

S. No. 1439
H. No. 8417

Republic of the Philippines
Congress of the Philippines
Metro Manila

Seventeenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand eighteen.

[REPUBLIC ACT NO. **11234**]

AN ACT ESTABLISHING THE ENERGY VIRTUAL ONE-STOP SHOP FOR THE PURPOSE OF STREAMLINING THE PERMITTING PROCESS OF POWER GENERATION, TRANSMISSION, AND DISTRIBUTION PROJECTS

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

CHAPTER I

GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “Energy Virtual One-Stop Shop Act”.

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to:

(a) Ensure the quality, reliability, and security of energy at reasonable cost by undertaking measures to guarantee that supply meets demand in a timely manner;

(b) Recognize the indispensable role of the private sector in power generation, transmission, and distribution by attracting new power generation, transmission, or distribution projects through an improved ease of doing business index, and reducing high transaction costs associated with copious requisites for proponents;

(c) Ensure transparency and accountability in the process of approving power generation, transmission, or distribution projects; and

(d) Deliver efficient and effective service to the public by:

(1) Ensuring timely completion of power generation, transmission, or distribution projects by eliminating duplication, redundancy, and overlapping mandates in documentary submissions and processes by supplying an online platform for government agencies to coordinate and share information; and

(2) Providing a paperless and electronic application and processing system which serves as a single gateway through which proponents can access all information necessary in the application for a new generation, transmission, or distribution project, submit all requirements related to the application, and monitor the approval of such application.

SEC. 3. *Scope.* – This Act shall apply to all new power generation, transmission, and distribution projects throughout the country and all departments, bureaus, offices, agencies, government-owned and/or -controlled corporations (GOCCs), local government units (LGUs), and other entities involved in the permitting process of power generation, transmission, or distribution projects.

SEC. 4. *Definition of Terms.* – As used in this Act, the following words or terms shall have the following meaning, unless provided otherwise:

(a) *Action* refers to a decision on an application of a proponent by a government bureau, office, agency, GOCC, LGU, or other entities involved in the permitting process of a power generation, transmission, or distribution project: *Provided*, That such decision is limited to the approval or disapproval of an application;

(b) *Bidding documents* refer to documents issued by a procuring entity as the basis for bids, furnishing all information necessary for a prospective bidder to prepare a bid for the goods, infrastructure projects, and consulting services to be provided;

(c) *Distribution projects* refer to the financing, development, construction, and/or operation of any distribution system or facilities and its associated equipment;

(d) *Distribution system or facilities* refer to the system of wires and associated facilities belonging to a franchised distribution utility extending between the delivery points on the transmission system or generating plant connection, and the point of connection to the premises of the end user;

(e) *Energy Virtual One-Stop Shop* or *EVOSS* refers to an online system that allows the coordinated submission and synchronous processing of all required data and information, and provides a single decision-making portal for actions on applications for permits and/or certifications necessary for, or related to, an application of a proponent for new power generation, transmission, or distribution projects;

(f) *Government agency* refers to the agency of the government as defined in Executive Order No. 292, otherwise known as the “Administrative Code of 1987”;

(g) *Joint Congressional Power Commission* or *JCPC* refers to the Commission created under Republic Act No. 9136, otherwise known as the “Electric Power Industry Reform Act of 2001”;

(h) *Market operator* refers to the entity responsible for the operation of the spot market in accordance with Section 30 of Republic Act No. 9136, otherwise known as the “Electric Power Industry Reform Act of 2001”;

(i) *Mother agency* refers to the department, which has jurisdiction over bureaus, offices, agencies, and GOCCs assigned to it by law in accordance with the applicable relationship as defined in Chapters 7, 8, and 9, Book IV of Executive Order No. 292, otherwise known as the “Administrative Code of 1987”;

(j) *Permit or certification* refers to the written document authorizing a person or entity to conduct specified activities in a specified area or industry for a specified period of time, involving specified goods and/or services as required by law, rules, and regulations;

(k) *Permitting process* refers to the comprehensive procedure undertaken in order to put up a power generation, transmission, or distribution project including the following phases: acquisition of an operating contract or service contract, pre-development, and construction of a power plant including the date of commercial operations thereof, as well as all the required documentary requirements and fees from all government agencies involved in such procedure: *Provided*, That the procedure excludes the operational phase of the project;

