

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 172



Introduced by Rep. Caroline L. Tanchay and Rep. Rodante D. Marcoleta

EXPLANATORY NOTE

It is the policy of the State to promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all, pursuant to Section 9 Article II of the 1987 Philippine Constitution. Consistent with this mandate, the government has been striving to streamline its processes to ensure efficient execution of projects to guarantee the effective delivery of necessary government services, such as the regulation of the energy sector.

In 2017, President Rodrigo Roa Duterte issued Executive Order (EO) No. 30, series of 2017 which created the Energy Investment Coordinating Council (EICC) to streamline the regulatory procedures affecting energy projects. Specifically, the EICC is tasked to spearhead and coordinate national government efforts to harmonize, integrate, and streamline regulatory processes, requirements, and forms relevant to the development of energy investments in the country, primarily with regard to the Energy Projects of National Significance (EPNS).¹

While the EICC has been efficient in fulfilling its roles in terms of policy coordination, there is a need to further amplify its role to safeguard the EPNS, especially considering the threat of an energy crisis on a global scale as well as the thinning energy resources on the national scale.²

In order to timely address the possible energy crisis that the country may face, it is essential to strengthen the role of the EICC to further ease and integrate

¹ About EICC, Department of Energy. See: <https://www.doe.gov.ph/eicc/?text=The%20Energy%20Investment%20Coordinating%20Council.and%20economic%20supply%20of%20energy>.

² A Looming Energy Crisis? 22 March 2022, <https://www.philstar.com/other-sections/newsmakers/2022/03/22/2168889/looming-energy-crisis>

government processes, in order to attract/harness more energy investment, particularly for EPNS, and the energy sector as a whole.

In view of the foregoing, the immediate approval of this measure is earnestly sought.


CAROLINE L. TANCHAY


RODANTE D. MARCOLETA

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AN ACT
INSTITUTIONALIZING THE ENERGY INVESTMENT COORDINATING
COUNCIL (EICC), STRENGTHENING AND FURTHER DEFINING ITS
POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES

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

SECTION 1. *Declaration of Policies and Objectives* – It is the policy of the State to ensure a continuous, adequate, and economic supply of energy with the goal of achieving self-reliance in the country's energy requirements through the integrated and intensive exploration and development of the country's energy resources. The State likewise aims to ensure an efficient and effective administrative process for energy projects of national significance for the effective implementation of the Philippine Energy Plan (PEP) by rationalizing, integrating, and coordinating the various government programs towards self-sufficiency and enhanced productivity in the energy sector in consideration of the interests of all stakeholders.

SECTION 2. *Institution of the Energy Investment Coordinating Council* – To carry out the provisions of this Act, the Energy Investment Coordinating Council (EICC) created under Executive Order (EO) No. 30, series of 2017, is hereby institutionalized. The EICC will spearhead and coordinate national government and local government efforts to harmonize, integrate, and streamline regulatory processes, requirements and forms relevant to the development of energy investments in the country, primarily with regard to Energy Projects of National Significance (EPNS), as defined under EO No. 30, series of 2017, to uphold transparency and accountability among concerned agencies.

SECTION 3. *Composition.* The EICC shall be chaired by the Department of Energy (DOE) and vice-chaired by representative of the Energy Regulatory Commission (ERC). It shall be composed of the following agencies as members:

- (a) Department of the Environment and Natural Resources (DENR)
 - a.1) Biodiversity Management Bureau
 - a.2) Environmental Management Bureau
 - a.3) Forest Management Bureau
 - a.4) Land Management Bureau

- (b) National Electrification Administration

- (c) National Grid Corporation of the Philippines

- (d) National Power Corporation

- (e) National Transmission Corporation

- (f) Department of Finance
 - f.1) Bureau of Customs
 - f.2) Bureau of Internal Revenue

- (g) Department of Justice
 - g.1) Bureau of Immigration

- (h) Department of Transportation
 - h.1) Civil Aviation Authority of the Philippines
 - h.2) Marine Industry Authority
 - h.3) Philippine Coast Guard
 - h.4) Philippine Ports Authority

- (i) Department of Interior and Local Government

- (j) Housing and land Use Regulatory Board

- (k) Palawan Council for Sustainable Development

- (l) Laguna Lake Development Authority

- (m) Anti-Red Tape Authority

- (n) Other agencies and government instrumentalities whose participation in the EICC may be deemed necessary by the Council to attain the objectives of this Act.

