

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



SIXTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 2423

INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO

EXPLANATORY NOTE

The late Representative Pedro P. Romualdo originally filed this proposed measure in the previous Congress. The Explanatory Note of the late Representative Romualdo is herein reproduced and adopted as the explanation for the filing of this bill:

The common issues raised by energy industry players consists of red tape and difficulty in securing Environmental Impact Assessment Reports and Environmental Compliance Certificates and in securing permits in host local government units where their 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 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 Section 23 of Republic Act No. 7638 seek 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.

In view of the foregoing, the support of the Members of Congress for the timely passage of this proposed measure is earnestly requested.

A handwritten signature in black ink, consisting of a stylized 'X' followed by a long, flowing horizontal line that ends in a small loop.

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AN ACT
AMENDING REPUBLIC ACT NO. 7638, OTHERWISE KNOWN AS THE
DEPARTMENT OF ENERGY ACT OF 1992

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

1
2 Section 1. Section 23 of Republic Act No. 7638, otherwise known as the
3 Department of Energy Act of 1992, is hereby amended to read as follows:

4
5 Section 23. *Relationship with Other Government Departments.*– The
6 Department and its priority projects shall enjoy preferential
7 ~~[treatment]~~ ATTENTION FROM THE DEPARTMENT OF
8 ENVIRONMENT AND NATURAL RESOURCES AND OTHER
9 EXECUTIVE DEPARTMENTS, AGENCIES, AND OFFICES
10 RELATIVEto the exploration, development, exploitation, and
11 extraction of petroleum, coal, and other geothermal resources,
12 and in the matter of providing technical AND OTHER support
13 necessary for the establishment of power-generating plants[-],
14 INCLUDING, AMONG OTHER THINGS, THE PROVISION OF
15 ENVIRONMENTAL IMPACT ASSESSMENT REPORTS AND
16 ENVIRONMENTAL COMPLIANCE CERTIFICATES.

1 Upon request of the Department or any of its bureaus, all LOCAL
2 GOVERNMENT UNITS AND government agencies with functions
3 relative to the approval of the projects of the Department or its
4 duly authorized and endorsed entities, whether government or
5 private, shall act upon and resolve the matter within ten (10)
6 calendar days. Toward this end, the Secretary, with the approval
7 of the President, may establish an interagency secretariat for the
8 purpose of expediting the approval of said projects.

9
10 HOST LOCAL GOVERNMENT UNITS SHALL EXPEDITE THE
11 APPROVAL AND RELEASE OF PERMITS APPLIED FOR BY
12 INVESTOR-APPLICANTS FOR THEIR POWER PROJECTS DULY
13 ENDORSED BY THE DEPARTMENT OF ENERGY TO AVOID
14 UNREASONABLE DELAYS IN THE IMPLEMENTATION OF THE
15 SAME.

16
17 Section 2. A new provision, numbered Section 23-A, is hereby inserted after
18 Section 23 of the same Act and shall read as follows:

19
20 SECTION. 23-A. *RESTRICTION ON THE ISSUANCE OF TEMPORARY*
21 *RESTRAINING ORDERS OR WRITS OF PRELIMINARY INJUNCTION.*
22 - NO TEMPORARY RESTRAINING ORDER OR WRIT OF
23 PRELIMINARY INJUNCTION SHALL BE ISSUED BY ANY COURT
24 AGAINST THE IMPLEMENTATION OF ANY PRIORITY PROJECT OF
25 THE DEPARTMENT REFERRED TO IN THE PRECEDING SECTION,

1 UNLESS THERE IS *PRIMA FACIE* EVIDENCE THAT THE
2 PARTICULAR PROJECT WAS CONCEIVED, PREPARED, OR
3 IMPLEMENTED WITH EVIDENT BAD FAITH OR GRAVE ABUSE OF
4 AUTHORITY: *PROVIDED*, THAT WHENEVER SUCH TEMPORARY
5 RESTRAINING ORDER OR PRELIMINARY INJUNCTION IS ISSUED,
6 THE COURT THAT ISSUED THE SAME SHALL, WITHIN TEN (10)
7 DAYS FROM SUCH ISSUANCE, SUBMIT A REPORT TO THE
8 SUPREME COURT SETTING FORTH IN DETAIL THE GROUNDS OR
9 REASONS FOR THE SAME.

10
11 Section 3. All laws, decrees, executive orders, proclamations, rules and
12 regulations and other issuances or parts thereof which are inconsistent with
13 the provisions of this Act are hereby repealed or modified accordingly.

14
15 Section 4. This Act shall take effect immediately after its publication in a
16 newspaper of general circulation.

17
18 Approved,