



HOUSE OF REPRESENTATIVES

H. No. 9053

BY REPRESENTATIVES VELASCO, ALVAREZ (P.), GATCHALIAN, SY-ALVARADO, UYBARRETA, NIETO, BRAVO (M.V.), VELASCO-CATERA, SARMIENTO (C.), LANETE, CALDERON, SAMBAR, GARCIA (J.E.), BOLILIA, DIMAPORO (M.K.), RELAMPAGOS, BATOCABE, UY (J.), ROMUALDO, SIAO, ROQUE, CATAMCO, VERGARA, BORDADO, VELARDE, ZUBIRI, SALON, PADUANO, ARENAS, TEJADA AND TAMBUNTING, PER COMMITTEE REPORT NO. 1210

**AN ACT
STRENGTHENING THE ENERGY REGULATORY COMMISSION BY
EXPANDING AND STREAMLINING ITS BUREAUCRACY, UPGRADING
EMPLOYEE SKILLS, AUGMENTING BENEFITS, AND APPROPRIATING
FUNDS THEREFOR**

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

CHAPTER I

GENERAL PROVISIONS

1
2
3 SECTION 1. **Short Title.** - This Act shall be known as the "*Energy Regulatory*
4 *Commission Act.*"

5 SEC. 2. **Declaration of Policy.** - The State recognizes the significant role of
6 the Energy Regulatory Commission in:

- 7 a) Ensuring transparent and reasonable prices of electricity;
8 b) Protecting the consumers as they are affected by the rates and services of
9 electric utilities and other providers of electric power; and
10 c) Promoting competition, encouraging market development, ensuring
11 customer choice, and penalizing abuse of market power in the restructured
12 power industry.

13 Towards this end, the State shall:

- 1 a) Establish a strong, independent, transparent, and accountable regulatory
2 body; and
3 b) Ensure the efficient and effective performance of the functions and
4 mandates of the regulatory body to enhance competitiveness in the
5 electric power industry.

6 **CHAPTER II**
7 **ORGANIZATIONAL STRUCTURE**

8 SEC. 3. Section 38 of the Republic Act 9136 is hereby amended, to read as
9 follows:

10 SEC. 38. [~~Creation~~] *STRENGTHENING/RECONSTITUTION of the*
11 *Energy Regulatory Commission.* There is hereby created an independent,
12 quasi-judicial regulatory body to be named the Energy Regulatory Commission
13 (ERC). [~~For this purpose, the existing Energy Regulatory Board (ERB) created~~
14 ~~under Executive Order No. 172, as amended, is hereby abolished.~~] THE
15 ENERGY REGULATORY COMMISSION (ERC) IS HEREBY
16 RECONSTITUTED. TOWARDS THIS END, THE ERC SHALL BE
17 EXCLUSIVELY RESPONSIBLE FOR THE REGULATION OF THE ELECTRIC
18 POWER AND ENERGY INDUSTRY AND SHALL ENJOY LIMITED FISCAL
19 AUTONOMY. ITS ANNUAL APPROVED BUDGET SHALL BE
20 AUTOMATICALLY AND REGULARLY RELEASED.

21 The Commission shall be composed of a [~~Chairman~~] CHAIRPERSON and
22 four (4) members. [~~to~~] THE CHAIRPERSON SHALL be appointed by the
23 President of the Philippines. THE REST OF THE MEMBERS OF THE
24 COMMISSION SHALL BE APPOINTED BY THE PRESIDENT OF THE
25 PHILIPPINES FROM A SHORTLIST PROVIDED BY THE JOINT
26 CONGRESSIONAL POWER COMMISSION (JCPC). A SHORTLIST OF
27 THREE (3) NOMINEES PER POSITION SHALL BE CHOSEN BY THE
28 PRESIDENT ONLY FROM AMONG THOSE NOMINATED BY THE JCPC. The
29 [~~Chairman~~] CHAIRPERSON and the members of the Commission shall be
30 natural-born citizens and residents of the Philippines, persons of good moral
31 character, at least [~~thirty-five (35)~~] FORTY-FIVE (45) years of age, and of
32 recognized competence in any of the following fields: energy, law, economics,
33 finance, commerce, or engineering, with at LEAST [~~three (3)~~] FIVE (5) years OF
34 actual and distinguished experience in their respective fields of expertise:
35 *Provided, That out of the [~~four (4)~~] FIVE (5) members of the Commission, at*

