



HOUSE OF REPRESENTATIVES

H. No. 8928

BY REPRESENTATIVES VELASCO, VIOLAGO, VERGARA, SILVERIO, SAVELLANO, JIMENEZ, NIETO, DALIPE, TIANGCO, QUIMBO, ROBES, VILLAFUERTE, MACAPAGAL ARROYO, YAP (E.), NOGRALES (J.J.), DE JESUS, SUNTAY, SANCHEZ, SACDALAN, TULFO, DIMAPORO (A.), DY (F.M.C.), CUARESMA, TAN (A.S.), MARIANO-HERNANDEZ, MATUGAS, GARIN (S.), DAGOOC, ELAGO, GATCHALIAN, COLLANTES, YAP (V.), TAMBUNTING, BORDADO, MARQUEZ, GO (M.), ESCUDERO, ARENAS, OAMINAL, GARCIA (P.J.), DE VENECIA, BIAZON, CALDERON, CAMPOS, CUA, DUAVIT, FRASCO, GASATAYA, GONZAGA, HARESCO (T.), MOMO, SAGARBARRIA, TEJADA, ALBANO, BALINDONG, BASCUG, BENITEZ, CABATBAT, CAMINERO, CARL, DELOSO-MONTALLA, DIMAPORO (M.K.), DUJALI, DY (F.), DY (I.P.), GORRICETA, GULLAS, GUYA, LABADLABAD, MACEDA, NATIVIDAD-NAGAÑO, ORTEGA, ROMAN, TAN (A.), TORRES-GOMEZ, TUTOR, VARGAS ALFONSO, DEFENSOR (L.), ENVERGA, FLORES, LOYOLA, SAULOG AND VILLARICA, PER COMMITTEE REPORT NO. 824

AN ACT

ESTABLISHING THE PHILIPPINE ENERGY RESEARCH AND POLICY INSTITUTE, DEFINING ITS OBJECTIVES, POWERS AND FUNCTIONS, AND PROVIDING FUNDS THEREFOR

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

1 SECTION 1. **Title.** – This Act shall be known as the “Philippine Energy
2 Research and Policy Institute Act.”

3 SEC. 2. **Declaration of Policy.** – It is hereby declared the policy of the State
4 to ensure energy security, equity, and sustainability. Towards this end, the State
5 shall promote the acquisition of knowledge in recent developments and scientific
6 breakthroughs in the field of energy; identify key policy areas, issues, and challenges
7 in the country’s energy sector; and formulate transdisciplinary research-based
8 policies and strategies for the cost-effective use of energy resources towards
9 environmentally sound energy development.

10 SEC. 3. **Establishment of the Philippine Energy Research and Policy**
11 **Institute.** – Pursuant to the national policy of enhancing the country’s capability for
12 energy research and policy development, there is hereby established in the
13 University of the Philippines (UP) the Philippine Energy Research and Policy
14 Institute, hereinafter referred to as the Institute. The Institute shall be created as an
15 agency separate and independent from the UP, but attached to the UP for policy
16 coordination and operational direction. As such, the Institute shall have its own
17 budget separate from the UP.

18 SEC. 4. **Objectives of the Institute.** – The objectives of the Institute shall be:

19 (a) To conduct pertinent independent policy research on energy issues guided
20 by the research agenda determined by the Advisory Council pursuant to Section 10
21 of this Act;

22 (b) To provide timely technical and strategic assistance to the government,
23 energy regulators, and the legislature, on energy-related requiring policy direction
24 and advice;

25 (c) To promote collaborative and transdisciplinary energy research and policy
26 development among the academe, public and private stakeholders;

27 (d) To maintain its independence and to ensure that research endeavors shall
28 not be influenced or constrained by political affiliations, technological bias, or other
29 presuppositions;

30 (e) To ensure the coordination and timely dissemination of results to key
31 government agencies to guide policy and decision-making processes;

