



**JOINT CIRCULAR OF THE DEPARTMENT OF ENERGY (DOE) AND THE
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH)**

Joint Circular (JC) No. 2

**CREATION OF AN INTER-AGENCY TASK FORCE FOR THE FINAL
IMPLEMENTATION OF SECTION 13 OF THE DEPARTMENT OF ENERGY
(DOE) AND THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
(DPWH) JOINT CIRCULAR NO. 01**

WHEREAS, the DOE and the DPWH issued the Joint Circular, No. 01 (JC1), series of 2017, entitled "*Prescribing the Uniform Guidelines and Procedures for the Proper Payment of Compensation and/or Recovery of Cost in the Event of the Need to Relocate the Electric Cooperative Distribution/Sub-transmission Lines for the Primary Purpose of the Government*", which took effect upon its publication on 27 July 2017;

WHEREAS, Section 13 thereof provides that "*within one (1) year from the effectivity of this Joint Circular, the NEA and EC shall cause the removal and relocation of any improperly located facility in the government's right -of-way (Obstructing Facility), subject to payment of compensation provided in this Joint Circular.*

After the lapse of the prescribed one-year period, the NEA shall demand from the concerned EC to relocate an Obstructing Facility at its own expense. Otherwise, the NEA, with the assistance of the DPWH, shall relocate the Obstructing Facility at the expense of the EC, including the imposition of legal sanction, if any.";

WHEREAS, notwithstanding the positive effect caused by the issuance of JC1, there is a need to issue a new Circular to facilitate the relocation of Obstructing Facilities that still exist after the lapse of the aforesaid one (1) year period;

NOW THEREFORE, for and in consideration of the foregoing, the DOE and the DPWH hereby create the Inter-Agency Task Force to oversee the implementation of Section 13 of JC1 and being empowered with coordination, integration, supervision, monitoring and evaluation functions to attain the objectives of the said issuance.

Section 1. Composition.

The Inter-Agency Task Force (IATF) shall be composed of the following:

Chairman	:	DOE Undersecretary for Power
Vice-Chairman	:	DPWH Assistant Secretary DOE Assistant Secretary for Power

Members : NEA Deputy Administrator for Technical Services
DOE Director for Power
DOE Director for Legal Services
DPWH Director for Bureau of Maintenance
DPWH Director for Legal Services

The respective DPWH Regional Director, DPWH Director for Finance Services, Department of Interior Local Government (DILG) Regional Director and General Manager/Officer of Electric Cooperative shall serve as resource persons, as the need arises.

An Inter-Agency Technical Working Group (TWG) shall be created to assist the Task-Force to fulfill the mandates provided herein.

Section 2. Functions.

The IATF shall have the following functions:

- (a) Ensure that the improperly located EC facilities in the government's right-of-way (ROW) in the entire country are completely removed and relocated as provided under Section 13 of JC1;
- (b) Establish a systematic monitoring and reporting scheme to generate accurate reports and data;
- (c) Recommend actions to be taken for the resolution of issues and controversies related to the application of Section 13 of JC1 for approval of the DPWH Secretary, as endorsed by the DOE Secretary;
- (d) Conduct regular meetings to address emerging issues and concerns that may affect public safety and well-being; and
- (e) Perform such other functions as may be necessary and incidental to attain the objectives of JC1.

For this purpose, all communications directed to the IATF shall be coursed through the DOE-Electric Power Industry Management Bureau (EPIMB) at DOE, Energy Center, Rizal Drive, Bonifacio Global City, Taguig.

Section 3. Support Group. The IATF shall be supported by DOE-EPIMB and the respective Legal Services of the DOE and DPWH and NEA Engineering Department with the following functions:

- (a) Provide the necessary administrative and technical support to the IATF;
- (b) Monitor the compliance or submissions of any concerned stakeholders;
- (c) Prepare the status and/or accomplishments reports; and
- (d) Perform other tasks and functions directed by the IATF.

Section 4. Inventory of All Obstructing Facilities Nationwide. After the effectivity of this Joint Circular, NEA is hereby directed to submit, within the prescribed period, an inventory of all obstructing facilities nationwide to the IATF.

Section 5. Immediate Removal of Obstructing Facilities. Based on the submitted inventory of NEA, the IATF shall demand to the concerned ECs the immediate removal of all the identified obstructing facilities from the government's ROW.

Within fifteen (15) working days from receipt of the demand for removal, the EC shall submit to the appropriate DPWH Regional Office its Relocation Plan, copy furnished the IATF and NEA, for determination of proper compensation in accordance with Sections 4 and 5 of JC1.

Within fifteen (15) working days from the receipt of a copy of the Relocation Plan, NEA shall submit to the concerned DPWH Regional Office a certification if they agree on the cost estimate for the Affected Facility. Otherwise, the NEA shall inform the DPWH that the cost estimate submitted by the EC is inconsistent from its findings after using the formula provided in Section 5 of JC1.

For this purpose, the Relocation Plan shall include, among others:

1. Details of the affected facility and proposed relocation site;
2. Request for compensation with corresponding computation of costs; and
3. Project Implementation and schedule of activities for the removal and relocation of the Affected Facility.

Only those ECs who submitted Relocation Plans of their Obstructing Facilities to the appropriate DPWH Regional Office until June 30, 2019 are entitled for payment of compensation provided in JC1; *Provided, further*, that all relocation activities shall not go beyond 31 December 2019.

The DPWH and the concerned EC shall enter into a Relocation Agreement pursuant to Section 4 (e) of JC1.

Section 6. Disagreement in the computation of compensation. Any disagreement as to the compensation shall be resolved in accordance with Section 4(h) of JC1.

Section 7. Final Demand to Remove Obstructing Facilities. The NEA shall submit to the IATF, within thirty (30) days from 31 December 2019, a progress report on the relocation of the Obstructing Facilities. In case of non-compliance, the NEA shall provide a plan on how to relocate the Affected Facility, at the expense of the non-complying EC pursuant to the second paragraph of Section 13 of JC1, without prejudice to any administrative and civil sanctions that may be imposed upon the responsible officers of the ECs.

Section 8. Repealing Clause. All circulars and issuances not consistent with this Joint Circular are deemed modified and repealed accordingly.

Section 9. Effectivity. This amendment shall take effect fifteen (15) days following its complete publication in two (2) newspapers of general circulation and shall remain in effect until revoked.

Copies thereto shall be filed with the University of the Philippines Law Center – Office of the National Administrative Registrar.

MAY 08 2019

Issued on _____ in the City of _____, Philippines.

DEPARTMENT OF ENERGY

**DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS**

By:

By:


ALFONSO G. CUSI
Secretary


MARK A. VILLAR
Secretary

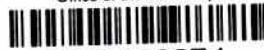


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