1 least ~~[one (1)]~~ TWO (2) shall be ~~[a member]~~ MEMBERS of the Philippine Bar
2 with at least ten (10) years experience in the active practice of law, ~~[and]~~ AT
3 LEAST one (1) MEMBER shall be a certified public accountant with at least ten
4 (10) years experience in THE active practice OF ACCOUNTING; AT LEAST
5 ONE (1) MEMBER SHALL BE AN ENGINEER WITH AT LEAST FIVE (5)
6 YEARS OF EXPERIENCE PREFERABLY IN POWER SYSTEM
7 ENGINEERING; AND AT LEAST ONE (1) MEMBER SHALL BE AN
8 ECONOMIST WITH AT LEAST FIVE (5) YEARS OF EXPERIENCE
9 PREFERABLY IN UTILITY ECONOMICS: *PROVIDED, FURTHER*, THAT AT
10 LEAST ONE (1) OF THE MEMBERS SHALL COME FROM THE CONSUMER
11 SECTOR.

12 ~~[Within three (3) months from the creation of the ERC, the Chairman shall~~
13 ~~submit for the approval by the President of the Philippines the new~~
14 ~~organizational structure and plantilla positions necessary to carry out the~~
15 ~~powers and functions of the ERC.]~~

16 ~~[The Chairman of the Commission, who shall be a member of the Philippine~~
17 ~~Bar, shall act as the Chief Executive Officer of the Commission.~~

18 ~~All members of the Commission shall have a term of seven (7) years:~~
19 ~~*Provided*, That for the first appointees, the Chairman shall hold office for seven~~
20 ~~(7) years, two (2) members shall hold office for five (5) years and the other two~~
21 ~~(2) members shall hold office for three (3) years; *Provided, further*, That~~
22 ~~appointment to any future vacancy shall only be for the unexpired term of the~~
23 ~~predecessor: *Provided, finally*, That there shall be no reappointment and in no~~
24 ~~case shall any member serve for more than seven (7) years in the~~
25 ~~Commission.]~~

26 THE FOUR (4) MEMBERS OF THE COMMISSION SHALL HAVE A
27 TERM OF SEVEN (7) YEARS: *PROVIDED*, THAT THERE SHALL BE NO
28 REAPPOINTMENT AND IN NO CASE SHALL ANY MEMBER SERVE FOR
29 MORE THAN SEVEN (7) YEARS IN THE COMMISSION.

30 ~~[The Chairman and members of the Commission shall assume office of the~~
31 ~~beginning of their terms: *Provided, That*, if upon the effectivity of this Act, the~~
32 ~~Commission has not been constituted and the new staffing pattern and plantilla~~
33 ~~positions have not been approved and filled up, the current Board and existing~~
34 ~~personnel of ERB shall continue to hold office.~~

35 ~~The existing personnel of the ERB, if qualified, shall be given preference in~~

1 the filling up of plantilla positions created in the ERC, subject to existing civil
2 service rules and regulations.

3 ~~Members of the Commission shall enjoy security of tenure and shall not be~~
4 ~~suspended or removed from office except for just cause as specified by law.]~~

5 THE CHAIRPERSON AND MEMBERS OF THE COMMISSION SHALL
6 ASSUME OFFICE AT THE BEGINNING OF THEIR TERMS. ALL MEMBERS
7 OF THE COMMISSION SHALL ENJOY SECURITY OF TENURE AND SHALL
8 NOT BE SUSPENDED OR REMOVED FROM OFFICE EXCEPT FOR JUST
9 CAUSE AS SPECIFIED BY LAW.

