



Republic of the Philippines
DEPARTMENT OF ENERGY
(Kagawaran ng Enerhiya)

DEPARTMENT CIRCULAR NO. DC2019-05-0007 *~*

**RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 11234
(ENERGY VIRTUAL ONE-STOP SHOP ACT)**

Pursuant to Section 27 of Republic Act No. 11234, otherwise known as the "Energy Virtual One-Stop Shop Act", hereinafter referred to as the "Act", the Department of Energy (DOE), in consultation with the relevant Government agencies and industry stakeholders, hereby issues, adopts and promulgates the following implementing rules and regulations.

**PART I
GENERAL PROVISIONS**

Rule 1. Title

This Department Circular shall be known as the "*Implementing Rules and Regulations of Republic Act No. 11234, otherwise known as 'Energy Virtual One-Stop Shop Act'*" and hereinafter referred to as the "IRR".

Rule 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 expedite the process for supply to meet 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 issuing permits or certifications involving 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, and distribution projects by eliminating duplication, redundancy, and overlapping mandates in documentary submissions and processes, and by establishing and maintaining 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 new power generation, transmission, or distribution projects, submit all requirements related to the application, and monitor the application.

Rule 3. Scope

Subject to Sections 9(j) and 11(i) of the Act, this IRR shall apply to all new power generation, transmission, and distribution projects throughout the country, and Government agencies and other relevant entities involved in the permitting process.

Rule 4. Definition of Terms

As used in this IRR, the following words or terms shall have the following meaning, unless provided otherwise:

- (a) **Action** refers to a final decision on an application of a proponent by a Government agency 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 document** refers to documents issued by a procuring entity as the basis for procurement of goods, consulting services and infrastructure projects, which furnish all information necessary for a prospective bidder to prepare a bid;
- (c) **Distribution project** refers to the financing, development, construction, and/or operation of any distribution system or facilities and its associated equipment. As used in this IRR, distribution system or facility refers 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;
- (d) **Electronic document** refers to information or the representation of information, data, figures, symbols or other modes of written expression, described or however represented, by which a right is established or an obligation extinguished, or by which a fact may be proved and affirmed, which is received, recorded, transmitted, stored processed, retrieved or produced electronically. It includes digitally signed documents and any print-out or output, readable by sight or other means, which accurately reflects the electronic data message or electronic document;
- (e) **Energy project** refers to any activity or project relative to the exploration, extraction, production, importation-exportation, processing, transportation, marketing, transmission, distribution, utilization, conservation, stockpiling, or storage of all forms of energy products and resources;
- (f) **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 or certifications necessary for, or related to, an application of a proponent for new power generation, transmission, or distribution projects;

- (g) **Government agency** refers to the agency of the government as defined in Executive Order No. 292, otherwise known as the "Administrative Code of 1987";
- (h) **Joint Congressional Energy Commission or JCEC**, formerly known as Joint Congressional Power Commission, refers to the Oversight Committee created under Republic Act No. 9136, otherwise known as the "Electric Power Industry Reform Act of 2001", as amended by Republic Act No. 11285, otherwise known as "Energy Efficiency and Conservation Act";
- (i) **Market Operator** refers to the entity responsible for the operation of the wholesale electricity spot market in accordance with Section 30 of Republic Act No.9136, otherwise known as the "Electric Power Industry Reform Act of 2001";
- (j) **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";
- (k) **Officer or employee** refers to a person employed in a government office or agency required to perform specific duties and responsibilities related to the application or request submitted by an applicant or requesting party for processing;
- (l) **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;
- (m) **Permitting process** refers to the comprehensive procedure of obtaining permits or certificates 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, renewal of existing power plant permits 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;
- (n) **Power generation project** refers to the financing, development, construction, and/or operation of any power generation system and facilities. As used in this IRR, power generation system and facility refer to generation facilities of all types, technology or resource, including conventional, renewable, hybrid facilities, and all types of storage facilities and other emerging technologies;
- (o) **Procuring entity** refers to a Government agency procuring goods, consulting services, and infrastructure projects;
- (p) **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;