32 (f) To establish mechanisms for the dissemination and utilization of research
33 for technology and policy development outputs;

34 (g) To create and administer training programs and provide fellowship grants

1 intended to build the capacity of government agencies, the academe, including
2 graduate and post-graduate students, and public and private energy stakeholders;

3 (h) To serve as a medium in bringing together local and international experts
4 in the field of energy through local and international linkages;

5 (i) To create and maintain a data bank needed for the implementation of its
6 functions, following the requirements under Republic Act 10173, otherwise known as
7 the "Data Privacy Act of 2012;" and

8 (j) To maximize the use of digital technologies in the storage and
9 dissemination of data and information, as well as in the implementation of its other
10 functions.

11 **SEC. 5. Powers and Functions of the Institute.** – The Institute shall have
12 the following powers and functions:

13 (a) Formulate and conduct research and development on energy technology,
14 public policy issues in energy markets, and other pressing issues and problems,
15 including the environment and health impacts of energy policies and programs, all
16 backed by rigorous empirical evidence;

17 (b) Establish linkages with government agencies, other universities, and
18 private and public institutions on existing energy research and policy studies;

19 (c) Conduct research and policy development programs and capacity building
20 trainings on energy. Special attention shall be given to the needs of the Department
21 of Energy (DOE);

22 (d) Provide common research support facilities while maximizing the utilization
23 of its technical experts and staff;

24 (e) Enhance the pool of researchers and faculty with masteral and doctoral
25 degrees in the field of energy by providing research grants within and outside the UP
26 System;

27 (f) Establish local and foreign linkages in energy research and policy
28 development;

29 (g) Serve as the repository of all energy-related researches, studies, and data
30 generated by the Institute and other academic, public, and private groups,
31 organizations, and institutions;

32 (h) Propose and allocate its annual budgetary resources while optimizing
33 resource generation and utilization;

34 (i) Receive and manage grants, aid, donations or any kind of assistance to
35 achieve its objectives, in accordance with the existing rules and regulations of the
36 UP. The amounts and the sources of grants, aid, donations or any kind of assistance

1 received shall be published for purposes of transparency; and

2 (j) Perform such other powers and functions as may be assigned by the UP
3 President: *Provided*, That the same shall be in accordance with the objectives of the
4 Institute.

5 **SEC. 6. *Organizational Structure.*** – The Institute shall be headed by an
6 Executive Director who shall report directly to the UP President. The Institute shall
7 be supported by the Advisory Council, a pool of research fellows, which shall include
8 experts and researchers from diverse disciplines and various public and private
9 universities across the country, and other technical staff in carrying out its functions.

10 **SEC. 7. *The Executive Director.*** – The Executive Director shall be a
11 recognized expert in energy research and policy development with at least three (3)
12 years of experience in the energy sector and shall have a strong organizational
13 management background. The Executive Director shall be appointed by the UP
14 President, upon the recommendation by the Advisory Council, within sixty (60) days
15 after the effectivity of this Act. The Executive Director shall serve in full time capacity
16 for a term of five (5) years, which may be renewed once for another five (5) years.
17 The Executive Director shall not, during the term, practice any profession except in a
18 teaching capacity.

19 Upon assumption of duty, the Executive Director shall: (a) publicly disclose
20 any previous employment, consultancy, or any connection with and any pecuniary
21 interest in any energy industry participant; (b) divest of any and all interest in any
22 energy industry participant; and (c) terminate employment or consultancy with any
23 energy industry participant. The Executive Director shall strictly avoid conflicts of
24 interest in the conduct of duties for the duration the term.