10 The [~~Chairman~~] CHAIRPERSON and members of the Commission or any of
11 their relatives within the fourth civil degree of consanguinity or affinity,
12 WHETHER SUCH PERSONAL RELATIONS ARE legitimate, [~~or~~] common law,
13 OR OTHERWISE, shall be prohibited from holding any interest whatsoever,
14 either as investor, stockholder, officer or director, in any company or entity
15 engaged in the business of [~~transmitting, generating, supplying or distributing~~
16 ~~any form of energy and must, therefore, divest through sale or legal disposition~~
17 ~~of any and all interests in the energy sector upon assumption of office.]~~

18 GENERATING, TRANSMITTING, DISTRIBUTING OR SUPPLYING
19 ELECTRICITY. UPON THE ASSUMPTION BY THE CHAIRPERSON AND THE
20 MEMBERS OF THE ERC OF THEIR RESPECTIVE POSITIONS, THE
21 CHAIRMAN AND THE MEMBERS OF THE ERC AND THEIR RESPECTIVE
22 RELATIVES WITHIN THE PRESCRIBED DEGREE OF PERSONAL
23 RELATIONS SHALL DIVEST THEMSELVES OF ALL THEIR SAID
24 INTERESTS.

25 [~~The presence of at least three (3) members of the Commission shall~~
26 ~~constitute a quorum and the majority vote of two (2) members in a meeting~~
27 ~~where a quorum is present shall be necessary for the adoption of any rule,~~
28 ~~ruling, order, resolution, decision, or other act of the Commission in the exercise~~
29 ~~of its quasi-judicial functions: *Provided,* That in fixing rates and tariffs, an~~
30 ~~affirmative vote of three (3) members shall be required.]~~

31 AT LEAST THREE (3) MEMBERS OF THE ERC SHALL CONSTITUTE A
32 QUORUM IN THE COMMISSION *EN BANC*. THE CHAIRPERSON SHALL BE
33 THE PRESIDING OFFICER DURING A COMMISSION *EN BANC* HEARING.
34 IN THE ABSENCE OF THE CHAIRPERSON, THE REST OF THE MEMBERS,
35 CONSTITUTING A QUORUM, SHALL SELECT A PRESIDING OFFICER. A

1 VALID DECISION OF THE COMMISSION *EN BANC* SHALL BE CONCURRED
2 IN BY THE MAJORITY OF THE MEMBERS CONSTITUTING A QUORUM.
3 THE COMMISSION *EN BANC* SHALL ACT PRIMARILY ON THE FOLLOWING
4 CASES:

- 5 a) CASES INVOLVING THE ERC'S QUASI-LEGISLATIVE POWER,
6 RULES, OR REGULATIONS;
- 7 b) CASES INVOLVING THE NATIONAL TRANSMISSION
8 CORPORATION (TRANSCO) OR ITS AUTHORIZED
9 CONCESSIONAIRE WHICH OPERATES THE TRANSMISSION
10 NETWORK;
- 11 c) CASES INVOLVING CONTRACTS WORTH MORE THAN FIVE
12 HUNDRED MILLION PESOS (PHP500,000,000.00);
- 13 d) PRIVATE DISTRIBUTION UTILITIES;
- 14 e) CASES PREVIOUSLY HANDLED BY THE ERC DIVISION IN WHICH
15 NO QUORUM OR VALID DECISION WAS REACHED; AND
- 16 f) OTHER CASES AS MAY BE DESIGNATED BY THE COMMISSION
17 *EN BANC* ITSELF.”

18 SEC. 4. **Expansion.** – The existing organizational structure of the Energy
19 Regulatory Commission (ERC) is hereby reorganized by creating the following:

- 20 a) Office of the General Counsel and Secretariat, directly reporting to the
21 Commission *en Banc*;
- 22 b) Internal Audit Unit, directly reporting to the Commission *en Banc*;
- 23 c) Six (6) line services: (a) Regulatory Operations Service; (b) Market
24 Operations Service; (c) Consumer Affairs Service; (d) Legal Service; (e)
25 Planning and Public Information Service; and (f) Finance and
26 Administrative Service; and
- 27 d) Four (4) oversight committees.

28 Each Committee shall be headed by a member of the Commission and
29 shall have its own support staff separate and distinct from the personnel of
30 the line services. The extent of the functions of each Committee shall be
31 approved by the Commission *en Banc*.

32 The Commission *en Banc* may create additional oversight committees or
33 services as may be deemed necessary and consistent with the functions and
34 mandates of the ERC.

1 To achieve the goals of this Act, the Commission, as an independent
2 regulatory body, is hereby authorized to provide for its reorganization, to streamline
3 its structure and operations, upgrade its human resource compliment and enable the
4 same to perform its functions more efficiently and effectively and exercise its power
5 under this Act and under Republic Act No. 9136, otherwise known as "*Electric Power*
6 *Industry Reform Act of 2001*" (EPIRA).

