

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



'22 NOV -9 P1 :26

**SENATE**  
**S. No. 1491**

RECEIVED BY: 

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**Introduced by SENATOR RAMON BONG REVILLA, JR.**

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**AN ACT**  
**PROVIDING FOR A COMPREHENSIVE ATOMIC REGULATORY FRAMEWORK,**  
**CREATING FOR THE PURPOSE THE PHILIPPINE ATOMIC REGULATORY**  
**COMMISSION, AND APPROPRIATING FUNDS THEREFOR**

**EXPLANATORY NOTE**

Atomic science and nuclear technologies are often associated and exclusively connected with nuclear energy, destructive weapons and the hazardous threats they may pose to human life and the environment. But the field is so much more than these. In fact, they find productive and important uses in various sectors such as health and nutrition, food and agriculture, nature and biodiversity, and many industries.

Nuclear-derived techniques can help identify, control and prevent the spread of diseases, such as Malaria, Ebola, Zika, and Covid-19. The reverse transcription-polymerase chain reaction (RT-PCR), a method used to detect the novel Coronavirus, is actually a nuclear-derived technique. Nuclear medicine is widely used for the diagnosis and treatment of cancer and cardiovascular diseases.

This bill aims to harness the peaceful uses of atomic energy that can provide significant benefits in public health and medicine, environment protection and climate change adaptation, food safety and increased crop production, product innovation, among others. Moreover, it seeks to establish a legal and modern framework for the regulation and control of peaceful uses of radiation sources, atomic material, and any other radioactive material. The measure also seeks to implement international

standards consistent with the obligations of the country to various international treaties and agreements related to atomic safety and security and nuclear material.

The bill also provides the mechanism for a strengthened national preparedness and effective emergency response in the event of a catastrophic nuclear incident, in view of protecting the health of the general public and the environment. Lastly, it proposes the creation of the Philippine Atomic Regulatory Commission (PARC) which shall be an independent national authority responsible over all aspects of safety, security, and safeguards involving sources of ionizing radiation, atomic materials and other radioactive materials, facilities, activities, and radiation generating equipment.

In this light, consideration of this bill is earnestly recommended.



**RAMON BONG REVILLA, JR.**

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COMMISSION, AND APPROPRIATING FUNDS THEREFOR**

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

**ARTICLE I  
GENERAL PROVISIONS**

1  
2  
3  
4 Section 1. *Short Title.* – This Act shall be known as the “*Comprehensive Atomic*  
5 *Regulation Act.*”

6 Sec. 2. *Declaration of Policy.* — It is hereby declared to be the policy of the  
7 State to:

- 8 a. Harness the peaceful uses of atomic energy that can provide important benefits  
9 in health and medicine, energy production, scientific research, agriculture,  
10 industry, and education;
- 11 b. Recognize the potentially harmful effects of ionizing radiation resulting from  
12 improper use, accidents, or malicious acts, as well as determine the doses of  
13 radiation for which their ill-effects disappear or become beneficial;
- 14 c. Protect individuals, society, and the environment from the potentially harmful  
15 effects of ionizing radiation, including those resulting from improper use,  
16 accidents or malicious acts;
- 17 d. Establish and maintain a legal and regulatory framework for the regulation and  
18 control of peaceful uses of radiation sources, atomic material, and any other  
19 radioactive material;

- 1 e. Manage radioactive waste in a manner that protects current and future  
2 generations from undue impacts; and
- 3 f. Establish and maintain a legal and regulatory framework for implementing  
4 effective measures to prevent, detect, and respond to unauthorized acts  
5 involving atomic material, other radioactive material, including radioactive  
6 sources and their associated facilities and activities that may cause injury to  
7 persons, property, or the environment, or otherwise jeopardize national  
8 security.