- (q) **Submission** of an electronic document happens when an automated response has been sent to and received by the proponent acknowledging that the electronic document was successfully uploaded or submitted in the EVOSS;
- (r) **System Operator** refers to the entity responsible for generation dispatch, the provision of ancillary services, and operation to ensure safety, power quality, stability, reliability, and security of the grid;
- (s) **Time frame** refers to the total number of days for the System Operator, Transmission Network Provider, the Market Operator, or the mother agency and the mother agency's attached bureaus, offices and agencies at both the national and local levels, and GOCCs, as a whole, to release actions on applications, which shall be counted from submission of complete electronic documents;
- (t) **Transmission Network Provider** refers to the entity that is responsible for maintaining adequate grid capacity in accordance with the provisions of the Philippine Grid Code; and
- (u) **Transmission project** refers to the financing, development, construction, and/or operation of any transmission system or facilities and its associated equipment. As used in this IRR, transmission system or facilities refers to the high voltage backbone system of interconnected transmission lines, substations, and related facilities for the purpose of conveyance of bulk power.

PART II ENERGY VIRTUAL ONE-STOP SHOP

Rule 5. *Establishment of the Energy Virtual One-Stop Shop (EVOSS)*

Within one (1) year from the effectivity of the Act, the DOE shall establish the EVOSS. Towards this end, the DOE shall operate and maintain an effective information technology infrastructure system, which shall be updated regularly. In the interim, the existing resources of the DOE shall be utilized and upgraded to comply with the provisions of the Act and this IRR.

Rule 6. *Technical Requirements, Functions, and Characteristics*

The EVOSS should be able to meet the following requirements:

- (a) Recognize the legal effect, validity, and enforceability of submitted electronic documents in relation to applications for permits or certifications necessary for, or related to, applications for power generation, transmission, or distribution projects;
- (b) Provide an online payment system for all fees imposed for applications for permits or certifications necessary for, or related to, applications for power generation, transmission, or distribution projects;
- (c) Provide a secure and accessible paperless processing system through which proponents may:

- (1) Obtain the list of all required electronic documents, including the online completion of forms, for all Government agencies and other entities, and the corresponding fees and permitting processes 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 documents; *Provided*, That the permits or certifications as a result of an action generated through the EVOSS shall be regarded as the equivalent of an original document if such permit or certificate is a print out or output readable by sight or other means, shown to reflect the data accurately;
 - (3) Monitor and inquire on the status of ongoing applications for permits or certifications necessary for, or related to, applications for power generation, transmission, or distribution projects, and in relation thereto, ascertain the Government agency and individuals tasked with acting on a submitted electronic document, and such individual's action or inaction thereon;
 - (4) Calculate, pay, and settle all appropriate fees electronically; and
 - (5) Submit complaints concerning inaction on submitted electronic documents;
- (d) Provide a secure and accessible system for all Government agencies 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 required electronic documents;
 - (3) Compliance with mandated processing time as stated in the Act or as imposed by the EVOSS Steering Committee, whichever is shorter;
 - (4) Updating and monitoring of all required electronic documents for action;
 - (5) Determining which Government agency or entity an ongoing application is in, and its status therein; and
 - (6) Other aspects of the processing system;
- (e) Operate as a one hundred percent (100%) virtual storage and rules-driven system built as an integrated shared service of Government agencies and other entities involved in the permitting process of power generation, transmission, or distribution projects;
- (f) Utilize a technology platform and an operations management software platform for Government agencies 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; and
- (g) Establish a system of high availability, business continuity, and cyber security.

Rule 7. Creation of the 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 the 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 Interior and Local Government (DILG);
- (e) Secretary of the Department of Information and Communication 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) President or Chief Executive Officer of the Market Operator;
- (j) Chairperson or head of the System Operator and Transmission Network Provider; 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 appointed by the DOE Secretary within thirty (30) calendar days after the effectivity of this IRR: *Provided, further*, That the said representatives shall be non-voting members; *Provided, finally*, That sector representatives who shall not be appointed by the DOE Secretary shall be considered as resource persons to the EVOSS Steering Committee.

The members of the EVOSS Steering Committee shall designate their permanent representatives and permanent alternates who must be knowledgeable in the 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, 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 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, and such other persons it may deem fit as resource persons during its meetings.

