



SENATE

S. No. 1296

(IN SUBSTITUTION OF SENATE BILL NO. 172)

PREPARED AND SUBMITTED JOINTLY BY THE COMMITTEES
ON ENERGY; SCIENCE AND TECHNOLOGY, WAYS AND
MEANS; AND FINANCE WITH SENATORS GATCHALIAN,
VILLANUEVA, ZUBIRI, HONTIVEROS AND DELA ROSA AS
AUTHORS THEREOF

AN ACT ESTABLISHING THE PHILIPPINE ENERGY
RESEARCH AND POLICY INSTITUTE, DEFINING
ITS OBJECTIVES, POWERS, AND FUNCTIONS,
PROVIDING FUNDS THEREFOR, AND FOR
OTHER PURPOSES

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

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

3 SEC. 2. *Declaration of Policy.* – It is hereby declared
4 the policy of the State to ensure energy security, equity,
5 and sustainability. Towards this end, it is also the policy of
6 the State to:

1 (a) Enhance knowledge in recent developments and
2 scientific breakthroughs in the field of energy;

3 (b) Identify key policy areas, issues, and challenges in
4 the country's energy sector; and

5 (c) Formulate multidisciplinary research-based
6 policies and strategies for the cost-effective use of energy
7 resources towards environmentally-sound energy
8 development.

9 SEC. 3. *Establishment of the Philippine Energy*
10 *Research and Policy Institute.* – Pursuant to the national
11 policy of enhancing the country's capability for energy
12 research and policy development, there is hereby
13 established in the University of the Philippines (UP), a
14 Philippine Energy Research and Policy Institute,
15 hereinafter referred to as the Institute. The Institute shall
16 be under the Office of the UP President.

17 SEC. 4. *Objectives of the Institute.* – The objectives of
18 the Institute are:

19 (a) To conduct pertinent multidisciplinary energy
20 research and policy development on energy issues;

1 (b) To promote collaborative and multidisciplinary
2 energy research and policy development among
3 government agencies, the academe, and other public and
4 private stakeholders;

5 (c) To maintain its independence and to ensure
6 research endeavors shall not be influenced or constrained
7 by political affiliations, technological bias, or other
8 presuppositions;

9 (d) To ensure the coordination and timely
10 dissemination of results to key government agencies to
11 guide policy and decision-making processes;

12 (e) To provide timely technical assistance to the
13 government on energy issues needing policy direction and
14 advice;

15 (f) To provide strategic assistance to the government
16 on energy policy issues and other related matters;

17 (g) To establish mechanisms for the dissemination
18 and utilization of research and policy development outputs;

19 (h) To create and administer training programs and
20 provide fellowship grants intended to build the capacity of

1 government agencies, the academe including graduate and
2 post-graduate students, and public and private energy
3 stakeholders; and

4 (i) To serve as a medium in bringing together local
5 and international experts in the field of energy through
6 local and international linkages.

7 SEC. 5. *Functions and Powers of the Institute.* – The
8 Institute shall:

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

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

17 (c) Establish research and policy development
18 programs and capacity-building trainings on energy;

19 (d) Provide common research support facilities and
20 maximize the utilization of its expert support staff;

1 (e) Enhance the masters and doctoral pool of
2 researchers and faculty in the field of energy;

3 (f) Establish local and foreign linkages in energy
4 research and policy development;

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

9 (h) Propose and allocate its annual budgetary
10 resources and optimize resource generation and utilization;

11 (i) Invest its funds in such undertaking as it may
12 deem wise or necessary to carry out its objectives, with due
13 consideration to pertinent laws, rules, regulations, and
14 existing guidelines on investing government funds in
15 coordination with the Bureau of Treasury; and

16 (j) Receive and manage grants, aid, donations, or any
17 kind of assistance for achieving its objectives, in
18 accordance with the rules and regulations of UP.

19 The UP President, upon recommendation of the
20 Executive Board, may give additional powers and functions

1 to the Institute: *Provided*, That it shall be in accordance
2 with the objectives of the Institute as stated in this Act.