9 Sec. 3. *Objectives.* — The objectives of this Act are:

- 10 a. To provide a legal framework that adequately protects public health and safety,  
11 and the environment now and in the future, against the harmful effects of  
12 ionizing radiation, and for the safety and security of atomic material and other  
13 radioactive material, including radioactive sources and their associated facilities  
14 and activities;
- 15 b. To establish the Philippine Atomic Regulatory Commission (PARC) for the  
16 purpose of exercising regulatory control over the peaceful uses of ionizing  
17 radiation in the territory or area under the jurisdiction or control of the Republic  
18 of the Philippines, including the production, possession, use, import, export,  
19 transport, transfer, handling, and management of radioactive materials, atomic  
20 materials or other activities or practices identified by the PARC;
- 21 c. To establish and maintain a regulatory system for the formulation and adoption  
22 of regulations and guides on the use of ionizing radiation that specify the  
23 principles, requirements, and associated criteria for safety and security upon  
24 which regulatory judgments, decisions, and actions are based;
- 25 d. To enable the Philippines to implement relevant international legal instruments  
26 entered into by the Philippines, particularly the Treaty on the Non-Proliferation  
27 of Nuclear Weapons (NPT); the Treaty on Southeast Asia Nuclear Weapon-Free  
28 Zone; Comprehensive Test Ban Treaty; the Agreement between the Philippines  
29 and the International Atomic Energy Agency (IAEA) for the Application of  
30 Safeguards in Connection with the NPT (the Safeguards Agreement); Additional  
31 Protocol to Safeguards Agreement; Vienna Convention on Civil Liability for  
32 Nuclear Damage; Agreement on the Privileges and Immunities of the IAEA;

1 Convention on the Physical Protection of Nuclear Material, United Nations  
2 Resolutions on Nuclear Security, and other relevant international instruments  
3 entered into by the Republic of the Philippines; and

- 4 e. To take cognizance on the pending conventions signed by the Philippine  
5 Government, such as Amendment to the Convention on Physical Protection of  
6 Nuclear Materials; International Convention on the Suppression of Acts of  
7 Nuclear Terrorism; Convention on Nuclear Safety; and Joint Convention on the  
8 Safety of Spent Fuel Management and on the Safety of Radioactive Waste  
9 Management.

10 *Sec. 4. Scope, Exemption and Exclusion. –*

- 11 a. This Act shall apply to all activities and practices involving the peaceful  
12 uses of atomic energy and other radioactive materials, associated  
13 facilities and activities, and radiation sources conducted within the  
14 territory or under the jurisdiction or control of the Philippines;
- 15 b. This Act shall not apply to activities or practices involving exposures that  
16 have been excluded from regulatory control through regulations  
17 established by the Philippine Atomic Regulatory Commission;
- 18 c. This Act shall not apply to regulation of sources of non-ionizing radiation.  
19 The uses of atomic energy and ionizing radiation in the country shall be  
20 for peaceful uses only. Any activities or practices related to the  
21 acquisition or development of atomic explosives, radiological dispersal  
22 devices, or other peaceful uses of atomic or other radioactive materials  
23 and related technology or assisting others in such activities are strictly  
24 prohibited.

25 *Sec. 5. Definitions. —As used in this Act:*

- 26 a. *Activity* refers to the amount of radionuclide produced in a given energy state  
27 at a given time, also known as radioactivity;
- 28 b. *Activities* refer to the production, use, import and export of radiation sources  
29 for industrial, research and medical purposes; the transport of radioactive  
30 material; the siting, construction, commissioning, operation and  
31 decommissioning of facilities; radioactive waste management activities such as  
32 the discharge of effluents; the mining and processing of radioactive ores; site



- 1 rehabilitation including the remediation of sites affected by the residues from  
2 past activities; and such other activities as the PARC shall, from time to time,  
3 determine;
- 4 c. *Atomic* refers to any process related to the atom, the basic building block of  
5 matter;
- 6 d. *Atomic accident* refers to any unintended event, including operating errors,  
7 equipment failures and other mishaps, the consequences or potential  
8 consequences, of which are not negligible from the point of view of protection  
9 or safety;
- 10 e. *Authorization* refers to a written permission granted by the PARC to a person  
11 who has submitted an application involving atomic and radioactive materials  
12 and associated facilities, and ionizing radiation generating equipment. The  
13 authorization can take the form of a registration or a license;
- 14 f. *Decommissioning* refers to the administrative and technical actions taken to  
15 allow the removal of some or all of the regulatory controls from a facility to  
16 ensure the long term protection of the public and the environment, and typically  
17 include reducing the levels of residual radionuclides in the materials and on the  
18 site of the facility so that the materials can be safely recycled, reused, or  
19 disposed of as exempt waste or as radioactive waste and the site can be  
20 released for unrestricted use or otherwise reused;
- 21 g. *Emergency plan* refers to a description of the objectives, policy, and concept of  
22 operations for the response to an emergency and of the structure, authorities  
23 and responsibilities for a systematic, coordinated and effective response. The  
24 emergency plan serves as the basis for the development of other plans,  
25 procedures and checklists;
- 26 h. *Emergency preparedness* refers to the capability to take actions that will  
27 effectively mitigate the consequences of an emergency for human health and  
28 safety, quality of life, property, and the environment;
- 29 i. *Emergency response* refers to the performance of actions to mitigate the  
30 consequences of an emergency for human health and safety, quality of life,  
31 property, and the environment;