(l) *Power generation system and facilities* refer to generation facilities of all types, technology or resource, including conventional, renewable, hybrid facilities, and all types of storage facilities;

(m) *Power generation projects* refer to the financing, development, construction, and/or operation of any power generation system and facilities;

(n) *Procuring entity* refers to any branch, department, office, agency, or instrumentality of the government, including state universities and colleges, GOCCs, government financial institutions, and LGUs procuring goods, consulting services, and infrastructure projects;

(o) *Proponent* refers to an individual or duly recognized juridical entity engaged or desiring to engage in trade or business in the Philippines through a power generation, transmission, or distribution project such as the construction and/or operation of a power plant, transmission line, or distribution line;

(p) *Submission* of an electronic document happens when an automated response acknowledging the electronic document has been sent to and received by the proponent: *Provided*, That the electronic document has been earlier uploaded or sent to the system by the proponent;

(q) *System operator* refers to the party responsible for generation dispatch, the provision of ancillary services, and operation to ensure safety, power quality, stability, reliability, and security of the grid;

(r) *Transmission system or facilities* refer to the high voltage backbone system of interconnected transmission lines, substations, and related facilities for the purpose of conveyance of bulk power; and

(s) *Transmission projects* refer to the financing, development, construction, and/or operation of any transmission system or facilities.

CHAPTER II

ENERGY VIRTUAL ONE-STOP SHOP

SEC. 5. *Creation and Establishment of the Energy Virtual One-Stop Shop (EVOSS)*. – An Energy Virtual One-Stop Shop is hereby established under the supervision of the Department of Energy (DOE). Towards this end, the DOE shall operate and maintain an effective information technology infrastructure system, which shall be updated regularly, subject to the provisions of this Act.

SEC. 6. *Powers, Functions, and Characteristics*. – The EVOSS shall have the following powers, functions, and characteristics:

(a) Recognizes the legal effect, validity, and enforceability of electronic documents submitted in relation to applications for permits and/or certifications necessary for, or related to, applications for power generation, transmission, or distribution projects;

(b) Utilizes an online payment system for all fees imposed for applications for permits and/or certifications necessary for, or related to, applications for power generation, transmission, or distribution projects;

(c) Provides a secure and accessible paperless processing system through which proponents may:

(1) Obtain the list of all electronic documentary requirements of all concerned government bureaus, offices, agencies, GOCCs, LGUs, and other entities, and the corresponding fees and permitting process for each kind of power generation, transmission, or distribution project, and for each phase of the project;

(2) Prepare, submit, process, and receive actions on all submitted electronic documentary requirements;

(3) Monitor and inquire on the status of ongoing applications for permits and/or certifications necessary for, or related to, applications for power generation, transmission, or distribution projects, and in relation thereto, ascertain the bureau, office, agency, and individuals tasked with acting on a submitted electronic document, and the action or inaction thereon;

(4) Calculate, pay, and settle all appropriate fees electronically; and

(5) Submit complaints concerning inaction on submitted electronic documents.

(d) Provides a secure and accessible system for all government bureaus, offices, agencies, GOCCs, LGUs, and other entities involved in the permitting process of power generation, transmission, or distribution projects to interoperate with respect to:

(1) A unified and streamlined permitting process;

(2) Uniform templates for electronic documentary requirements;

(3) Compliance with mandated processing time as stated in this Act or as imposed by the EVOSS Steering Committee, whichever is shorter;

(4) Updating and monitoring of all electronic documentary requirements for action;

(5) Determining which government bureau, office, agency, GOCC, LGU, or entity an ongoing application is in, and its status there; and

(6) Other aspects of the processing system.

(e) Operates as a one hundred percent (100%) virtual storage and rules driven system built as an integrated shared service of government bureaus, offices, agencies, GOCCs, LGUs, and other entities involved in the permitting process of power generation, transmission, or distribution projects; and

(f) Utilizes a technology platform and an operations management software platform for government bureaus, offices, agencies, GOCCs, LGUs, and other entities involved in the permitting process of power generation, transmission, or distribution projects to build their defined processes and forms within a strict time frame using published standards.