Rule 8. Duties and Responsibilities

The EVOSS Steering Committee, Chairperson, Vice-Chairperson, members of the EVOSS Steering Committee, and Secretariat shall perform the following duties and responsibilities:

Section 1. EVOSS Steering Committee:

- (a) Within three (3) months upon the effectivity of the 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 agency 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 which are part of the permitting process, the individuals who approve them, and the maximum number of days for action to be released on these applications; *Provided*, That the maximum number of days must be within the time frame indicated in the Act, or as imposed by the EVOSS Steering Committee, whichever is shorter;
- (b) Within six (6) months from the effectivity of the 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 agency and other entities involved in the permitting process such that applications with complete submitted electronic documents shall be resolved within the time frame indicated in Sections 13 and 16 of the Act, which shall be counted from submission of complete documentary requirements; *Provided*, That the time frame for applications with LGUs and NCIP shall be governed by Sections 14 and 15 of the Act and the provisions of this IRR; *Provided, further*, That failure of each Government agency or other entities involved in the permitting process to release its action on applications duly submitted with complete supporting electronic documents within the prescribed time frame shall be deemed an approval of such application;
- (c) Review the time frame stated in the Act and this IRR to release an action on applications with complete submission of required electronic documents 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 the 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 and/or supplier, which shall be chosen through a public bidding or any other modes of procurement in accordance with Republic Act No. 9184, otherwise known as the "Government Procurement Reform Act" to be undertaken by 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 EVOSS is established or upgraded and becomes fully operational, which shall not be later than one (1) year from the effectivity of the Act;
- (h) Gather bi-annually upon the operationalization of the EVOSS to accomplish the enumerated functions stated below: *Provided*, That upon the dissolution of the EVOSS Steering Committee, the DOE shall be tasked to perform the following functions:
 - (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 officers, employees, individuals, or proponents who use the system;
 - (4) Convey information, if any, of a Government agency's updated requirements and internal processes, which will enhance the efficiency of the EVOSS;
 - (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 recommendation on the matter to the JCEC; and
 - (7) Prepare an annual report on the implementation of the EVOSS to the JCEC;
- (i) Act upon any recommendation of the Vice-Chairperson to expand the use of the platform to other energy permitting processes; and
- (j) Perform other acts necessary and incidental to accomplish the policy objectives of the Act, including the creation of an inter-agency committee that will perform the functions of the EVOSS Steering Committee after the latter's dissolution.

Section 2. Chairperson:

- (a) Upon consultation with the DOE, convene the EVOSS Steering Committee within two (2) months from the effectivity of the Act;

- (b) Provide leadership direction for the EVOSS Steering Committee in order to implement the 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;
- (c) Promote collaborative relationships and open communication among members of the EVOSS Steering Committee;
- (d) 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;
- (e) Upon consultation with the Vice-Chairperson and the Secretariat, set the EVOSS Steering Committee meeting schedule and agenda;
- (f) Preside over all meetings of the EVOSS Steering Committee;
- (g) Ensure that all key and relevant issues and concerns are discussed, deliberated upon, and resolved in a timely manner;
- (h) 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 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
- (i) Initiate disciplinary action against any member of the EVOSS Steering Committee as provided in Section 17 of the Act: *Provided*, That disciplinary actions against the System Operator, Transmission Network Provider, and Market Operator shall be determined and initiated by the ERC.

Section 3. Vice-Chairperson:

- (a) Preside over meetings of the EVOSS Steering Committee, in the absence of the Chairperson; and
- (b) Perform such other functions as may be delegated by the Chairperson.

Section 4. Members of the EVOSS Steering Committee:

- (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 the 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 the 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) Create, if necessary, an internal committee in charge of handling the permitting process of all power generation, transmission, and distribution projects.

Section 5. 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 the 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.

Section 6. Department of Energy:

- (a) Identify all Government agencies and other entities involved in each phase of the permitting process for each kind of power generation, transmission, or distribution project, and submit the list to the Chairperson and the Vice Chairperson within one (1) month from the effectivity of the Act;
- (b) Prepare the bidding documents for EVOSS as approved by the EVOSS Steering Committee. *Provided*, That the Terms of Reference shall be determined by the EVOSS Steering Committee as provided under Section 11(e) of the Act;
- (c) Act as the Procuring entity for the EVOSS;
- (d) 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;

- (e) Equip the DOE officers or employees to maintain and operate EVOSS;
- (f) Provide the necessary training, and capacity building program to all Government agencies and other entities, and stakeholders involved in the EVOSS;
- (g) Supervise, operate and maintain the EVOSS;
- (h) Submit regular reports to the EVOSS Steering Committee on matters enumerated in Section 9(c), (d), (e), (f), (g), and (h) of the Act;
- (i) Recommend to the EVOSS Steering Committee the possible expansion of the use of the EVOSS to other energy permitting processes, if any; and
- (j) Establish the necessary information and communication technology requirements essential for the implementation of the enhancements as prescribed in the Act which shall be approved by the EVOSS Steering Committee.