- 1 j. *Exclusion* refers to the deliberate excluding of a particular category of exposure  
2 from the scope of an instrument of regulatory control on the grounds that it is  
3 not considered amenable to regulatory control through the regulatory  
4 instrument in question;
- 5 k. *Exemption* refers to the determination by the PARC that a source or practice  
6 need not be subject to some or all aspects of regulatory control on the basis  
7 that the exposure, including potential exposure, due to the source or practice  
8 being too small to warrant the application of those aspects, or that this is the  
9 optimum option for protection irrespective of the actual level of the doses or  
10 risks;
- 11 l. *Facilities* refer to atomic installations or radiation facilities in which people may  
12 be exposed to ionizing radiation. These include:
- 13 i. Uranium mining and raw material processing facilities such as uranium  
14 mines;
- 15 ii. Enrichment facilities and atomic fuel facilities;
- 16 iii. Atomic power plants;
- 17 iv. Other reactors such as research reactors and critical assemblies;
- 18 v. Conversion facilities used to generate uranium hexafluoride (UF<sub>6</sub>);
- 19 vi. Atomic and radiation facilities for medical, industrial, research, and  
20 education purposes; and
- 21 vii. Such other facilities as the PARC shall determine from time to time;
- 22 m. *Facility operators* refer to any organization or person applying for authorization,  
23 or authorized, or responsible for atomic, radiation, radioactive waste or  
24 transport safety, when undertaking activities, or in relation to any atomic facility  
25 or source of ionizing radiation. This includes, *inter alia*, private individuals,  
26 governmental bodies, consignors or carriers, licensees, hospitals, and self-  
27 employed persons;
- 28 n. *Income* refers to the fees and other payments given to the PARC in the conduct  
29 of its regulatory functions;
- 30 o. *Individual operator* refers to any individual who manipulates the controls of  
31 atomic installation and radiation facility;

- 1 p. *Installation* operator refers to any person, organization, or government entity  
2 licensed or authorized to undertake the operation of an atomic or radiation  
3 facility;
- 4 q. *Ionizing radiation* refers to electromagnetic or particulate radiation capable of  
5 producing ion pairs directly or indirectly;
- 6 r. *Ionizing radiation* sources refer to atomic and other radioactive materials  
7 facilities and radiation generating equipment;
- 8 s. *License* refers to a legal document issued by the PARC granting authorization  
9 to perform specified activities related to facilities or activities or any  
10 authorization granted by the PARC to the applicant to have the responsibility  
11 for the siting, design, construction, commissioning, operation or  
12 decommissioning of an atomic installation;
- 13 t. *Licensee* refers to the authorized person who is a holder of a valid license  
14 granted for a practice or source who has recognized rights and duties for the  
15 practice or source, particularly in relation to protection and safety; or an  
16 organization having overall responsibility for facilities or activities;
- 17 u. *Natural sources* refer to naturally occurring sources of radiation, such as the  
18 sun and stars (sources of cosmic radiation) and rocks and soil (terrestrial  
19 sources of radiation);
- 20 v. *Notification* refers to a document submitted to PARC by a person to notify an  
21 intention to carry out a practice or other use of source;
- 22 w. *Physical protection* refers to technical and organizational measures for  
23 protection from atomic material or authorized facilities designed to prevent  
24 unauthorized access to atomic installations, atomic materials and other  
25 radioactive materials;
- 26 x. *Practices* refer to activities that introduce additional sources of exposure or  
27 exposure pathways or extends exposure to additional people or modifies the  
28 network of exposure pathways from existing sources, so as to increase the  
29 exposure or the likelihood of exposure of people, or the number of people  
30 exposed;



