SECURITIES AND EXCHANGE COMMISSION. PROVIDED, THAT, A
235 REFERENDUM SHALL BE CALLED BY THE NEA FOR THE PURPOSE AND
236 CONVERSION SHALL ONLY DONE BY A MAJORITY VOTE OF ALL MEMBERS
237 OF THE COOPERATIVE IN A SPECIAL OR REGULAR MEETING CALLED FOR
238 SPECIFICALLY FOR THE PURPOSE.

239
240 IN THE DETERMINATION OF CONVERSION, THE NEA SHALL BE
241 GUIDED BY THE ABILITY TO PAY OF THE MEMBER-CONSUMERS OF SAID
242 ELECTRIC COOPERATIVE FOR THEIR SHARES IN THE STOCK COOPERATIVE
243 OR STOCK CORPORATION.

244
245 IN THE EXERCISE OF ITS STEP-IN RIGHTS UNDER THIS ACT, THE NEA
246 MUST STRICTLY OBSERVE DUE PROCESS. THE STEP-IN RIGHTS MAY ONLY
247 BE EXERCISED IN CASE OF FAILURE OF THE ELECTRIC COOPERATIVE TO
248 MEET OPERATIONAL STANDARDS SET BY NEA OR IN OTHER ANALAGOUS
249 INSTANCES SET FORTH IN THE IMPLEMENTING RULES AND REGULATIONS
250 OF THIS ACT.

251 **CHAPTER III – ELECTRIC COOPERATIVES**

252 Sec. 7 . Sec. 39. Assistance to Cooperative; Exemption from Taxes, Imposts, Duties,
253 Fees; Assistance from the National Power Corporation.- Section 39 is hereby amended to add
254 the following provisions to read as follows:

xxx xxx xxx
xxx xxx xxx

255 (C) TO AVAIL OF PREFERENTIAL RIGHTS GRANTED TO COOPERATIVES UNDER
256 REPUBLIC ACT 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE, AND
257 REPUBLIC ACT 9520, OTHERWISE KNOWN AS THE PHILIPPINE COOPERATIVE CODE OF
258 2008;

259
260 (D)ELECTRIC COOPERATIVES SHALL BE ENTITLED TO CONGRESSIONAL
261 ALLOCATIONS, GRANTS, SUBSIDIES AND OTHER FINANCIAL ASSISTANCE FOR
262 RURAL ELECTRIFICATION.

263
264 (E) ALL SUBSIDIES, GRANTS, AND OTHER ASSISTANCE SHALL FORM PART OF
265 THE DONATED CAPITAL AND FUNDS OF THE ELECTRIC COOPERATIVES, AND
266 AS SUCH, IT SHALL NOT BE SOLD, TRADED NOR BE DIVIDED INTO SHARE
267 HOLDINGS AT ANY TIME; THESE DONATED CAPITAL/FUND SHALL BE
268 VALUATED FOR THE SOLE PURPOSE OF DETERMINING THE EQUITY AND
269 PARTICIPATION OF THE MEMBERS; PROVIDED THAT, IN CASE OF
270 DISSOLUTION OF THE ELECTRIC COOPERATIVE, THE SAID DONATED CAPITAL
271 SHALL BE SUBJECT TO ESCHEAT.

272 Sec. 8 Sec. 59. Court Review. Section 59 is hereby amended to read as follows:

273 Section 59 Court Review.- [The Supreme Court is hereby given jurisdiction to review any
274 order, ruling, or decision of the NEA and to modify or set aside such order, ruling, or decision
275 when it clearly it happens that there was no evidence before the NEA to support reasonably such
276 order, ruling or decision, or that the same is contrary to law, or that it was without the
277 jurisdiction of NEA. The evidence presented to the NEA, together with the record of the
278 proceedings before the NEA, shall be certified by the NEA to the Supreme Court. Any order ,
279 ruling or decision of the NEA may likewise be reviewed by the Supreme Court upon a writ of
280 certiorari in proper cases. The procedure for review, except as herein provided, shall be
281 prescribed by rules of the Supreme Court. Any order, or decision of the NEA may be reviewed
282 on the application of any person or public service entity aggrieved thereby and who was a party
283 in the subject proceeding, by certiorari in appropriate cases or by a petition for review, which

284 shall be filed within thirty (30) days from the notification of the NEA order, decision, or ruling
285 on reconsideration. Such petition shall be placed on file in the office of the Clerk of the Supreme
286 Court who shall furnish copies thereof of the NEA and other interested parties.]

