



**DEPARTMENT ORDER NO. DO2013-12-0020**

**STRENGTHENING THE RENEWABLE ENERGY-REVIEW AND  
EVALUATION COMMITTEE (FORMERLY RE-CONTRACTS  
REVIEW COMMITTEE), AND FOR OTHER PURPOSES**

**WHEREAS**, pursuant to Article XII, Section 2, of the 1987 Philippine Constitution, all forces of potential energy and other natural resources within the Philippine territory belong to the State and their exploration, development and utilization shall be under the full control of the State;

**WHEREAS**, Republic Act No. 9513, otherwise known as the "Renewable Energy Act of 2008", provides that it is the policy of the State to encourage and accelerate the exploration, development and increase the utilization of renewable energy resources such as, but not limited to, biomass, solar, wind, hydropower, geothermal, and ocean energy sources, and including hybrid systems;

**WHEREAS**, Republic Act No. 7638, as amended, otherwise known as the "Department of Energy Act of 1992," mandates the Department of Energy (DOE or Department) to prepare, integrate, coordinate, supervise and control all plans, programs, projects and activities of the Government relative to energy exploration, development, utilization, distribution and conservation, among others;

**WHEREAS**, the DOE is continuously adopting new mechanisms and strategies to effectively carry out its plans and programs as mandated under the RA 9513 and its implementing rules and regulations;

**WHEREAS**, Department Order No. DO2013-08-0011 was issued on July 26, 2013 which adopted policies in relation to the processing of Renewable Energy Service Contracts and mandated the adoption of the revised templates for Renewable Energy service contracts;

**WHEREAS**, the RE-Review and Evaluation Committee (RE-REC) has been authorized by the Secretary to issue clarificatory resolutions to the comments and inputs submitted by RE Developers and stakeholders;

**WHEREAS**, taking into consideration the streamlined and enhanced process flow implemented by the Department and the foregoing authority to resolve comments and inputs, there is a need to strengthen the RE-Review and Evaluation Committee formerly the RE-Review Contracts Committee;

**NOW THEREFORE**, in consideration of the foregoing and upon favorable recommendation by the duly constituted Renewable Energy-Review and Evaluation Committee (RE-REC), it is hereby ordered as follows:

**Section 1. Declaration of Principles and Policies.** Consistent with the mandates of the Department of Energy (Department) under Republic Act No. 7638 and Republic Act No. 9513, the Department hereby adopts or adheres the following principles and policies relative to the review and issuance of all applications for and the implementation, monitoring and evaluation of service or operating contracts, to wit:

1. The exploration and utilization of Renewable Energy (RE) resources shall be in accordance with the requirements enshrined under the 1987 Constitution, relevant enabling laws and the Department's policies;

2. The maximum number of days for the processing of application for service or operating contracts shall be forty five (45) days from its submission at the Office of the Secretary. The evaluation and tracking system including the timelines in the different evaluation stages shall be strictly observed;
3. The milestone approach mandated under relevant issuance of the Department must be strictly observed by all parties concerned; and
4. The issuance of the RE-service or operating contracts shall contribute to the Energy Reform Agenda, the Philippine Energy Plan (PEP) for 2012-2030 and/or subsequent Philippine Energy Plans and the energy thrusts and programs of the national, regional and local governments.

**Section 2. Composition.** The RE-Review and Evaluation Committee (RE-REC), formerly the RE-Review Contracts Committee, shall be composed of the following:

Chairperson-	Any official with a position of at least Assistant Secretary supervising the Renewable Energy Management Bureau
Vice Chair-	Director for Renewable Energy Management Bureau (REMB)
Members-	Director for Legal Services (LS) Director for Information and Technology Management Services (ITMS) Director, Financial Services (FS) REMB Division Chief concerned

The representative/s from the OSEC Legal Team shall serve as non-voting member/s of the RE-REC.

To ensure quorum for every meeting, the following shall serve as the alternate representatives who shall immediately assume in a particular meeting during the absence of their respective principals and with all the rights and duties as regular members, to wit:

<b>Principal:</b>	<b>Alternate Representative:</b>
Chairperson	Designated Officer-In-Charge (OIC)
Vice Chairperson	Assistant Director, REMB
Members:	
Director, LS	- Chief, Contracts Division
Director, ITMS	- Chief, Information Services Division
Director, FS	- Chief, Compliance Division
REMB Division Chief	- Supervising Science Research Specialist

*Provided,* That should the Vice Chair or any Member is designated OIC of the Chair, her/his alternate representative shall not be allowed to vote in the particular meeting.