- 1 y. *Radiation facility* refers to a facility that utilizes radioactive materials; particle  
2 accelerator facility; and other such facility that the PARC shall determine from  
3 time to time;
- 4 z. *Radiation generating equipment or radiation generator* refers to an equipment  
5 or device that generates ionizing radiation when energized (e.g., x-ray  
6 generating equipment) or that would, if assembled or repaired, be capable of  
7 producing ionizing radiation when energized, or an equipment as the PARC shall  
8 from time to time determine;
- 9 aa. *Radiation protection* refers to the protection of people and the environment  
10 from the harmful effects of ionizing radiation;
- 11 bb. *Radiation source* refers to a radiation generator, or a radioactive source, or  
12 other radioactive material outside the atomic fuel cycles of research and power  
13 reactors;
- 14 cc. *Radioactive material* refers to any material designated in national law or by a  
15 regulatory body as being subject to regulatory control because of its  
16 radioactivity which includes sealed and unsealed sources and radioactive waste;
- 17 dd. *Radioactive source* refers to a radioactive material which is not exempt from  
18 regulatory control and which is not sealed and not in a solid form, or which is  
19 permanently sealed in a capsule or closely bonded and in a solid form. This also  
20 includes any radioactive material released if the radioactive source is leaking or  
21 broken, but does not include material encapsulated for disposal, or atomic  
22 material within the atomic fuel cycles of research and power reactors;
- 23 ee. *Radioactive waste* refers to waste substances, objects or equipment for which  
24 no further use is foreseen by their owner, with a radionuclide content or surface  
25 radionuclide contamination exceeding values permitting their discharge into the  
26 environment. These values shall be set out in an implementing regulation;
- 27 ff. *Radioactive waste disposal* refers to the permanent emplacement of radioactive  
28 waste into areas, facilities or installation without intent to retrieve it;
- 29 gg. *Radioactive waste and spent fuel storage* refers to the holding of radioactive  
30 sources, spent fuel or of radioactive waste in a facility that provides for their  
31 containment, with the intention of retrieval at a future date;

- 1 hh. *Radionuclide* refers to an unstable form of a chemical element that radioactively  
2 decays, resulting in the emission of atomic radiation;
- 3 ii. *Registrant* refers to the holder of a current registration;
- 4 jj. *Registration* refers to a form of authorization for practices of low or moderate  
5 risks whereby the person responsible for the practice has prepared and  
6 submitted a safety assessment of the facilities and equipment to the PARC  
7 created under Article II, Sec. 6 of this Act, and has complied with the legal  
8 requirements. The requirements for safety assessment and the conditions or  
9 limitations applied to the practice should be less severe than those for licensing.
- 10 kk. *Typical practices* that may be registered are those undertaken in facilities whose  
11 design and equipment ensure safety, or those whose operating procedures are  
12 simple and easy to follow, those that require minimal safety training, or those  
13 that historically have produced minimal safety problems;
- 14 ll. *Safeguards* refer to measures undertaken to ensure that the atomic material,  
15 non-atomic material, services, equipment, facilities, information, and certain  
16 items are not used for the manufacture of atomic weapons or any other atomic  
17 explosive devices or to further any military purpose;
- 18 mm. *Safety* refers to the protection of people and the environment against  
19 radiation risks, and of facilities and activities that give rise to radiation risks;
- 20 nn. *Security* refers to the prevention and detection of and response to, theft,  
21 sabotage, unauthorized access, illegal transfer or other malicious acts involving  
22 atomic material, other radioactive substances or their associated facilities;
- 23 oo. *Source* refers to anything that may cause radiation exposure, such as by the  
24 emission of ionizing radiation, or by the release of radioactive substances, or  
25 material that can be treated as a single entity for protection and safety  
26 purposes;
- 27 pp. *Special Drawing Right*, hereinafter referred to as SDR – refers to the unit of  
28 account defined by the International Monetary Fund and used by it for its own  
29 operations and transactions;
- 30 qq. *Special fissionable materials* refer to Plutonium-239, Uranium-233, Uranium  
31 enriched in the isotopes 235 or 233, and materials containing one or more of

1 the foregoing in concentration or amount exceeding values established by the  
2 PARC

3 rr. *Technical and scientific support organization* refers to an external organization  
4 or group of experts who are not part of the Philippine Atomic Regulatory  
5 Commission's permanent staff from whom it may seek advice or  
6 recommendations.

## 8 **ARTICLE II**

### 9 **THE PHILIPPINE ATOMIC REGULATORY COMMISSION**

10 *Sec. 6. Creation and Mandate of the Philippine Atomic Regulatory Commission.*

11 — There is hereby created an independent central atomic regulatory body to be known  
12 as the Philippine Atomic Regulatory Commission (PARC), which shall have exclusive  
13 authority for exercising regulatory control over all aspects of safety, security, and  
14 safeguards involving sources of ionizing radiation, atomic materials, and other  
15 radioactive materials, facilities, and activities, and radiation generating equipment.

16 *Sec. 7. Regulatory Policy.* — In issuing authorizations and other regulations  
17 under this Act, the PARC shall:

- 18 a. Impose the minimum requirements to protect the health and safety of the  
19 public and the environment, and ensure the security of atomic and radioactive  
20 material, radiation sources and their associated facilities;
- 21 b. Prevent the spread of atomic weapons and prevent atomic or radiological  
22 terrorism consistent with the obligations of the Philippines under relevant  
23 international instruments;
- 24 c. Establish and implement regulations, rules and orders consistent with relevant  
25 international standards and best practices; and
- 26 d. Ensure that operators are technically and financially qualified to engage in the  
27 proposed activities in accordance with the requirements of this Act and the  
28 PARC's regulations, and have financial protection to fulfil obligations on liability  
29 for atomic and radiation damage.