SECTION 4. *Functions* – The EICC shall be reorganized and reconstituted within thirty (30) days from the effectivity of this Act and exercise the following functions:

- (a) Establish a simplified approval process, and harmonize the relevant rules and regulations of all government agencies and local governments involved in obtaining permits and regulatory approvals, to expedite the development and implementation of EPNS and other energy projects;
- (b) Prepare rules governing the resolution of inter-agency issues affecting the timely and efficient implementation of EPNS and other energy projects;
- (c) Maintain a database of information and a web-based monitoring system which shall be the vehicle for information exchange on the updates on the applications of EPNS and other energy projects;
- (d) Create inter-agency subcommittees as may be necessary to fulfill its mandate;
- (e) Submit a quarterly progress report to the Office of the President; and
- (f) Perform such other functions as may be necessary and incidental to attain the objectives of this Act.

SECTION 5. *Secretariat*. The EICC shall be supported by a Secretariat to be headed by the DOE with representatives from the other member agencies as may be needed, with the following functions:

- (a) Provide the necessary administrative and technical support aid the EICC in fulfilling its functions;
- (b) Serve as the repository of all documents and data of the EICC;
- (c) Monitor the status of the processing of all energy applications using the web-based monitoring system; and

- (d) Perform such other tasks and functions delegated by the EICC.

SECTION 6. *Cooperation of Other Agencies.* The EICC may summon any agency or instrumentality of the Government for such assistance as may be necessary in the performance of its functions. Local government units are mandated to adopt policies and procedures consistent with this Act, with respect to the processing of permits involving EPNS and other relevant matters.

SECTION 7. *Baseline of Processing of EPNS* – The rules and processes to be agreed upon with the EICC and to be adopted by its member-agencies shall adhere to the following baselines with regard to EPNS:

- (a) **Presumption of Prior Approvals.** Government agencies and instrumentalities that receive an application for a permit involving EPNS shall process such applications without awaiting the action of other agency. The processing agency shall act on the presumption that the relevant permits from other government agencies had already been issued.
- (b) **Action within thirty (30) calendar days.** Government agencies and instrumentalities shall act upon applications for permits involving EPNS within a specified processing timeframe not exceeding thirty (30) calendar days from the submission of complete documentary requirements. Should such application be denied, the denial should be made in writing, expressly providing the grounds therefor. If no decision is made within the specified processing timeframe, the approving authority may no longer deny the application and shall issue the relevant permit within five (5) working days after the lapse of such processing timeframe.

No deviation from the baselines shall be allowed except when absolutely necessary either to enable an agency to comply with a specific statutory directive or to avoid prejudicing the public interest.

SECTION 8. *Appropriations* – The amount as may be necessary for the initial implementation of this Act shall be taken from the current appropriations of the DOE. Thereafter, the fund necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SECTION 9. *Implementing Rules and Regulations (IRR)* - Within ninety (90) days from the effectivity of this Act, the DOE, as the lead agency, together with the

EICC, and other public and private stakeholders representing consumers and sectors affected by this Act, shall promulgate the necessary implementing rules and regulations of this Act; *Provided*, That prior to its effectivity, the draft of the IRR shall be posted at the DOE website for at least one month, and shall be published in at least two newspapers of general circulation.

SECTION 10. *Separability Clause* – All provisions of EO No. 30, series of 2017 shall remain valid and effective. If, for any reason, any provision of this Act or any part thereof shall be held unconstitutional and invalid, the other parts or provisions of this Act, which are not affected thereby, shall remain in full force and effect.

SECTION 11. *Repealing Clause* - All laws, decrees, issuances, orders, letters of instructions, administrative orders, rules and regulations or parts thereof contrary to or inconsistent with any of the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 12. *Effectivity* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,