**Section 3. Functions and Duties of the Renewable Energy-Review and Evaluation Committee (RE-REC).** The duly constituted RE-REC shall perform the following functions and duties:

1. Deliberate and review the evaluation reports on the application for service or operating contracts, as the case may be, prepared by the ITMS, Legal Team of the Office of the Secretary (OSEC Legal Team), Legal Services, and REMB Technical Division;

2. Endorse to the Secretary of the Department any application for service or operating contract for further review and issuance of the same or appropriate action;
3. Issue clarificatory resolutions on the various comments or inputs to the templates of the service or operating contracts, *motu proprio* or submitted by the RE-Developers or applicants or any stakeholders, subject to the following conditions:
  - a. The clarificatory resolutions shall be issued to clarify and explain the intent and meaning of certain provisions or terms of the different RE Service/Operating Contracts, as the case may be, which does not require the issuance of a Department Order or any issuance by the Secretary;
  - b. The clarifications/explanations to be issued shall in no way modify, amend or diminish or alter the true intent and purposes of any provision;
  - c. Any clarificatory resolution shall have the same weight and effect as if issued by the Secretary and the same be appended to the Service/Operating Contract which shall be binding or subsisting between the Department of Energy and the RE-Developer/s; and
  - d. A clarificatory resolution shall apply retroactively to a particular provision or term being clarified and explained and shall remain enforced until sooner modified, revoked or reversed by the Secretary.
4. Review and revise forms and designs used in the review and approval of the RE-service or operating contracts, provided, that any revision or amendment to be made to the template of the RE-service or operating contract shall be approved by the Secretary of the Department through the issuance of an appropriate order or circular;
5. Constitute monitoring or evaluation teams on the implementation of RE-service or operating contracts in accordance with the provision of appropriate issuance/s of the Department;
6. Review and recommend the Monitoring and Evaluation Team reports to the Secretary in accordance with the provision of appropriate issuance/s of the Department;
7. Recommend to the Secretary the issuance of the Certificate of Commerciality, conversion and assignment including the termination of service or operating contracts and such other related actions as it may deemed necessary;
8. Recommend measures deemed necessary to settle disputes and issues regarding the issuance and implementation of any RE-service or operating contract;
9. Devise system to ensure proper and safe record keeping and tracking of various processes in the evaluation, implementation and evaluation of applications and duly issued RE-service or operating contracts;
10. Conduct periodic stakeholder's conference, seminars, *for a* and coordinate with the duly accredited Affiliated Renewable Energy Centers (ARECs) and other academic institutions, research and development groups, civil society groups and other interested individuals in the formulation and conduct of information and education campaigns (IECs) and well-pronounced research programs, projects, studies and activities;
11. Formulate its internal rules of procedure that shall govern the conduct of meetings and disposition of matters under its jurisdiction;

12. Manage and recommend measures to ensure proper, effective and efficient allocation and utilization of all income and grants generating out of the issuance and implementation of the RE-service or operating contract. For this purpose, there shall be a separate special trust fund account to be established and maintained so as to ensure proper recording and monitoring of the collections thereof subject to existing laws, rules and regulations; and
13. Discharge such other responsibilities as may be delegated by the Secretary and/or competent authority of the Department subject to existing laws, rules and regulations.

**Section 4. Term of Office; Hold-Over Capacity.** The Chair, Vice-Chair and Members of the RE-REC shall have a fixed term of three (3) years reckoned from the date of designation, renewable, at the discretion of the Secretary. In case of resignation, retirement, separation, transfer, re-assignment or removal, the replacement shall serve only for the unexpired term, *provided, however*, that in case of leave or suspension, the replacement shall serve only for the duration of the leave or suspension.

In order to avoid hiatus in the RE-REC, it's incumbent Chair, Vice-Chair and Members, shall continue to perform their respective duties and responsibilities, in hold-over capacity, until their corresponding replacements are duly designated or appointed by the Secretary.