30 *Sec. 8. Functions of the PARC.* - The PARC shall:

- 1 a. Define, formulate, develop, and issue policies, regulations, orders, rules,  
2 standards, regulatory guides, and other issuances necessary for the  
3 implementation of this Act and its implementing rules and regulations;
- 4 b. Issue, amend, and revoke rules, regulations and orders including those  
5 pertaining to the financial capability of facility operators to cover liability for  
6 atomic damage;
- 7 c. Establish and implement a system of authorization in the form of registration  
8 and licensing, including modifications, amendments, suspension, and  
9 revocation of such authorizations;
- 10 d. Review and assess submissions on safety assessments and security plans from  
11 the facility operators prior to authorization and periodically thereafter, as  
12 required;
- 13 e. Inspect, monitor, and assess facilities, activities and practices to ensure  
14 compliance with applicable regulations, and the terms and conditions of  
15 authorizations;
- 16 f. Take enforcement measures in the event of non-compliance with applicable  
17 regulations, or the terms and conditions of authorizations;
- 18 g. Define exemptions and exclusions from regulatory control;
- 19 h. Ensure the application of safety, safeguard, and security requirements  
20 consistent with national and international commitments;
- 21 i. Hold hearings and conduct investigations, and for these purposes, administer  
22 oaths and affirmations and issue subpoenas to any person to appear and  
23 testify, or to appear and produce documents at any designated time and place;
- 24 j. Cooperate with other governmental or non-governmental bodies that are  
25 having competence in areas such as health and safety, environmental  
26 protection, security, and transportation of atomic and related dangerous goods;
- 27 k. Act as the national authority on atomic safety, security and regulatory matters  
28 relative to the International Atomic Energy Agency (IAEA), foreign  
29 governments, ministries, departments, and agencies, relevant regional and  
30 international organizations, including law enforcement and intelligence  
31 agencies;



- 1 l. Participate in relevant regional and international conferences, meetings,  
2 workshops, seminars and trainings related to safety, security, and safeguards  
3 of atomic and other radioactive materials and safety of radiation generating  
4 equipment;
- 5 m. Obtain experts' advice and opinions necessary to perform its functions,  
6 including the hiring of consultants, contracting of specific projects, or  
7 establishing Technical and Scientific Support Organizations (TSOs) or ad hoc  
8 advisory bodies;
- 9 n. Cooperate with other relevant government agencies to establish and maintain  
10 a national radiological emergency preparedness and response plan;
- 11 o. Carry out or contract research activities on radiation safety and security;
- 12 p. Establish appropriate mechanisms and procedures for informing and consulting  
13 the public and other stakeholders about the regulatory process and the safety,  
14 health, and environmental aspects of regulated activities and practices,  
15 including incidents, accidents, and abnormal occurrences;
- 16 q. Exercise regulatory control with respect to ionizing radiation sources, including  
17 issuing authorization;
- 18 r. Establish and maintain a national register of radiation sources;
- 19 s. Establish and maintain a national register of persons authorized to carry out  
20 activities or practices under this law;
- 21 t. Cooperate with the IAEA in the application of safeguards, in accordance with  
22 the Safeguards Agreement, and any protocols thereto, between the Republic  
23 of the Philippines and the IAEA, including conducting inspections and visits,  
24 carrying out complementary access and providing any assistance or information  
25 required by designated IAEA inspectors in the fulfillment of their  
26 responsibilities;
- 27 u. Establish and maintain a State System of Accounting for and Control of atomic  
28 material and a national system for the registration of licenses for atomic  
29 material, and to establish the necessary reporting and record keeping and  
30 requirements pursuant to the Safeguards Agreement, and any protocols  
31 thereto, between a State and the IAEA;



1 v. Perform such other relevant functions necessary to implement the provisions  
2 of this Act.

3 Nothing in this Act shall preclude the authorized agents of the Department of  
4 National Defense (DND) and other law enforcement agencies to conduct inspections  
5 of activities jointly with the authorized representatives of the PARC, when the national  
6 security of the State is involved.

7 *Sec. 9. Management System.* — The PARC shall establish, implement, and  
8 assess a management system that is aligned with its safety goals and contributes to  
9 its achievement. The PARC shall ensure that regulatory control is stable and  
10 consistent.