7 All positions of the ERC shall be governed by a compensation and position
8 classification system and qualification standards approved by the Commission *en*
9 *Banc* based on comprehensive job analysis and audit of actual duties and personal
10 responsibilities. Towards this end, the Commission shall be exempt from laws, rules,
11 and regulations on compensation, position classification and qualification standards.
12 The Commission shall, however, endeavor to make its system conform as closely as
13 possible with the principles under the Compensation and Position Classification Act
14 of 1989 otherwise known as Republic Act No. 6758, as amended.

15 **SEC. 5. *Commission en Banc.*** – In addition to the functions enumerated in
16 Republic Act No. 9136, Republic Act No. 9513, otherwise known as the "*Renewable*
17 *Energy Act of 2008,*" and other relevant laws, all the members of the Commission
18 shall:

- 19 a) Exercise all quasi-judicial and quasi-legislative functions in furtherance of
20 the ERC's mandate under Republic Act No. 9136;
- 21 b) Act on the selection and appointment of all ERC personnel: *Provided,* That
22 the appointment of ERC personnel with a rank lower than a Division Chief
23 may be delegated to the Chairperson;
- 24 c) Approve the internal rules, organizational structure, and operational
25 strategy of the ERC; and
- 26 d) Act as the Head of Procuring Entity (HOPE) and exercise all duties and
27 powers as stated in Republic Act No. 9184, otherwise known as the
28 "*Government Procurement Reform Act:*" *Provided,* That the Commission
29 may delegate its functions under the said Act.

30 **SEC. 6. *Duties and Responsibilities of the Chairperson.*** – The
31 Chairperson as head of the Commission *en Banc* shall have the following duties and
32 responsibilities:

- 33 a) Lead and oversee the implementation of the Commission's mandate
34 under the EPIRA in accordance with the Commission approved
35 internal rules, organizational and operational strategy;

- 1 b) Ensure good governance policies, practices, rules and procedures that
2 promote the highest standards of integrity, competence, and
3 transparency;
- 4 c) Enforce adherence to the Commission's approved internal rules;
- 5 d) Act on the appointment of ERC personnel with the rank of Division
6 Chief and below;
- 7 e) Act as the official representative of the ERC to promote collaborative
8 relationships and open communication between the Commission and
9 the following: (1) general public, (2) executive and legislative
10 government agencies, (3) international organizations or agencies; and
11 (4) industry stakeholders.
- 12 f) Preside over meetings of the Commission: *Provided*, That the
13 Chairperson shall have the right to vote on all matters, issues or case
14 pending before the Commission;
- 15 g) Determine the date, time and location of the regular and special
16 Commission meetings and prepare the agenda for the meeting with
17 the consensus of all the members of the Commission;
- 18 h) Perform such other functions as may be provided by law.

19 **SEC. 7. *Executive Director.*** – The Executive Director shall be a lawyer with
20 at least ten (10) years of active practice of law with at least five (5)-year experience
21 in management and administration.

22 The Executive Director shall act as the Commission's Chief Operating Officer
23 with the following duties and responsibilities:

- 24 a) Oversee the daily operations of the ERC and ensure the smooth
25 functioning of all ERC processes;
- 26 b) Provide the Commission with periodic updates on the day-to-day
27 operations of the ERC towards the achievement of its target objectives;
- 28 c) Evaluate and ensure compliance of the line services and all ERC
29 employees to the Commission approved periodic performance targets,
30 annual operating plan and internal rules; and
- 31 d) Perform such other functions related to foregoing or as may be assigned
32 by the Commission or the Chairperson.

33 **CHAPTER III**

34 **COMPENSATION STRUCTURE AND OTHER EMOLUMENTS**

35 **SEC. 8.** Section 39 of the Electric Power Industry Reform Act (EPIRA) of

1 2001 is hereby amended to read as follows:

