



Republic of the Philippines
House of Representatives
Quezon City



NINETEENTH CONGRESS

Second Regular Session

House Bill No. 10288

Introduced by

APEC Party-List Representative Sergio C. Dagooc

PhilRECA Party-List Representative Presley C. De Jesus

EXPLANATORY NOTE

The role of the Secretary of Energy is pivotal in shaping and implementing the policies and strategies that steer the Philippines' energy landscape. In light of the current power crisis characterized by the continued red and yellow alerts over major grids, volatile spot market prices, and rotating brownouts, the country counts on the proactive and effective leadership within the Department of Energy (DOE). This legislation seeks to fortify such leadership by establishing requisite qualifications and such other criteria to ensure an impartial, expert perspective necessary in carrying out the department's mandate.

The bill amends Republic Act No. 7638, otherwise known as the Department of Energy Act of 1992 by specifying that candidates for the position of Secretary, Undersecretaries, and Assistant Secretaries must possess a combination of proven competence and experience spanning diverse fields relevant to energy governance. Further, the bill lays down a prohibition on the candidates and their relatives within the third civil degree of consanguinity or affinity from holding any interest in energy-related companies during the appointed official's term. This requirement aims to eliminate conflicts of interest and ensure that the interest of the public remains paramount in the decision-making processes of the department.

Moreover, this measure seeks to impose a two-year period during which former DOE appointees are barred from accepting positions and engagements with energy industry players after termination of their service in the government. This provision serves to prevent the quick turnover of high-level personnel from the DOE to the private sector and maintain the agency's integrity and independence at all times.



REP. PRESLEY C. DE JESUS
PhilRECA Party-list Representative



REP. SERGIO C. DAGOOC
APEC Party-list Representative



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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 House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. Section 8 of Republic Act No. 7638, otherwise known as the
“Department of Energy Act of 1992” is hereby amended to read as follows:

“SECTION 8. The Secretary. — The Secretary shall be
appointed by the President, subject to confirmation by the
Commission on Appointments.

No **DIRECTOR**, ~~officer~~, external auditor, accountant, ~~or~~
legal counsel, **CONSULTANT, OR ANY OTHER OFFICER** of any
private company or enterprise primarily engaged in the energy
industry shall be eligible for appointment as Secretary within two
(2) years from his retirement, resignation, or separation therefrom.

x x x x x

SECTION 2. Section 11 of Republic Act No. 7638, otherwise known as the
“Department of Energy Act of 1992” is hereby amended to read as follows:

1 “SECTION 11. Qualifications. — No person shall be
2 appointed Secretary, Undersecretary, or Assistant Secretary of the
3 Department unless he is a citizen and resident of the Philippines,
4 of good moral character, and of proven competence, **WITH AT**
5 **LEAST TWO (2) YEARS OF ACTUAL WORK EXPERIENCE IN**
6 **THE ENERGY SECTOR, AND WITH AT LEAST FIVE (5) YEARS**
7 **OF ACTUAL AND DISTINGUISHED EXPERIENCE** in any of the
8 following fields:

9 (a) energy or utility economics;

10 (b) public administration;

11 (c) physical or engineering sciences;

12 (d) management, **COMMERCE OR FINANCE**; or

13 (e) law.”

14 **THE SECRETARY, UNDERSECRETARY, OR ASSISTANT**
15 **SECRETARY OR ANY OF THEIR RELATIVES WITHIN THE THIRD**
16 **CIVIL DEGREE OF CONSANGUINITY OR AFFINITY, WHETHER SUCH**
17 **PERSONAL RELATIONS ARE LEGITIMATE, COMMON LAW, OR**
18 **OTHERWISE, SHALL BE PROHIBITED FROM HOLDING ANY**
19 **INTEREST WHATSOEVER, EITHER AS INVESTOR, STOCKHOLDER,**
20 **OFFICER OR DIRECTOR, IN ANY COMPANY OR ENTITY ENGAGED IN**
21 **THE BUSINESS OF TRANSMITTING, GENERATING, SUPPLYING OR**
22 **DISTRIBUTING ANY FORM OF ENERGY. UPON THE ASSUMPTION OF**
23 **THEIR RESPECTIVE POSITIONS, THE SECRETARY,**
24 **UNDERSECRETARY, OR ASSISTANT SECRETARY AND THEIR**
25 **RESPECTIVE RELATIVES WITHIN THE PRESCRIBED DEGREE OF**
26 **PERSONAL RELATIONS SHALL DIVEST THEMSELVES OF ALL SAID**
27 **INTERESTS.**

28 **AFTER TERMINATING SERVICE WITH THE DOE, THE**
29 **SECRETARY, UNDERSECRETARY, AND ASSISTANT SECRETARY**
30 **WHO ARE APPOINTED TO THE DOE SHALL BE PROHIBITED FROM**
31 **ACCEPTING DIRECTORSHIP, EMPLOYMENT, CONSULTANCY, OR ANY**
32 **OTHER CONNECTION WITH ANY ENERGY INDUSTRY PARTICIPANT**
33 **FOR A PERIOD OF TWO (2) YEARS.”**

1 **SECTION 3. *Repealing Clause*** - All laws, presidential decrees, executive
2 orders, letters of instruction, administrative rules and regulations or parts
3 thereof which are contrary to or inconsistent with the provisions of this Act are
4 hereby repealed or modified accordingly.

5 **SECTION 4. *Separability Clause*** – Should any part or provision of this Act
6 be held unconstitutional or invalid, all other provisions hereof which are not
7 affected thereby shall continue to be in full force and effect.

8 **SECTION 5. *Effectivity***. – This Act shall take effect after fifteen (15) days
9 following its complete publication in the Official Gazette or in two (2) newspapers
10 of general circulation whichever is earlier.

11 Approved,