11 *Sec. 10. Organizational Structure of the PARC.* —The PARC shall be headed by  
12 a Commissioner who shall be appointed by the President for a term of five (5) years  
13 with a rank equivalent to an Undersecretary. The Commissioner shall be assisted by  
14 four (4) Deputy Commissioners who shall be appointed by the President with a rank  
15 equivalent to Assistant Secretary, and who shall serve a term of five (5), four (4),  
16 three (3) and two (2) years, respectively. Thereafter, the successors shall be  
17 appointed to serve for five (5) years. The four (4) deputy commissioners shall  
18 represent the following sectors: (a) health, (b) energy, (c) defense and security, and  
19 (d) industry which shall include research, industry, agriculture, and environment. The  
20 commissioner may come from any of the aforesaid sectors.

21 The Commissioner or at least one (1) Deputy Commissioner shall have the  
22 necessary scientific and technical qualifications, preferably an advanced degree in  
23 natural sciences or engineering or a broad professional background in any of the said  
24 fields.

25 The members of the PARC shall not be removed from office, except for just  
26 cause and after due process, as provided by law.

27 For the proper management and effective implementation of the objectives of  
28 the PARC, an Executive Director shall be appointed by the President upon the  
29 recommendation of the Commissioner, and shall perform the following functions:

- 30 a. Assist the Commissioner in the discharge of the executive and administrative  
31 functions;

- 1 b. Coordinate and direct the activities of the staff and be responsible for the day-
- 2 to-day management of the affairs and activities of the PARC;
- 3 c. Recommend and develop plans to achieve the PARC's objectives; and
- 4 d. Perform such other relevant functions necessary to implement the provisions
- 5 of this Act.

6 All other officials and employees of PARC shall be appointed by the  
7 Commissioner, subject to the civil service laws, rules and regulations.

8 *Sec. 11. Official Site of PARC.* — A land area equivalent to at least ten (10)  
9 hectares out of the area of lands which are under the administration of the Bases  
10 Conversion and Development Authority (BCDA) within the Clark Special Economic  
11 Zone in Pampanga and Tarlac, shall be allocated exclusively for the PARC office:  
12 *Provided,* That the PARC shall establish additional offices in strategic areas as it may  
13 deem necessary: *Provided further,* That the boundaries and technical descriptions of  
14 these land areas shall be determined by an actual and joint group survey.

15 *Sec. 12. Fees and Charges.* — The PARC is authorized to charge and collect  
16 reasonable fees in the performance of its regulatory functions: *Provided,* that such  
17 fees shall be imposed by regulation on the basis of such published criteria as the PARC  
18 deems appropriate. The fees and charges collected by the PARC shall be deposited  
19 with the Bureau of the Treasury as income of the general fund pursuant to Section  
20 44, Chapter 5, Book VI of Executive Order. No. 292, s. 1987.

21 *Sec. 13. Radioactive Waste Management Fund.* - A portion of the payment of  
22 the electricity generated from the use of atomic energy shall be set aside to establish  
23 a Radioactive Waste Management Fund, in view of the importance of atomic waste  
24 disposal and spent fuel. The Fund shall be held in escrow and can only be utilized for  
25 the decommissioning of atomic facilities, including the safe management, disposal of  
26 the atomic waste and spent fuel, which shall include siting research, transports, and  
27 final geological disposal. The portion of the payment shall be determined by the PARC  
28 based on international practice.

29 *Sec. 14. Technical and Scientific Support Organizations.* — The PARC is  
30 authorized to seek expert opinion and recommendations from independent technical  
31 and scientific support organizations that do not pose a conflict of interest, or  
32 improperly influence the PARC's regulatory decision making. Any advice offered shall



1 atomic installation and radiation facility, except under an authorization issued by the  
2 PARC. A person or organization shall be required specific authorization issued by the  
3 PARC to conduct any of the following activities or practices:

- 4 a. Transfer, receipt, acquisition, ownership, possession, or use of atomic or  
5 radioactive material for medical, industrial, agricultural, and research  
6 applications;
- 7 b. Manufacture and distribution of radioactive materials or products containing  
8 radioactive materials to other licensees or persons exempt from the  
9 requirements for a license;
- 10 c. Production of radioactive materials from particle accelerators;
- 11 d. Operation and maintenance of ionizing radiation facilities for scientific research,  
12 industrial, and medical purposes;
- 13 e. Siting, construction, commissioning, operation, dismantling, decommissioning,  
14 and closure atomic installations;
- 15 f. Transport of atomic or radioactive materials to, within, and from the Philippines;  
16 and
- 17 g. Engaging in or provision of atomic technical services.