SEC. 7. *EVOSS Steering Committee.* – There shall be an EVOSS Steering Committee, which shall exist only for a period of two (2) years from the effectivity of this Act. The EVOSS Steering Committee shall be composed of the Office of the President as Chairperson, the Secretary of the DOE as Vice-Chairperson, and the following as members:

(a) Secretary of the Department of Agriculture (DA);

(b) Secretary of the Department of Agrarian Reform (DAR);

(c) Secretary of the Department of Environment and Natural Resources (DENR);

(d) Secretary of the Department of the Interior and Local Government (DILG);

(e) Secretary of the Department of Information and Communications Technology (DICT);

(f) Chairperson of the Energy Regulatory Commission (ERC);

(g) Chairperson of the National Commission on Indigenous Peoples (NCIP);

(h) Executive Director of the National Water Resources Board (NWRB);

- (i) Chairperson or head of the market operator;
- (j) Chairperson or head of the system operator; and
- (k) One (1) representative each from the power generation, transmission, and distribution sectors and end users: *Provided*, That the said representatives shall be nominated by the sector concerned and chosen by the DOE: *Provided, further*, That the said representatives shall be non-voting members.

The members of the EVOSS Steering Committee may designate their permanent representatives who must be knowledgeable in the represented mother agency's role, requirements, fees, and internal processes with respect to power generation, transmission, or distribution projects as well as that of the attached bureaus, offices, and agencies, at both the national and local levels: *Provided*, That the involvement of the attached bureaus, offices, and agencies, at both the national and local levels, GOCCs, and other entities in the permitting process of power generation, transmission, or distribution projects shall be a prerequisite to the mother agency's membership in the EVOSS Steering Committee.

The EVOSS Steering Committee may, as necessary, invite the heads of the bureaus, offices, agencies, and such other persons it may deem fit as resource persons during its meetings.

SEC. 8. Duties and Responsibilities of the EVOSS Steering Committee Chairperson. – The Chairperson of the EVOSS Steering Committee shall, upon consultation with the DOE, convene the EVOSS Steering Committee within two (2) months from the effectivity of this Act.

The Chairperson of the EVOSS Steering Committee shall have the following duties and responsibilities:

- (a) Provide leadership direction for the EVOSS Steering Committee in order to implement this Act and achieve its policy objectives while ensuring the responsiveness of the EVOSS to changing developments in information technology and the needs of the energy sector;
- (b) Promote collaborative relationships and open communication among members of the EVOSS Steering Committee;

(c) Encourage effective collaboration and consensus building in decision-making by the EVOSS Steering Committee: *Provided*, That in cases where a consensus cannot be reached, the Chairperson shall decide on the matter;

(d) Upon consultation with the Vice-Chairperson and the Secretariat, set the EVOSS Steering Committee meeting schedule and agenda;

(e) Preside over all meetings of the EVOSS Steering Committee;

(f) Ensure that all key and relevant issues and concerns are discussed, deliberated upon, and resolved in a timely manner;

(g) Review and approve all acts of the EVOSS Steering Committee concerning recommendations on removal or inclusion of mother agencies and other entities in the permitting process and in the EVOSS Steering Committee: *Provided*, That a mother agency or entity may be removed for reasons of redundancy or lack of express legal mandate: *Provided, further*, That a mother agency or entity may be included if supported by an express legal mandate: *Provided, finally*, That the inclusion of an attached bureau, office, and agency, at both the national and local levels, and GOCC in the EVOSS Steering Committee shall be limited to its mother agency; and

(h) Initiate disciplinary action against any member of the EVOSS Steering Committee as provided in Section 17 of this Act: *Provided*, That disciplinary actions against the market operator and system operator shall be determined and initiated by the ERC.

SEC. 9. Duties and Responsibilities of the Vice-Chairperson of the EVOSS Steering Committee. – The Vice-Chairperson of the EVOSS Steering Committee shall have the following duties and responsibilities:

- (a) Identify all government bureaus, offices, and agencies, at both the national and local levels, GOCCs, LGUs, and other entities involved in each phase of the permitting process of each kind of power generation, transmission, or

distribution project, and submit it to the Chairperson within one (1) month upon the effectivity of this Act;

(b) Preside over meetings of the EVOSS Steering Committee, in the absence of the Chairperson;

(c) Prepare the bidding documents for the EVOSS as approved by the EVOSS Steering Committee: *Provided*, That the terms of reference shall come from the EVOSS Steering Committee as provided under Section 11(e) of this Act;