2 "SEC. 39. *ADJUSTED Compensation STRUCTURE and Other Emoluments*
3 *for ERC Personnel.* - The compensation and other emoluments for the [Chairman
4 ~~and members of the~~] Commission and [the] ERC personnel shall be exempted from
5 the coverage of Republic Act No. 6758, otherwise known as the "Salary
6 Standardization Act", AS AMENDED BY EXECUTIVE ORDER NO. 201, SERIES OF
7 2016. [~~For this purpose, the schedule of compensation of the ERC personnel, except~~
8 ~~for the initial salaries and compensation of the Chairman and members of the~~
9 ~~Commission, shall be submitted for approval by the President of the Philippines. The~~
10 ~~new schedule of compensation shall be implemented within six (6) months from the~~
11 ~~effectivity of this Act and may be upgraded by the President of the Philippines as the~~
12 ~~need arises: *Provided*, That in no case shall the rate be upgraded more than once a~~
13 ~~year.~~]

14 The [Chairman] CHAIRPERSON and members of the Commission shall
15 [initially] be entitled to the same salaries, allowances and benefits as those of the
16 Presiding Justice and Associate Justices of the [Supreme Court] COURT OF
17 APPEALS, respectively. The [Chairman] CHAIRPERSON and the members of the
18 Commission shall, upon completion of their term or upon becoming eligible for
19 retirement under existing laws, be entitled to the same retirement benefits and the
20 privileges provided for the Presiding Justice and Associate Justices of the [Supreme
21 Court] COURT OF APPEALS, respectively."

22 THE COMPENSATION SCHEDULE OF THE ERC PERSONNEL SHALL BE
23 COMPETITIVE WITH THE SALARY RANGE OF OTHER REGULATORY
24 AGENCIES, AND THE ELECTRIC POWER INDUSTRY STAKEHOLDERS. FOR
25 THIS PURPOSE, THE COMMISSION *EN BANC* SHALL, SUBJECT TO THE
26 APPROVAL OF THE PRESIDENT OF THE PHILIPPINES, ADJUST THE
27 COMPENSATION SCHEDULE AND BENEFITS OF ERC PERSONNEL ONCE
28 EVERY TWO (2) YEARS TO ENSURE THAT THE SAME IS COMPARABLE WITH
29 THE COMPENSATION PACKAGE OF OTHER REGULATORY AGENCIES, AND
30 THE ELECTRIC POWER INDUSTRY STAKEHOLDERS.

31 EVERY TWO (2) YEARS FROM THE LAST COMPENSATION SCHEDULE
32 ADJUSTMENT, THE ERC SHALL CONDUCT AN ASSESSMENT ON THE
33 COMPETITIVENESS OF THE LEVEL OF COMPENSATION OF THE ERC
34 PERSONNEL AGAINST THOSE OF THE EMPLOYEES OF THE STAKEHOLDERS
35 AND REGULATORS OF OTHER JURISDICTIONS. THE ASSESSMENT SHALL

1 CONSIDER ANNUAL MERIT REVIEW OR INCREASES BASED ON
2 PRODUCTIVITY AND EFFICIENCY.

3 SEC. 9. Section 40 of the Electric Power Industry Reform Act (EPIRA) of 2001
4 is hereby amended to read as follows:

5 "SEC. 40. **Enhancement of Technical Competence.** – [~~The ERC shall~~
6 ~~establish rigorous training programs for its staff for the purpose of enhancing the~~
7 ~~technical competence of the ERC in the following areas: evaluation of technical~~
8 ~~performance and monitoring of compliance with service and performance standards,~~
9 ~~performance-based rate setting reform, environmental standards and such other~~
10 ~~areas as will enable the ERC to adequately perform its duties and functions.] THE~~

11 TECHNICAL COMPETENCE OF THE ERC PERSONNEL SHALL BE
12 BENCHMARKED AGAINST INTERNATIONAL BEST PRACTICES. IN VIEW
13 THEREOF, THE ERC SHALL ESTABLISH A RIGOROUS AND SUSTAINABLE
14 TRAINING PROGRAM THAT WILL ALLOW ITS STAFF TO ACQUIRE THE
15 NECESSARY KNOWLEDGE AND SKILLS AT PAR WITH THE PERSONNEL OF
16 REGULATORS FROM OTHER JURISDICTIONS AND ECONOMIES.

17 FOR THIS PURPOSE, THE ERC SHALL ESTABLISH A UNIT WITHIN ITS
18 STRUCTURE THAT SHALL DESIGN A STANDARDIZED TRAINING AND
19 DEVELOPMENT PROGRAM AND FACILITATE THE REGULAR THE CONDUCT
20 OF NECESSARY TRAINING FOR NEW AND INCUMBENT ERC PERSONNEL.