18 *Sec. 17. Requirement for Authorization. —*

- 19 a. Any person who intends to engage in any activity or practice mentioned in the  
20 immediately preceding section shall submit an application to the PARC  
21 indicating its intention to carry out such activity or practice in the form and  
22 within the time limits prescribed by the PARC;
- 23 b. No authorization to acquire, own, or operate any atomic installation and  
24 radiation facility shall be issued to an alien, or any corporation or other entity,  
25 which is owned or controlled by an alien, a foreign corporation, or a foreign  
26 government. For purposes of this Act, a corporation or other entity may be  
27 granted authorization to acquire, own, or operate an atomic installation and  
28 radiation facility only, if at least sixty percent (60%) of its capital stock is owned  
29 by Filipino citizens.

30 *Sec. 18. Licensing Process and Conditions for Issuance of Authorization. —* The  
31 PARC shall provide for the licensing process and the conditions for the issuance of the



1 appropriate authorization in the rules and regulations (IRR) to be issued to implement  
2 this Act.

3 *Sec. 19. Responsibilities of the Authorized Person. —*

4 a. Any person authorized to conduct the activities or practices specified in Section  
5 16 shall have the primary responsibility for the safe and secure conduct of those  
6 activities or practices, and for ensuring compliance with this Act and all  
7 applicable regulatory requirements and conditions of the authorization related  
8 to those activities or practices;

9 b. Any person authorized to conduct activities or practices shall provide the PARC  
10 with any requested assistance in the performance of its regulatory functions;

11 c. Any person authorized shall timely notify the PARC of any relevant accident or  
12 emergency;

13 d. Any person who intends to discontinue the conduct of activities so authorized  
14 by the PARC shall duly inform the latter at least six (6) months prior to actual  
15 cessation of those activities or practices.

16 *Sec. 20. Provisional Authorization. —* In all cases of application for authorization  
17 to construct a facility, if the PARC finds that, on the basis of the technical information  
18 and data so far made available to it, there is reasonable assurance that the proposed  
19 facility can be constructed and operated at the proposed location without undue risk  
20 to the health, safety, and security of the public and the environment, it shall issue the  
21 appropriate authorization to operate the facility: *Provided*, That in cases where there  
22 is insufficient data or information on health, safety, and security, or if there is a need  
23 to generate or validate such data or information, the PARC may issue a provisional  
24 authority to operate such facility for as long as in its determination, there is reasonable  
25 assurance that questions of health, safety, and security will be so resolved as to  
26 warrant the issuance of an authorization to operate the facility: *Provided*, however,  
27 That the provisional authority to operate the facility shall cover a period not to exceed  
28 one (1) year.

29 *Sec. 21. Additional Requirements in Case of Atomic Installation for Commercial*  
30 *Power: Exemptions.—* Nothing in this Act shall be construed to exempt the operator  
31 of an atomic facility designed primarily for the generation of electricity for commercial  
32 purposes from complying with other requirements provided by existing laws, such as



1 securing a franchise, a certificate of public convenience and necessity, and obtaining  
2 approval for rates and services from the appropriate agency: *Provided*, however, That  
3 upon certification by the PARC, importations of atomic fuel for use in these facilities  
4 shall be free from all taxes and duties, in accordance with incentives under the  
5 pertinent provisions of Republic Act No. 5186, otherwise known as the "*Investment*  
6 *Incentives Act*."

7 *Sec. 22. Inspections and Enforcement. —*

- 8 a. The PARC shall implement a system of inspection of atomic and radiation  
9 facilities and activities based on the provisions of this Act to verify compliance  
10 with the applicable requirements and conditions of any authorization issued  
11 under Section 16.
- 12 b. The PARC shall implement a system of verification of the safety and security of  
13 atomic and other radioactive material through safety and security assessments;  
14 monitoring and verification of compliance with any authorization issued under  
15 Section 16; inspections; and the maintenance of appropriate records by  
16 licensees. The verification system shall be provided for in the regulations to be  
17 issued pursuant to this Act.
- 18 c. Where the PARC has established that any person has committed a violation of  
19 relevant atomic safety, security, and safeguards regulations issued under this  
20 Act, the conditions of an authorization issued under Section 16, or other  
21 requirements that do not constitute a criminal offense under Sections 59 and  
22 60 of this Act, it may impose by order any of the following penalties in  
23 conformity with the proceedings provided for in Section 23: suspension,  
24 modification, and revocation of authorization, or imposition of a civil monetary  
25 penalty.