3 SEC. 6. *Organizational Structure.* – The Executive
4 Director shall head the Institute and shall report to the UP
5 President. The Institute's research and policy direction
6 and priorities shall be determined by an Executive Board
7 and implemented by the Executive Director.

8 SEC. 7. *The Executive Director.* – The Executive
9 Director shall be a recognized expert in energy research
10 and policy development with at least three (3) years'
11 experience in energy, shall have a strong organizational
12 management background, and shall serve as such in
13 full-time capacity. The UP President shall appoint the
14 Executive Director upon the recommendation of the
15 Executive Board sixty (60) calendar days after the
16 effectivity of the implementing rules and regulations of
17 this Act: *Provided*, That such Executive Director shall
18 serve for a term of five (5) years which can be renewed for
19 another five (5) years.

20 Upon assumption, the Executive Director shall:

1 (a) Publicly disclose any previous employment,
2 consultancy, or any connection with, and any pecuniary
3 interest in any energy industry participant;

4 (b) Divest of any and all interest in any energy
5 industry participant; and

6 (c) Terminate employment or consultancy with any
7 energy industry participant.

8 SEC. 8. *Functions and Powers of the Executive*
9 *Director.* – The Executive Director of the Institute shall:

10 (a) Implement and enforce research and policy
11 direction and priorities determined by the Executive
12 Board;

13 (b) Exercise administrative and supervisory functions
14 over the planning, implementation, and evaluation of the
15 policies, programs, and projects of the Institute;

16 (c) Recommend to the UP President, upon
17 endorsement of the Executive Board, the following:

18 (i) Organizational structure of the Institute including
19 the position classification and compensation of employees
20 subject to Section 11 of this Act;

1 (ii) Appointment of research fellows, officers, and
2 employees of the Institute: *Provided*, That the pool of
3 research fellows shall include experts and researchers from
4 diverse disciplines, public and private universities, and
5 other research institutions, and

6 (iii) Overall budget of the Institute;

7 (d) Submit to the UP President, upon endorsement of
8 the Executive Board, regular reports on the Institute to
9 include annual reports on operations, status of programs
10 and projects, and the financial condition of the Institute;

11 (e) Quarterly apprise the Executive Board on the
12 programs and projects of the Institute;

13 (f) Within the limits of the authority delegated to the
14 Executive Director by the UP President, execute contracts,
15 incur obligations, acquire and dispose of assets, and deliver
16 documents on behalf of the Institute;

17 (g) Not engage in any act that may result to a conflict
18 of interest with the objectives, functions, and powers of the
19 Institute; and

1 (h) Exercise and perform such other powers,
2 functions, and duties as may be authorized or assigned by
3 the UP President, upon recommendation of the Executive
4 Board and in accordance with the objectives of this Act.

5 SEC. 9. *Executive Board of the Institute.* – There shall
6 be an Executive Board of the Institute to be composed of
7 seven (7) members with at least one (1) representative
8 each from the fields of engineering, law, science, statistics,
9 economics, and public health, either from the academe or
10 the private sector: *Provided,* That five (5) members shall
11 come from the academe and two (2) members shall come
12 from the private sector. The members of the Executive
13 Board shall be chosen by the UP President. Each member
14 shall have a term of three (3) years, which can be renewed
15 for another three (3) years: *Provided,* That the first two (2)
16 appointees from the academe and the first appointee from
17 the private sector shall have a term of two (2) years, which
18 can be renewed for another three (3) years. Any person
19 appointed to replace a member who has resigned, died, or
20 removed for cause shall serve only the unexpired portion of

1 the term of the member replaced. The Executive Board
2 shall be headed by a Chairperson, who shall be selected by
3 the members among themselves: *Provided*, That the
4 Chairperson shall come from the academe.