21 THE ERC SHALL ALLOT FIFTEEN PERCENT (15%) OF ITS TOTAL
22 ANNUAL APPROVED BUDGET FOR THE TRAINING AND UPGRADING OF
23 SKILLS OF ITS PERSONNEL.

24 THE ERC MAY HIRE A REASONABLE NUMBER OF CONSULTANTS OR
25 EXPERTS AS MAY BE APPROPRIATE AND NECESSARY TO GIVE ADVICE TO
26 AND PERFORM SERVICES FOR THE ERC. THE TERMS AND CONDITIONS OF
27 THE ENGAGEMENT SHALL BE AS DETERMINED BY THE ERC, SUBJECT TO
28 THE PROVISIONS OF REPUBLIC ACT NO. 9184, OTHERWISE KNOWN AS THE
29 "GOVERNMENT PROCUREMENT REFORM ACT."

30 SEC. 10. **Seminar and Other Professional Fees.** – Fees for relevant
31 seminars, professional membership, registration fees, including those for mandatory
32 continuing professional education (CPE), and related miscellaneous expenses of
33 ERC employees holding positions for which a professional license is required by the
34 office, shall be borne by the ERC.

1 SEC. 11. **Benefits and Privileges.** - The ERC shall provide its employees with
2 the following benefits:

- 3 a) Health care services through a health maintenance organization (HMO).
4 Expenses for mandatory annual executive check-up for all employees
5 shall be for the account of the ERC;
- 6 b) All employees shall be covered by accident insurance policies procured by
7 the ERC at its own expense;
- 8 c) Employees shall be provided with contracted transportation services until
9 such time that the office can procure additional motor vehicles for such
10 purpose;
- 11 d) A provident fund, which shall consist of contributions made by both the
12 ERC and by its employees to a common fund for the payment of benefits
13 to employees or their heirs; and
- 14 e) Performance incentives in accordance with a performance incentive
15 program designed and duly approved by the Commission *en banc*, which
16 shall in no case be less than the incentives provided under existing laws.

17 CHAPTER IV

18 MISCELLANEOUS PROVISIONS

19 SEC. 12. Section 41 of the Electric Power Industry Reform Act (EPIRA) of
20 2001 is hereby amended to read as follows:

21 "SEC. 41. **PROTECTION AND Promotion of Consumer Interests.** - [The
22 ERC shall handle consumer complaints and ensure the adequate promotion of
23 consumer interests.] THE ERC SHALL ADDRESS AND PROVIDE TIMELY
24 RESOLUTIONS TO CONSUMER COMPLAINTS AND ENSURE ADEQUATE
25 PROTECTION OF CONSUMER INTERESTS THROUGH THE ADOPTION OF
26 POLICIES THAT FOSTER GOALS SUCH AS PUBLIC ACCESS TO THE ERC
27 AND ITS PROCESSES, CONSUMER EDUCATION, AND EFFICIENT
28 UTILIZATION OF ERC RESOURCES.

29 FOR THIS PURPOSE, THE ERC SHALL REGULARLY CONDUCT
30 TRAININGS FOR THE EFFICIENT HANDLING OF CONSUMER COMPLAINTS
31 BY THE DISTRIBUTION UTILITIES' CONSUMER WELFARE DESK (CWD). THE
32 ERC SHALL ALLOCATE AN ANNUAL BUDGET FOR THIS PURPOSE.

33 SEC. 13. **Limited Fiscal Autonomy.** - In addition to its yearly appropriation
34 authorized in the General Appropriations Act (GAA), the Commission shall be
35 allowed to use for the following year thirty percent (30%) of its revenues generated

1 from the collection of fees, assessments, licenses, fines, penalties and other
2 charges.

3 The said amount shall be utilized in the following manner:

- 4 a) Ten percent (10 %) of such income shall be used to augment ERC's
5 Capital Outlay (CO) Budget;
- 6 b) Forty five percent (45%) of such income shall be used to augment the
7 ERC's Maintenance and Other Operating Expenses (MOOE) Budget;
8 and
- 9 c) Forty five percent (45%) of such income shall be used to augment the
10 ERC's Personnel Service (PS) Budget.

11 In case the ERC fails to fully utilize the revenues mentioned herein, the
12 unutilized amount shall revert to the National Treasury.