**Section 5. Meetings and Quorum.** The RE-REC shall meet at least every month or as often as may be necessary to ensure proper disposition of all applications and matters under its jurisdiction. Special meetings may be called by the Chair or upon the direction by the Secretary of the Department.

The Chairperson or, in his absence, the Officer-in-Charge of the Chairperson or RE-REC Vice-Chair, shall call and preside at all meetings of the RE-REC. The decision of at least a majority of those present at a meeting at which there is quorum shall be valid and binding as an act of the RE-REC: *Provided, however*, That the Chairperson or, in his absence, the OIC of the Chair or Vice-Chair, shall vote only in case of a tie. *Provided, further*, That a majority of the all RE-REC members, at the exclusion of non-voting members, shall constitute a quorum for the transaction of business; *Provided, furthermore*, That the presence of the Chair or Vice-Chair in any meeting shall be required.

**Section 6. Secretariat of the RE-REC; Composition, Duties and Responsibilities, Administrative Control and Supervision, Term of Office, and Hiring of Staff.** There shall be a Secretariat of the RE-REC to be pooled from the staff of the Chair and REMB Technical Staff. The office of the Secretariat shall be at the Office of the Chair to ensure proper coordination and execution of the decision of the RE-REC and instructions of the Chair.

The Secretariat shall be headed by at least an Executive Assistant with the following duties and responsibilities:

1. Prepare and distribute notice of meetings and order of business including invitation to concerned individuals duly issued by the Chair;
2. Record, prepare and route minutes, resolutions or decisions, and cause for the dissemination or publication thereof duly, approved by the RE-REC;
3. Provide administrative services to the RE-REC;
4. Assist in the preparation of reports to be submitted to the Office of the Secretary;

5. Assist in the monitoring of status on the evaluation processes as provided in relevant issuances of the Department; and
6. Discharge such other duties as may be directed by the Chair and the RE-REC.

The Secretariat shall be under the administrative control and supervision of the RE-REC Chair and shall serve co-terminus with the Chair and/or until sooner revoked by the Secretary and/or competent authority.

In order to augment the Secretariat Staff, hiring of Job Orders or permanent staff is allowed subject to availability of funds, and usual accounting and auditing rules and regulations.

**Section 7. Decisions of the RE-REC.** The decisions of the duly constituted RE-REC shall be in the form of resolutions taking into account the generally accepted style or as may be provided in its Internal Rules of Procedure.

**Section 8. Appropriations and Sources.** All expenses so appropriated necessary in the performance of the duties and functions of the RE-REC and its Secretariat shall be charged against the REMB fund and/or such appropriate sources subject to usual accounting and auditing rules and regulations. \*

**Section 9. Suppletory Application of Relevant Laws, Rules and Regulations.** The provisions of laws, rules and regulations promulgated by the Office of the President, Congress of the Philippines, all relevant issuances of the Department shall, if applicable, be integral parts of this Department Order and shall serve as part of the governing policies of the RE-REC.

**Section 10. Transitory Provisions.** Pending the establishment of the regular Compliance Division for the Renewable Energy of the Department, the current Compliance Division of the Financial Services shall perform the duties and responsibilities provided under this Department Order.

To augment the staff of the present Compliance Division of the Financial Services, the hiring of reasonable job orders with relevant educational and technical qualifications is hereby authorized subject to existing laws, rules and regulations.

**Section 11. Repealing Clause.** Department Circular No. DC2009-07-0011 and all circulars, orders, issuances and the like which are inconsistent with any of the provisions or parts of this Department Order are hereby amended or repealed accordingly: *Provided*, That the provisions of those circulars or issuances and the like which are not affected hereof shall remain in full force and effect.

**Section 12. Separability Clause.** If for any reason, any provision of this Department Order is declared unconstitutional or invalid, such part/s which are not affected shall remain in full force and effect.

**Section 13. Effectivity.** This Department Order shall take effect immediately upon its issuance.

Issued this \_\_\_\_\_ day of \_\_\_\_\_ 2013 at the Department of Energy, Rizal Drive, Bonifacio Global City, Taguig City, Philippines.

  
**CARLOS JERICHO L. PETILLA**  
Secretary



IN REPLYING PLS CITE:  
SOE-JLP-13006730



Republic of the Philippines

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