287

288 NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE SUPREME COURT IS
289 HEREBY GIVEN EXCLUSIVE JURISDICTION TO REVIEW ANY ORDER, RULING OR
290 DECISION OF THE NEA AND TO MODIFY OR SET ASIDE SUCH ORDER, RULING OR
291 DECISION WHEN IT CLEARLY APPEARS THAT NO EVIDENCE WAS PRESENTED
292 BEFORE THE NEA TO SUPPORT REASONABLY SUCH ORDER, RULING OR
293 DECISION, OR THE SAME IS CONTRARY TO LAW, OR WAS WITHOUT THE
294 JURISDICTION OF THE NEA. THE EVIDENCE PRESENTED TO THE NEA, TOGETHER
295 WITH THE RECORD OF THE PROCEEDINGS BEFORE THE NEA, SHALL BE CERTIFIED
296 BY THE NEA TO THE SUPREME COURT. ANY ORDER, RULING, OR DECISION OF
297 THE NEA MAY, LIKEWISE, BE REVIEWED BY THE SUPREME COURT UPON A WRIT
298 OF CERTIORARI IN PROPER CASES. THE PROCEDURE FOR REVIEW, EXCEPT AS
299 HEREIN PROVIDED, SHALL BE PRESCRIBED BY THE RULES OF THE SUPREME
300 COURT. ANY ORDER OR DECISION OF THE NEA MAY BE REVIEWED ON THE
301 APPLICATION OF ANY PERSON OR PUBLIC SERVICE ENTITY AGGRIEVED
302 THEREBY AND WHO WAS A PARTY IN THE SUBJECT PROCEEDING, BY
303 CERTIORARI IN APPROPRIATE CASES OR BY A PETITION FOR REVIEW, WHICH
304 SHALL BE FILED WITHIN THIRTY (30) DAYS FROM THE NOTIFICATION OF THE
305 NEA ORDER, DECISION, OR RULING ON RECONSIDERATION. THE SAID PETITION
306 SHALL BE PLACED ON FILE IN THE OFFICE OF THE CLERK OF THE SUPREME
307 COURT WHO SHALL FURNISH COPIES THEREOF TO NEA AND OTHER INTERESTED
308 PARTIES.

309 Sec.9 Sec. 60 No Stay -The No Stay Provision of PRESIDENTIAL DECREE (PD) 269 is
310 hereby amended to read as follows:[The Institutions of a writ of certiorari or other special
311 remedies in the Supreme Court shall in no case supersede or stay any order, ruling or decision of
312 the NEA unless the court shall so direct and the appellant may be required by the Court to give
313 bond in such form and of such amount as may be deemed proper.]

314

315 THE INSTITUTION OF A PETITION FOR CERTIORARI OR OTHER SPECIAL REMEDIES
316 IN THE SUPREME COURT SHALL IN NO CASE SUPERCEDE OR STAY ANY ORDER,
317 RULING OR DECISION OF THE NEA IN THE EXERCISE OF ITS RIGHTS UNDER THIS
318 ACT UNLESS THE SUPREME COURT SHALL SO DIRECT: *PROVIDED THAT*, SUCH A

319 STAY SHALL IN NO CASE EXCEED SIXTY (60) DAYS AND A BOND IN SUCH FORM
320 AND AMOUNT ENOUGH TO COVER THE LIABILITIES ARISING DURING THE
321 PERIOD OF THE STAY SHALL BE POSTED.

322 Sec. 10. Implementing Rules and Regulations. Within ninety (90) days from approval of
323 this Act, NEA in coordination with the Secretary of the Department of Energy (DOE) shall
324 promulgate the Implementing Rules and Regulations of this Act and shall review the same every
325 five (5) years to meet the needs of times.

326 Sec. 11. Separability Clause. If any part or section of this Act is declared
327 unconstitutional, such declaration shall not affect in any manner other parts or sections of this
328 Act.

329 Sec. 12. Effectivity. This Act shall take effect after its publication in at least two (2)
330 newspapers of general circulation.

Approved.