5 SEC. 10. *Functions and Powers of the Executive*
6 *Board.* – The Executive Board shall:

7 (a) Determine the general direction and priorities of
8 the Institute in accordance with this Act;

9 (b) Determine research and policy areas for study and
10 investigation by the Institute based on its evaluation of the
11 energy policy landscape including the needs and demands
12 of the country and the people;

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

16 (d) Endorse to the UP President the following:

17 (i) Organizational structure of the Institute including
18 position classification and compensation of employees
19 subject to Section 11 of this Act, in coordination with the
20 Department of Budget and Management (DBM);

1 (ii) Appointment of research fellows, officers, and
2 employees of the Institute: *Provided*, That the pool of
3 research fellows shall include experts and researchers from
4 diverse disciplines, public and private universities, and
5 other research institutions;

6 (iii) Institute's overall budget;

7 (e) Generate resources and obtain logistical and
8 financial support for the programs and component units of
9 the Institute: *Provided*, That in so doing, no conflict-of-
10 interest exists with the objectives of this Act and the
11 functions of the Institute; and

12 (f) Recommend to the UP President additional
13 powers, functions, and duties of the Executive Director in
14 accordance with the objectives of this Act.

15 SEC. 11. *Appointment of Faculty and Staff.* – The
16 human resource complement of the Institute shall be
17 organized and set-up by the Executive Director subject to
18 Sections 8(c)(i) and 10(d)(i) of this Act and, the existing
19 rules and regulations of UP.

1 SEC. 12. *Public Access.* – The Institute shall make
2 available to the public its research papers, data, and other
3 resources by posting these on its website: *Provided*, That
4 the posted materials shall be in accordance with Section 13
5 of this Act, its implementing rules and regulations, and
6 other existing laws, rules, and regulations.

7 SEC. 13. *Confidentiality.* – The Institute shall not
8 post or disclose any proprietary or confidential data and
9 other resources unless prior consent of the source or owner
10 of such data and resources has been obtained by the
11 requesting party.

12 SEC. 14. *Special Account for Energy Research.* – A
13 Special Account in the General Fund (SAGF) for energy
14 research, which shall be maintained and managed by the
15 Bureau of Treasury, shall be established to support the
16 research undertaken by the Institute. The SAGF for
17 energy research shall recognize and accept grants,
18 contributions, and donations collected for energy research
19 and from income accruing from the operations of the
20 Institute, for purposes of executing its mandate and

1 functions: *Provided*, That in so doing, no conflict-of-interest
2 exists with the objectives of this Act and the functions of
3 the Institute.

4 SEC. 15. *Appropriations*. – There is hereby
5 appropriated out of the General Appropriations Act, the
6 sum of Two hundred million pesos (P200,000,000.00) for
7 the initial operating fund of the Institute. Thereafter, such
8 amounts necessary for the sustainable operations of the
9 Institute shall be appropriated from the General
10 Appropriations Act based on the annual financial plan
11 approved by the UP President and submitted to the DBM.

12 SEC. 16. *Tax Exemptions*. – The Institute shall be
13 entitled to all the tax exemptions enumerated under
14 Section 25 of Republic Act No. 9500, otherwise known as
15 the “University of the Philippines Charter of 2008”, as
16 amended by Republic Act No. 10963, otherwise known as
17 the “Tax Reform for Acceleration and Inclusion Act”.

18 SEC. 17. *Implementing Rules and Regulations*. –
19 Within sixty (60) calendar days from the effectivity of this
20 Act, the UP subject to the approval of the Board of

1 Regents, shall promulgate the necessary implementing
2 rules and regulations of this Act.

3 SEC. 18. *Separability Clause.* – If any portion or
4 provision of this Act is declared unconstitutional, the
5 remainder of this Act or any provisions not affected
6 thereby shall remain in force and effect.

7 SEC. 19. *Repealing Clause.* – Any law, presidential
8 decree or issuance, executive order, letter of instruction,
9 rule or regulation inconsistent with the provisions of this
10 Act is hereby repealed or modified accordingly.

11 SEC. 20. *Effectivity.* – This Act shall take effect fifteen
12 (15) days following its complete publication in the *Official*
13 *Gazette* or a newspaper of general circulation.

Approved,