

Republic of the Philippines  
**House of Representatives**  
Quezon City, Metro Manila



**FIFTEENTH CONGRESS**

Second Regular Session

HOUSE BILL NO. 6100

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**INTRODUCED BY REPRESENTATIVE PEDRO P. ROMUALDO**

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**EXPLANATORY NOTE**

The common issues raised by energy industry players consists of red tape and difficulty in securing Environmental Impact Assessment, Environmental Compliance Certificate and in securing permits in host local government units where there existing plants or facilities will operate.

Existing power industry players are also faced with court cases and are restricted to continue their operations and thereby suffering millions of losses from unnecessary lawsuits and undue delays in their operational projects and construction targets.

These are issues that were not foreseen as a probable problems that will beset prospective industry investors prior to the approval of Republic Act No. 7638, otherwise known as "The Department of Energy Act of 1992".

These proposed amendments to some sections of Republic Act No. 7638 seeks to provide better coordination between national government agencies and local government units to allow industry players to pursue their plans and operations after compliance with existing policy standards, protocols and contracts approved by the Department of Energy.

The new Section 23-A will prevent unnecessary delays and millions of losses with a clearer policy that will guide the courts in issuing restraining orders on priority projects under the Department of Energy.

May this proposed measure merit your kind and favorable support.

A handwritten signature in black ink, appearing to read 'Pedro P. Romualdo', is written over a horizontal line.

**PEDRO P. ROMUALDO**  
**Representative**  
Lone District, Camiguin

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14 **AN ACT**  
15 **AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 7638, OTHERWISE**  
16 **KNOWN AS "THE DEPARTMENT OF ENERGY ACT OF 1992"**  
17 **AND FOR OTHER PURPOSES**  
18

19  
20 *Be it enacted by the Senate and the House of Representatives of the Philippines*  
21 *in Congress assembled:*  
22

23  
24 SECTION 1. Section 23 of Republic Act No. 7638, otherwise known as  
25 the "Department of Energy Act of 1992", is hereby amended to read as  
26 follows:  
27

28 "SEC. 23. *Relationship with Other Government Departments.* - The  
29 Department and its priority projects shall enjoy preferential  
30 attention from the Department of Environment and Natural  
31 Resources AND OTHER GOVERNMENT DEPARTMENTS relative  
32 to the exploration, development, exploitation, and extraction of  
33 petroleum, coal, and other geothermal resources, and in the  
34 matter of providing technical AND OTHER support necessary for  
35 the establishment of power-generating plants[.], INCLUDING,  
36 AMONG OTHERS THE GRANT OF ENVIRONMENTAL IMPACT  
37 ASSESSMENT AND ENVIRONMENTAL COMPLIANCE  
38 CERTIFICATE.  
39

40 HOST LOCAL GOVERNMENT UNITS SHALL EXPEDITE THE  
41 APPROVAL AND RELEASE OF PERMITS APPLIED BY INVESTOR-  
42 APPLICANTS DULY ENDORSED BY THE DEPARTMENT OF  
43 ENERGY TO AVOID UNREASONABLE DELAYS IN THE  
44 IMPLEMENTATION OF THEIR PROJECTS.  
45

46  
47 "Upon request of the Department or any of its bureaus, ALL LGUS,  
48 government agencies with functions relative to the approval of  
49 the projects of the Department or its duly authorized and

1 endorsed entities, whether government or private, shall act upon  
2 and resolve the matter within ten (10) calendar days. Toward this  
3 end, the Secretary, with the approval of the President, may  
4 establish an interagency secretariat for the purpose of expediting  
5 the approval of said projects.”  
6  
7

8 SEC. 2. Republic Act No. 7638, as amended, is hereby amended by inserting a  
9 new Section, to be denominated as Section 23-A, and to read as follows:  
10

11 “SEC. 23-A. *RESTRICTION ON THE ISSUANCE OF RESTRAINING*  
12 *ORDERS OR WRITS OF INJUNCTION.* – NO WRIT OF INJUNCTION  
13 OR RESTRAINING ORDER SHALL BE ISSUED BY ANY COURT  
14 AGAINST ANY OF THE PRIORITY PROJECTS OF THE  
15 DEPARTMENT REFERRED TO IN THE PRECEDING SECTION,  
16 UNLESS THERE IS *PRIMA FACIE* EVIDENCE THAT THE  
17 DEPARTMENT’S PRIORITY PROJECTS ARE MADE WITH EVIDENT  
18 BAD FAITH OR GRAVE ABUSE OF AUTHORITY: *PROVIDED,*  
19 *HOWEVER,* THAT WHENEVER SUCH INJUNCTION IS GRANTED,  
20 THE COURT ISSUING IT SHALL, WITHIN TEN (10) DAYS FROM  
21 ITS ISSUANCE, SUBMIT A REPORT TO THE SUPREME COURT  
22 SETTING FORTH IN DETAIL THE GROUNDS OR REASONS FOR ITS  
23 ORDER.”  
24  
25

26 SEC. 3. All laws, decrees, rules and regulations, ordinances and issuances that  
27 are inconsistent with this Act are hereby repealed or amended accordingly.  
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29

30 SEC. 4. This Act shall take effect upon its publication in a newspaper of general  
31 circulation or the *Official Gazette*, whichever comes earlier.  
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33

34 Approved,