25 **SEC. 8. *Powers and Functions of the Executive Director.*** – The Executive
26 Director shall:

27 (a) Implement and enforce policies, decisions, orders, rules and regulations
28 adopted by the Advisory Council;

29 (b) Exercise administrative and supervisory functions over the planning,
30 implementation, and evaluation of the policies, programs, and projects of the
31 Institute;

32 (c) Determine the organizational structure of the Institute, including the
33 position classification, required qualifications, and compensation of employees,
34 subject to the evaluation and approval of the Department of Budget and
35 Management (DBM) and the UP President, pursuant to Section 11 of this Act;

36 (d) Appoint research fellows from within and outside the UP System, officers

1 and employees of the Institute, in consultation with the UP President;

2 (e) Submit to the UP President regular reports on the Institute;

3 (f) Apprise regularly the Advisory Council on the programs and projects of the
4 Institute;

5 (g) Execute contracts, incur obligations, and deliver documents on behalf of
6 the Institute within the limits of the authority delegated by the Advisory Council to the
7 Executive Director, including negotiated or consultancy contracts for personnel and
8 for the Institute's pool of researchers within and outside the UP System; and

9 (h) Exercise such other powers and functions and perform such other duties
10 as may be authorized or assigned by the UP President, upon the concurrence of the
11 Advisory Council and in accordance with the objectives of this Act.

12 **SEC. 9. *Advisory Council of the Institute.*** – There shall be an Advisory
13 Council to be composed of ten (10) members, which shall include five (5) *ex-officio*
14 members: the Secretary of the DOE, the Secretary of the Department of
15 Environment and Natural Resources (DENR), the Secretary of the Department of
16 Science and Technology (DOST), the Secretary of the National Economic and
17 Development Authority (NEDA) and the UP President: *Provided*, That the UP
18 President shall be a non-voting *ex-officio* member. The remaining five (5) members
19 shall be selected by the UP President each representing any of the fields of
20 engineering, law, science, statistics, economics, social science, and public health:
21 *Provided further*, That the four (4) members shall come from the academe within and
22 outside the UP System, and one (1) member shall come from the private sector.

23 All members of the Council so appointed, except for the *ex-officio* members,
24 shall serve for a term of seven (7) years: *Provided*, That the members from the
25 academe shall serve for four (4) years, and the member from the private sector shall
26 serve for three (3) years: *Provided, further*, That any person appointed to replace a
27 member who has resigned, died, or was removed for cause shall serve only for the
28 unexpired portion of the term.

29 **SEC. 10. *Powers and Functions of the Advisory Council.*** – The Advisory
30 Council shall:

31 (a) Provide the general direction and priorities of the Institute in accordance
32 with the provisions of this Act;

33 (b) Determine the annual research agenda of and provide policy research
34 areas for study and investigation by the Institute, in consultation with the Executive
35 Director, based on its evaluation of the energy policy landscape, including the needs
36 and demands of the country and the people;

1 (c) Provide advice to the Institute on any matter relating to the development
2 of a policy or research area and the administration of policy research programs;

3 (d) Assist in generating resources and obtain logistical and financial support
4 for the programs and component units of the Institute: *Provided*, That no conflict of
5 interest exists with the objectives of this Act and the mandates of the Institute;

6 (e) Monitor and review the programs and projects undertaken by the
7 Executive Director to implement and enforce research and policy direction and
8 priorities;

9 (f) Advise the Institute, through its Executive Director, on matters concerning
10 the organizational structure of the Institute, including the position classification and
11 compensation of employees, subject to Section 11 of this Act, in coordination with
12 the DBM. The Executive Director shall recommend directly to the UP President,
13 upon endorsement by the Advisory Council; and

14 (g) Determine the overall budget of the Institute, in consultation with the
15 Executive Director.

16 **SEC. 11. *Organization of Human Resource Complement.*** – The human
17 resource complement of the Institute shall be organized and set up by the Executive
18 Director, subject to Section 8(c) of this Act and the existing rules and regulations of
19 the UP. In addition, the Executive Director shall maintain a pool of researchers from
20 various disciplines, such as engineering, law, science, statistics, economics, social
21 science, public health, and other allied sciences, in accordance with section 8(d) of
22 this Act.