PART III PRESCRIBED PERIODS

Rule 9. *Time Frame*

Section 1. Time Frames for Mother Agencies and Other Entities

Subject to Sections 2 and 3 of Rule 9 of this IRR, all actions on applications before the mother agencies and their attached bureaus, offices, agencies, at both the national and local levels, and GOCCs, as well as other entities identified herein, shall all be released within the time frames stated below:

Mother Agency	Total Number of Calendar Days
Department of Energy (DOE)	60
Department of Agrarian Reform (DAR)	75
Department of Agriculture (DA)	60
Department of Environment and Natural Resources (DENR)	120
Energy Regulatory Commission (ERC):	
all applications	60
quasi-judicial cases	270
System Operator and Transmission Network Provider (SO/TNP)	150
National Water Resources Board (NWRB)	60
Market Operator (MO)	15
Department of Transportation (DoTr)	30
Philippine National Police (PNP)	15
Department of Public Works and Highways (DPWH)	30
Philippine Nuclear Research Institute (PNRI)	15
Other agencies	15

Section 2. Determination of Completeness

As used in this IRR, a submission is considered complete when the Government agency or other entities accept the proponent's submission as complete in form and in substance and notifies the proponent of such acceptance. The notification of such acceptance or non-acceptance shall be made within three (3) working days from the time of the proponent's submission; *Provided*, That, where documents have been uploaded to the EVOSS after office hours, the three (3)-day period shall commence on the next working day; *Provided, further*, That any non-acceptance shall be fully explained in writing, stating the name of the person making the non-acceptance and the grounds upon which such non-acceptance is based; *Provided, further*, That the completeness of the submission shall trigger commencement of the time frame stated in Section 1 Rule 9 of this IRR; *Provided finally*, That failure of the Government agency or other entities to act upon the submission within three (3) working days shall be deemed approval of the completeness of the submission.

Failure of the Government agency to determine completeness, to accept the proponent's submission, and to notify the proponent of such acceptance within the three (3)-day period shall be penalized pursuant to Section 22 of Republic Act No. 9485, as amended by Republic Act No. 11032 or the "Ease of Doing Business and Efficient Service Delivery Act of 2018." Failure of the other entities to determine completeness, to accept the proponent's submission, and to notify the proponent of such acceptance within the three (3)-day period shall be penalized by the ERC pursuant to existing rules and regulations.

Section 3. Suspension of Time Frame

Members of the Steering Committee shall identify in their streamlined process flow the processes that will require the proponent to obtain permits or certificates, secure any action from other Government agencies or entities, or fulfill other separate processes not within their respective streamlined process flow. The EVOSS Steering Committee shall determine whether or not the separate process required to be fulfilled by the proponent shall have the effect of stalling the running of the time frame for the mother agency and its attached bureaus, offices, agencies, at both the national and local levels, GOCCs, which are part of the permitting process, or other entities. The remainder of the time frame for such mother agency and its attached bureaus, offices, agencies, at both the national and local levels, GOCCs, which are part of the permitting process, or other entities shall commence to run as soon as the separate process is fulfilled by the proponent and the required electronic documents are submitted; *Provided*, That notwithstanding any suspension of the time frame allowed under this Section, the accumulated processing time for the mother agency and its attached bureaus, offices, agencies, at both the national and local levels, GOCCs, which are part of the permitting process or other entities shall in no case exceed the time frame prescribed for it under the Act and this IRR.

Section 4. Deemed Approval

Failure of the mother agency and its attached bureaus, offices, and agencies, at both the national and local levels, including GOCCs, to release their action on applications duly submitted with complete supporting electronic documents within the prescribed time frame shall cause such applications to be deemed approved as of the date

immediately following the last day corresponding to the time frame and the EVOSS shall generate a document attesting to the deemed approval of the application; *Provided*, That the Government agency concerned shall issue the permit or certificate within a period to be prescribed by the EVOSS Steering Committee: *Provided, further*, That this Section shall not apply to actions by the DENR and ERC on applications by fossil fuel-based technologies such as coal, natural gas, and oil.