(d) Act as the Procuring Entity for the EVOSS;

(e) Upon consultation with the EVOSS Steering Committee, invest in the necessary hardware and software to improve and update the operation and maintenance of the EVOSS, including a virtual storage public data center and Quality of Service of the EVOSS;

(f) Equip the DOE personnel to maintain and operate the EVOSS;

(g) Provide the necessary training and capacity building to all government boards, offices, agencies, GOCCs, LGUs, other entities, and stakeholders involved in the EVOSS;

(h) Exercise supervision over the EVOSS;

(i) Submit regular reports to the EVOSS Steering Committee on matters enumerated in Section 9(c), (d), (e), (f), (g), and (h) of this Act; and

(j) Recommend to the EVOSS Steering Committee the possible expansion of the use of the platform to other energy licensing processes, if any.

SEC. 10. *Duties and Responsibilities of the EVOSS Steering Committee Secretariat.* – The Investment Promotion Office (IPO) of the DOE shall serve as the Secretariat to the EVOSS Steering Committee, during the period stated in Section 7 of this Act. The Secretariat of the EVOSS Steering Committee shall have the following duties and responsibilities:

(a) Assist the Chairperson or in the Chairperson's absence, the Vice-Chairperson, in determining the meeting schedule and agenda of the EVOSS Steering Committee;

(b) Provide administrative and technical support to the EVOSS Steering Committee;

(c) Provide documents and reports which contain relevant, accurate, timely, and clear information necessary for the EVOSS Steering Committee to fulfill its duties; and

(d) Perform such other duties as the Chairperson or the EVOSS Steering Committee may delegate to the Secretariat.

SEC. 11. *Duties and Responsibilities of the EVOSS Steering Committee.* – The EVOSS Steering Committee shall have the following duties and responsibilities:

(a) Within three (3) months upon the effectivity of this Act, create a detailed process flow of each phase of the permitting process for each kind of power generation, transmission, or distribution project, which should reflect, among others:

(1) Documentary requirements and fees from each government bureau, office, and agency, at both the national and local levels, GOCC, LGU, and other entities involved in the permitting process; and

(2) Internal process flow of the entire organization of the mother agency which includes the attached bureaus, offices, agencies, at both the national and local levels, GOCCs, and other entities to which the applications pass through, the individuals who approve them, and the maximum number of days for action to be released on these applications, the total of which must be within the time frame indicated in this Act, or as imposed by the EVOSS Steering Committee, whichever is shorter;

(b) Within six (6) months from the effectivity of this Act, streamline the said detailed process flow by:

(1) Agreeing on and creating unified forms of electronic documents to replace existing documentary requirements;

(2) Removing duplications and redundancies in required documents; and

(3) Creating a simplified internal process flow within each government bureau, office, or agency, at both the national and local levels, GOCC, and other entities involved in the permitting process such that applications with complete electronic documents shall be resolved within the time frame indicated in Sections 13 and 16 which shall be counted from submission of complete documentary requirements: *Provided*, That the time frame for applications with LGUs and the NCIP shall be governed by Sections 14 and 15 of this Act: *Provided, further*, That failure of bureaus, offices, and agencies, at both the national and local levels, GOCCs, LGUs, and other entities involved in the permitting process to release its action on applications duly filed with complete supporting documents within the prescribed time frame shall be deemed approval of such applications.

(c) Review the time frame stated in this Act to release an action on applications with complete documentary requirements and impose a new time frame on such applications: *Provided*, That the new time frame shall not be longer than the time frame stated in this Act;

(d) Ensure the linkage of an online payment system to the streamlined process flow;

(e) Develop the terms of reference for the EVOSS developer which will be chosen through a public bidding under DOE's Bids and Awards Committee;

(f) Determine a reasonable processing fee for proponents who use the EVOSS;

(g) Meet regularly, as determined by the Chairperson and upon recommendation of the Vice-Chairperson, until the operationalization of the EVOSS which shall not be later than one (1) year from the effectivity of this Act;

(h) Gather bi-annually upon the operationalization of the EVOSS to accomplish the enumeration stated below: *Provided*, That upon the dissolution of the EVOSS Steering Committee, DOE shall be tasked to accomplish such enumeration:

- (1) Monitor and assess the performance of the EVOSS;
- (2) Determine congestion points, if any, in the existing system, and mechanisms to address them;

(3) Receive and resolve complaints from government personnel and proponents who use the system;

(4) Convey information, if any, of a bureau, office, agency, GOCC, or LGU's updated requirements and internal processes which make the current system more efficient;

(5) Identify redundant requirements or those not expressly mandated by law, and recommend to the Chairperson the removal of the requirement from the permitting process and the concerned mother agency, if applicable, from the EVOSS Steering Committee;

(6) Identify redundant requirements which are expressly mandated by law and submit a recommendation on the matter to the JCPC; and

(7) Prepare the annual report to the JCPC.

(i) Act upon any recommendation to the Vice-Chairperson to expand the use of the platform to other energy licensing processes; and

(j) Perform other acts necessary and incidental to accomplish the policy objectives of this Act.

SEC. 12. *Duties and Responsibilities of Members of the EVOSS Steering Committee.* – All members of the EVOSS Steering Committee shall:

(a) Actively participate in the EVOSS Steering Committee;

(b) Cooperate with the DOE and other government agencies towards the immediate operationalization of the EVOSS;

(c) Within six (6) months from the effectivity of this Act, issue an internal order or circular streamlining its internal permitting process for power generation, transmission and distribution projects including that of its attached agencies, bureaus, and offices, at both the national and local levels as well as GOCCs such that it complies with the time frame as stated in Sections 13 to 16 of this Act, or as provided by the EVOSS Steering Committee;

(d) Continually review internal process flows to increase efficiency and reduce processing time;

(e) Assign a designated person, office, or bureau in charge of managing the EVOSS account to ensure proper monitoring and updating of electronic documents before the said agency; and

(f) If necessary, create an internal committee in charge of handling the permitting process of all power generation, transmission, and distribution projects.

SEC. 13 *Time Frame.* – The mother agencies shall ensure that all actions on applications before it and its attached bureaus, offices, and agencies, at both the national and local levels, and GOCCs as well as other entities shall all be released within the time frames stated below: *Provided*, That the time frame shall be the total number of days for the mother agency and its attached bureaus, offices, and agencies, at both the national and local levels, and GOCCs, as a whole to release actions on applications: *Provided, further*, That the time frame shall be counted from the submission of complete documentary requirements.

(a) The DOE and all its attached bureaus, offices, and agencies, at both the national and local levels, and GOCCs: sixty (60) calendar days;

(b) The DAR and all its attached bureaus, offices, and agencies, at both the national and local levels, and GOCCs: seventy-five (75) calendar days;

(c) The DA and all its attached bureaus, offices, and agencies, at both the national and local levels, and GOCCs: sixty (60) calendar days;

(d) The DENR and all its attached bureaus, offices, and agencies, at both the national and local levels, and GOCCs: one hundred twenty (120) calendar days: *Provided*, That this time frame excludes the NWRB;

(e) The ERC: sixty (60) calendar days to issue an action on all applications from the submission of all documentary requirements: *Provided*, That for all quasi-judicial cases, the

ERC shall have two hundred seventy (270) calendar days to issue an action from the submission of a valid application;

(f) The system operator: one hundred fifty (150) calendar days;

(g) The NWRB: sixty (60) calendar days;

(h) The market operator: fifteen (15) calendar days;

(i) The Department of Transportation and all its attached bureaus, offices, and agencies, at both the national and local levels, and GOCCs: thirty (30) calendar days;

(j) The Philippine National Police: fifteen (15) calendar days;

(k) The Department of Public Works and Highways and all its attached bureaus, offices, and agencies, at both the national and local levels, and GOCCs: thirty (30) calendar days;

(l) The Philippine Nuclear Research Institute: fifteen (15) calendar days; and

(m) All other mother agencies and all their respective attached bureaus, offices, and agencies, at both the national and local levels, and GOCCs not expressly stated in this Act but are part of the permitting process of power generation, transmission, or distribution projects: fifteen (15) calendar days.

Failure of the mother agency and its attached bureaus, offices, and agencies, at both the national and local levels, including GOCCs, to release its action on applications duly filed with complete supporting documents within the prescribed time frame shall deem such applications approved: *Provided*, That this shall not apply to actions by the DENR and ERC on applications by fossil fuel-based technologies such as coal, natural gas, and oil.