23 **SEC. 12. *Education and Capacity Building.*** – The Institute shall, through its
24 Executive Director, support further education and training for its officers and
25 employees, advanced degree studies, short-term programs, online courses, and
26 participation in conferences.

27 **SEC. 13. *Public Access.*** – The public and other energy institutions shall
28 have access to the research findings, facilities, and other resources of the Institute in
29 a manner as shall be provided in the implementing rules and regulations of this Act,
30 subject to the requirements of Section 14 herein.

31 **SEC. 14. *Confidentiality.*** – The Institute shall not disclose any proprietary or
32 confidential data and other resources unless prior consent of the source or owner of
33 such data and resources had been obtained by the requesting party.

34 **SEC. 15. *Endowment Fund.*** – An Endowment Fund is hereby established to
35 be administered and maintained by the Institute to finance its own operations,
36 including the purchase of research equipment and facilities, compensation and

1 honoraria of researchers, whether in government service or otherwise, and such
2 other expenses necessary to carry out the purpose of this Act.

3 The Endowment Fund is a special account in the General Fund and shall be
4 sourced from the following: contributions, donations, bequests, grants and other
5 incomes accruing from the operations of the institute, in accordance with the
6 prescribed budgetary process, accounting and auditing rules and regulations, for
7 purposes of effectively executing its mandate and functions: *Provided*, That no
8 conflict of interest exists with the objectives of this Act, and the mandates of the
9 institute.

10 In order to support the Institute, an additional amount of one percent (1%),
11 but in no case lower than Ten pesos (P10.00), of each energy-related fee and
12 charge imposed by the Department of Energy, Energy Regulatory Commission, and
13 National Electrification Administration shall be collected by the respective agencies
14 and units for each application, registration, renewal, endorsement, processing and
15 other related services for which the collection of fees and charges are allowed by law
16 and rules and regulations. Such additional amounts shall, upon collection, be
17 remitted immediately to the Institute and shall form part of the Endowment Fund.

SEC. 16. **Appropriations.** - The amount necessary for the operations of the
Philippine Energy Research and Policy Institute (PERPI) shall be included in the
annual General Appropriations Act.

18 SEC. 17. **Government Contribution to Research Funding.** - The
19 government shall, in consultation with the Executive Director, provide a subsidy in an
20 amount to be determined by the Advisory Council as contribution in financing the
21 research activities of the Institute. Government agencies concerned are hereby
22 authorized to include in their respective annual budget such necessary amounts as
23 their contribution to the funding of certain research activities of the Institute.

24 The Institute shall submit to the UP President a work program with budget
25 estimates for each calendar year, not later than November 30 of the preceding year.

26 SEC. 18. **Tax Expenditure Fund.** - The Institute may avail of the Tax
27 Expenditure Fund provided in the General Appropriations Act (GAA), subject to
28 review by the DBM.

29 SEC. 19. **Implementing Rules and Regulations.** - Within ninety (90) days
30 from the effectivity of this Act, the UP shall, in consultation with the DOE, the DENR,
31 the DOST, the NEDA, members of the academe, and other public and private
32 stakeholders, promulgate the necessary rules and regulations to implement this Act,
33 subject to the approval of the UP Board of Regents.

1 SEC. 20. **Separability Clause.** – If, for any reason, any provision of this Act is
2 declared unconstitutional or invalid, the other provisions hereof, which are not
3 affected thereby shall continue to be in full force and effect.

4 SEC. 21. **Repealing Clause.** – All laws, decrees, orders, rules and
5 regulations or parts thereof, which are inconsistent with or contrary to the provisions
6 of this Act, are hereby repealed, amended or modified accordingly.

7 SEC. 22. **Effectivity.** – This Act shall take effect fifteen (15) days after its
8 publication in the *Official Gazette* or in a newspaper of general circulation.

9 *Approved,*