Rule 10. Local Government Units

All applications with complete supporting electronic documents submitted to 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 submitted with complete supporting electronic documents within the time frame shall be deemed an 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 and provinces, 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".

The DILG shall prescribe the draft ordinances, rules and regulations necessary for the LGUs to comply with the provisions of the Act including the fees and other charges imposed on the power generation, transmission, and distribution projects.

Rule 11. 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 the 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 an 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 an approval of the power generation, transmission, and distribution project.

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 in case of a deemed approval shall be accompanied by an understanding between the proponent and the ICC/IP on the economic terms of any contractual agreement: *Provided, further*, That the NCIP shall issue a template agreement which may later be modified by the ICC/IP within thirty (30) calendar days from the lapse of the one hundred five (105)-day period.

Rule 12. Delegated Powers

Subject to an agreement between the DOE and the Board of Investments (BOI), Department of Justice (DOJ), or Department of Labor and Employment (DOLE), the DOE shall have the authority to issue a provisional approval, permit or certification relating to applications for permits or certifications necessary for, or related to, applications for power generation, transmission, or distribution projects before the BOI, DOJ, or DOLE: *Provided*, That actions on such applications shall be released within fifteen (15) calendar days from the submission of complete required electronic documents: *Provided, further*, That said provisional approvals, permits or certifications shall be considered valid and binding unless otherwise revoked by the concerned agencies upon finding of non-compliance with laws, rules, and regulations during the conduct of a post audit.

PART IV PROHIBITED ACTS AND PENALTIES

Rule 13. 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 the Act and this IRR, or as imposed by the EVOSS Steering Committee; and
- (d) Tampering with the EVOSS or any part or component thereof.

Rule 14. 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.

Rule 15. Penalties

Any person found guilty of committing the acts stated in Rule 13(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 Rule 13(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 Rule 13(d) shall suffer the penalty of dismissal and perpetual disqualification from public service.

Any person found guilty of violating Rule 14 shall suffer the penalty of dismissal and perpetual disqualification from public service.

In cases of violation by the System Operator, Transmission Network Provider, and Market Operator of Rule 13(a), (b), and (c), the ERC shall impose a fine of One Hundred Thousand Pesos (P100,000.00) for every day of delay.

Rule 16. Administrative Jurisdiction

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

Rule 17. Civil and Criminal Liability

The finding of administrative liability under this IRR 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.

**PART V
OTHER PROVISIONS**

Rule 18. *The Investment Promotion Office (IPO)*

Section 1. Expansion

The Investment Promotion Staff (IPS) shall be expanded to the Investment Promotion Office (IPO) established under the DOE pursuant to Section 22 of the Act.

The existing plantilla of the IPS of the DOE shall form the core of IPO to perform the duties, functions, and responsibilities.

Section 2. Organizational Structure

Within three (3) months from the effectivity of this IRR, the DOE, through the Office of the Secretary, shall determine the organizational structure and staffing complement of the IPO, in consultation with the Department of Budget and Management, and in accordance with existing Civil Service rules and regulations.

Section 3. Budget

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.

Section 4. Powers and Functions of the IPO

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 the Act.

Rule 19. *Appropriations*

The amount of One Hundred Million pesos (P100,000,000.00) for the initial implementation of the 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 the Act shall be included in the annual General Appropriations Act.

Rule 20. *Oversight Committee*

Upon the effectivity of the Act, the JCEC shall exercise oversight powers over the implementation of the Act.

Rule 21. Reportorial Requirements

The EVOSS Steering Committee shall take the necessary measures to ensure that the provisions of the Act are properly implemented and should submit annual reports on the program implementation and fund utilization to the JCEC.

Rule 22. Evaluation

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

Rule 23. Separability Clause

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

Rule 24. Repealing Clause

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

Rule 25. Effectivity

This IRR shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation and its filing with the University of the Philippines Law Center – Office of the National Administrative Register (ONAR).

Issued at Energy Center, Bonifacio Global City, Taguig City.


ALFONSO G. CUSI
Secretary



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