SEC. 14. *Local Government Units.* – All applications with complete supporting documents filed with the LGU shall be resolved within fifteen (15) calendar days for barangays, fifteen (15) calendar days for cities or municipalities, and fifteen (15) calendar days for provinces: *Provided*, That this shall not preclude the EVOSS Steering Committee from imposing a

shorter time frame for resolution of applications should it see the expediency and feasibility of doing so.

Failure of an LGU to act on applications duly filed with complete supporting documents within the given period of time shall be deemed approval of such application by the LGU.

The denial of applications shall only be on valid grounds and fully explained in writing. The said denial may be appealed to the LGU having supervision over the disapproving LGU or, in the case of highly urbanized and independent cities, to the DILG. In all cases, any conflict between and among LGUs shall be resolved in accordance with the remedies provided for under Republic Act No. 7160, otherwise known as the "Local Government Code of 1991".

SEC. 15. *Indigenous Cultural Communities (ICCs)/ Indigenous Peoples (IPs)*. – Actions on applications with the NCIP shall be released within ten (10) calendar days in the case of a Certificate of Non-Overlap, and one hundred and five (105) calendar days in the case of Free, Prior, and Informed Consent/Certification Pre-Condition: *Provided*, That this shall not preclude the EVOSS Steering Committee from imposing a shorter time frame for resolution of applications should it see the expediency and feasibility of doing so: *Provided, further*, That denial of application shall only be on the grounds stated below and fully explained in writing to be released to the proponent within fifteen (15) calendar days from the community validation of the Resolution of Non-Consent: *Provided, finally*, That such denial may be appealed through the remedies provided under Section 67 of Republic Act No. 8371, otherwise known as the "Indigenous Peoples Rights Act of 1997".

A Resolution of Non-Consent shall be based solely and exclusively on the violation of the right to ownership.

In the case of a Certificate of Non-Overlap, failure of the NCIP to release such certificate within the specified period shall be deemed approval of the application. In the case of Free, Prior, and Informed Consent/Certification Pre-Condition, failure to release such Certification or a Resolution of Non-Consent within the specified period shall be deemed approval of the power generation, transmission, and distribution projects.

In the case of Free, Prior, and Informed Consent/Certification Pre-Condition, notice shall be given by the NCIP to the ICC/IP upon the start of the one hundred five (105) day period: *Provided*, That the issuance of the Free, Prior, and Informed Consent/Certification Pre-Condition shall be accompanied by an understanding between the proponent and ICC/IP on the economic terms of any contractual agreement.

SEC. 16. *Delegated Powers*. – The DOE shall have the authority to issue a provisional approval, permit, and/or certification relating to applications for permits and/or certifications necessary for, or related to, applications for power generation, transmission, or distribution projects before the Board of Investments, Department of Justice, and Department of Labor and Employment: *Provided*, That actions on such applications shall be released within fifteen (15) calendar days from submission of complete documentary requirements: *Provided, further*, That said provisional approvals, permits, and/or certifications shall be considered valid and binding unless otherwise revoked by the concerned agencies upon finding of noncompliance with laws, rules, and regulations during the conduct of a postaudit.

CHAPTER III

PROHIBITED ACTS AND PENALTIES

SEC. 17. *Administrative Offenses*. – The following acts, when committed by a government official and/or employee, shall be considered an administrative offense:

- (a) Willful refusal to participate in the EVOSS;
- (b) Willful acts which delay the operationalization of the EVOSS;
- (c) Failure to comply with the mandated time frames as provided in this Act, or as imposed by the EVOSS Steering Committee; and
- (d) Tampering with the EVOSS or any part or component thereof.

SEC. 18. *Confidentiality*. – No information or any aspect of a document submitted by any power generation,

transmission, or distribution project proponent shall be divulged or released to anyone other than an authorized person or agency. Any document divulged or released to anyone by an authorized person or agency shall be subject to the Freedom of Information manual of each agency concerned.

SEC. 19. *Penalties.* – Any person found guilty of committing the acts stated in Section 17(a) and (b) shall be penalized as follows:

- (a) First offense – Thirty (30) days suspension without pay;
- (b) Second offense – Three (3) months suspension without pay; and
- (c) Third offense – Dismissal and perpetual disqualification from public service.