13 **SEC. 14. *Public Disclosure and Transparency.*** – The Commission shall
14 submit and make available to the public, within the prescribed period, reports
15 pertinent to compliance submissions, reports, certificates, orders, or decisions,
16 except those designated as confidential submissions affecting trade secrets or the
17 like, made or issued in relation to industry players in the generation, transmission,
18 distribution, and supply sectors, such as resolutions, orders, decisions, certificates of
19 compliance, certificates of registrations, retail rates of distribution utilities, system
20 loss data of distribution utilities, system and capital infrastructure, consumer
21 complaints, applications, petitions, and other similar public documents to an
22 Electronic Disclosure and Data Access system (EDDA) repository. As used in this
23 Act, EDDA refers to the system for disclosure of energy industry information for
24 public access to ensure transparency and consumer protection using electronic
25 database and communications system that shall start operating for within three (3)
26 years from the effectivity of this Act.

27 **SEC. 15. *People's Counsel.*** – There is hereby created an office to be known
28 as the Office of the People's Counsel under the administrative supervision of the
29 Secretary of Trade and Industry. The office of the People's Counsel shall have such
30 number of employees as may be necessary to perform the functions hereinafter
31 specified. The office of the People's Counsel shall be appointed by the President of
32 the Philippines. The employees of the office of the People's Counsel shall be
33 appointed by the Secretary of Trade and Industry upon recommendation of the office
34 of the People's Counsel.

1 The office of the People's Counsel and its employees, shall not, during their
2 continuance in office, intervene directly or indirectly in the management or control of,
3 or be financially interested directly or indirectly in any transmission and distribution
4 utility, generation company, and supplier as defined in Republic Act No. 9136.

5 It shall be the duty of the office of the People's Counsel to represent and
6 appear for the public before the ERC in every case involving consumer interests. In
7 all rate cases initiated before it, the ERC shall direct the applicant or petitioner to
8 furnish the office of the People's Counsel with copies of its application including its
9 annexes. Likewise, the ERC shall furnish the office of the People's Counsel of all its
10 Orders in the said rate cases.

11 SEC. 16. **Franking Privilege.** – All official mail matters and telegrams of the
12 ERC addressed for delivery within the Philippines shall be received, transmitted, and
13 delivered free of charge: *Provided*, That such mail matters shall not exceed two (2)
14 kilograms.

15 CHAPTER V

16 FINAL PROVISIONS

17 SEC. 17. Section 42 of the Electric Power Industry Reform Act (EPIRA) of
18 2001 is hereby amended to read as follows:

19 ~~"SEC. 42. [Budget of the ERC.—The amount of One hundred fifty million~~
20 ~~pesos (P150,000,000.00) is hereby allocated from the existing budget of the ERB for~~
21 ~~the initial operation of the ERC. Any balance shall initially be sourced from the Office~~
22 ~~of the President of the Philippines. Thereafter, the annual budget of the ERC shall~~
23 ~~be included in the regular or special appropriations.]~~ **APPROPRIATIONS.** – SUCH
24 SUMS AS MAY BE NECESSARY FOR THE SUCCESSFUL IMPLEMENTATION
25 OF THIS ACT SHALL BE TAKEN FROM THE CURRENT FISCAL YEAR
26 APPROPRIATION OF THE ERC. THEREAFTER, THE AMOUNT NEEDED FOR
27 THE CONTINUOUS IMPLEMENTATION OF THIS ACT SHALL BE INCLUDED IN
28 THE ANNUAL GENERAL APPROPRIATIONS ACT."

29 SEC. 18. **Separability Clause.** – If for any reason, any provision of this Act is
30 declared unconstitutional or invalid, the other parts or provisions hereof which are
31 not affected thereby shall continue to be in full force and effect.

32 SEC. 19. **Repealing Clause.** – Sections 1 and 2 of Executive Order No. 172,
33 "Creating the Energy Regulatory Board" are hereby repealed. Sections 38, 39, 40,
34 41 and 42 of Republic Act No. 9136, otherwise known as the "Electric Power
35 Industry Reform Act of 2001," are hereby amended accordingly.

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

4 SEC. 20. **Effectivity.** — This Act shall take effect fifteen (15) days following
5 its publication in the Official Gazette or in a newspaper of general circulation.

6 Approved.