Any person found guilty of committing the act stated in Section 17(c) shall be penalized as follows:

- (a) First offense – Thirty (30) days suspension without pay and mandatory attendance in Values Orientation Program;
- (b) Second offense – Three (3) months suspension without pay; and
- (c) Third offense – Dismissal and perpetual disqualification from public service, and forfeiture of retirement benefits.

Any person found guilty of committing the act stated in Section 17(d) shall suffer the penalty of dismissal and perpetual disqualification from public service.

Any person found guilty of violating Section 18 shall suffer the penalty of dismissal and perpetual disqualification from public service.

In cases of violation by the system operator and market operator of Section 17(a), (b), and (c), the ERC shall impose a fine of One hundred thousand pesos (P100,000.00) for every day of delay.

SEC. 20. *Administrative Jurisdiction.* – The administrative jurisdiction on any violation of the provision of this Act shall be vested in the Civil Service Commission or the DILG, in accordance with appropriate laws and issuances.

SEC. 21. *Civil and Criminal Liability.* – The finding of administrative liability under this Act shall not be a bar to the filing of criminal, civil, or other related charges under existing laws arising from the same act or omission as herein enumerated.

CHAPTER IV

GENERAL PROVISIONS

SEC. 22. *The Investment Promotion Office (IPO).* – The organizational structure and staffing complement of the IPO shall be determined by the DOE Secretary in consultation with the Department of Budget and Management and in accordance with existing civil service rules and regulations. The budgetary requirements necessary for the expansion of the IPO shall be taken from the current appropriations of DOE. Thereafter, the funding for the IPO shall be included in the annual General Appropriations Act.

In addition to its existing functions, the IPO is hereby mandated to:

- (a) Fulfill its duties as the Secretariat of the EVOSS Steering Committee;
- (b) Develop and implement the EVOSS in accordance with the provisions of this Act and as instructed by the EVOSS Steering Committee; and
- (c) Perform other functions that may be necessary for the effective implementation of this Act.

SEC. 23. *Appropriations.* – The amount of One hundred million pesos (P100,000,000.00) for the initial implementation of this Act shall be charged against the current year's appropriations of the DOE and thereafter, such amounts as may be necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 24. *Oversight Committee.* – Upon the effectivity of this Act, the JCPC created under Republic Act No. 9136, otherwise known as the “Electric Power Industry Reform Act of 2001” shall exercise oversight powers over the implementation of this Act.

SEC. 25. *Reportorial Requirements.* – The EVOSS Steering Committee shall take the necessary measures to ensure that the provisions of this Act are properly implemented and should submit annual reports on the program implementation and fund utilization to the JCPC.

SEC. 26. *Evaluation.* – Upon recommendation of the EVOSS Steering Committee, or within five (5) years after the effectivity of this Act, the JCPC shall conduct a systematic evaluation of the accomplishments and impact of this Act for purposes of determining remedial legislation.


SEC. 27. *Implementing Rules and Regulations.* – The DOE shall, in consultation with the relevant government agencies and industry stakeholders, promulgate the implementing rules and regulations of this Act within sixty (60) days from its effectivity.

SEC. 28. *Separability Clause.* – If for any reason, any provision of this Act is declared unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 29. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with or contrary to the provisions of this Act are hereby repealed, amended or modified accordingly.

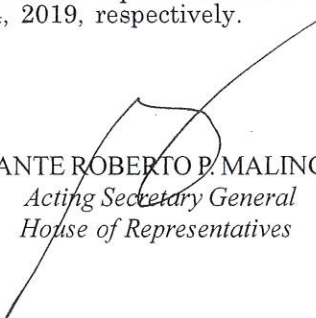
SEC. 30. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.


Approved,


GLORIA MACAPAGAL-ARROYO
*Speaker of the House
of Representatives*



VICENTE C. SOTTO III
President of the Senate

This Act which is a consolidation of Senate Bill No. 1439 and House Bill No. 8417 was passed by the Senate and the House of Representatives on December 13, 2018 and January 14, 2019, respectively.


DANTE ROBERTO P. MALING *Acting Secretary General
House of Representatives*


MYRA MARIE D. VILLARICA
Secretary of the Senate

Approved: **MAR 08 2019**


RODRIGO ROA DUTERTE
President of the Philippines