26 *Sec. 23. Suspension, Modification, and Revocation of Authorizations. —* Any  
27 authorization issued pursuant to this Act may be suspended, modified or revoked by  
28 the PARC in the event of a violation of its conditions, when circumstances in which the  
29 public interest, health, safety, or security so requires, when the conditions under which  
30 it was issued are no longer complied with, or in any circumstance that continued  
31 activity under the authorization shall pose an unacceptable risk to people or the  
32 environment: *Provided*, That the licensee shall have been accorded an opportunity to

1 demonstrate or achieve compliance with the requirements. In all instances, the PARC  
2 shall provide information to the public on the procedures and requirements for  
3 suspension, modification, renewal, revocation or relinquishment of authorizations.

4 No authorization shall be transferred, assigned, encumbered, or in any manner  
5 disposed of, either voluntarily, or involuntarily, directly or indirectly, unless the PARC  
6 shall, after securing full information, find that such transfer, assignment,  
7 encumbrance, or other disposition is in accordance with the purposes and provisions  
8 of this Act and shall give its consent in writing.

9 Upon the suspension, revocation, or expiration of an authorization which is not  
10 renewed, and pursuant to PARC order, the licensee shall be required to take such  
11 measures as may be necessary to protect the health and safety of the public and the  
12 environment from the harmful effects of radiation, and ensure security of radioactive  
13 material and facilities.

14 Whenever practicable, the PARC may take temporary custody of any atomic  
15 and other radioactive material and facility held by the licensee pending their  
16 appropriate and lawful disposition by or for the licensee.

17 *Sec. 24. Regulation of relevant Atomic-related materials.* – When it is deemed  
18 necessary and circumstances so warrant, the PARC shall exclusively effect regulation  
19 over relevant atomic-related materials and activities otherwise not covered under this  
20 Act, of certain National Government agencies such as the Department of National  
21 Defense, Department of Energy, Department of Environment and Natural Resources,  
22 Department of Science and Technology, Department of Health and their affiliates or  
23 attached offices.

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25

**ARTICLE IV**

26

**RADIATION PROTECTION**

27 *Sec. 25. Regulation to Ensure Radiation Protection.* —

- 28 a. The PARC shall take the appropriate steps to ensure that:
  - 29 i. No activity or practice shall be authorized unless it produces sufficient  
30 benefit to the exposed person or to the society in a manner that offsets  
31 the radiation harm that it may cause;

1           ii. The magnitude of individual doses, the number of persons exposed, and  
2           the likelihood of incurring exposures shall all be kept as low as  
3           reasonably achievable, economic and social factors considered; and

4           iii. No individual shall be exposed to ionizing radiation doses which exceed  
5           prescribed national dose limits;

6           b. The PARC shall establish dose limits for persons that may not be exceeded in  
7           conducting activities under regulatory control;

8           c. The PARC shall identify sources or practices to be exempted from regulatory  
9           control;

10          d. The PARC shall establish clearance levels below which radioactive material  
11          within authorized activities and practices can be released from regulatory  
12          control;

13          e. The PARC shall ensure that authorized facilities maintain a record of exposure  
14          of the public, patients, and of workers occupationally exposed to ionizing  
15          radiation at their work: and

16          f. The PARC shall promulgate appropriate regulations and related guidelines to  
17          address all issues and concerns related to exposure to ionizing radiation from  
18          natural sources.

19          *Sec. 26. Responsibilities of Authorized Persons in Radiation Protection. –*

20          a. The authorized person shall bear the prime responsibility for ensuring the safety  
21          and security of the facility and of all activities and practices associated with it;

22          b. Authorized persons shall ensure compliance with the requirements and dose  
23          limits established by the PARC and shall ensure that radiation doses to workers  
24          and the public, including doses from releases to the environment, are as low  
25          as reasonably achievable, taking into account social and economic factors;

26          c. Persons authorized to conduct activities utilizing ionizing radiation for medical  
27          purposes shall ensure the overall patient protection and safety in the  
28          prescription of, and during the delivery of, medical exposures.

1 **ARTICLE V**

2 **EMERGENCY PREPAREDNESS AND RESPONSE**

3 *Sec. 27. Emergency Plan.* — No authorization or license to conduct an activity  
4 or practice, operate a facility or possess or use a source may be granted unless and  
5 until an appropriate emergency preparedness and response plan has been developed  
6 by the applicant and approved by the PARC.

7 In the event of an atomic or radiological emergency, the authorized person  
8 shall implement the approved emergency preparedness and response plan.

9 *Sec. 28. Emergency Preparedness and Response.* — The PARC shall:

- 10 a. Develop and maintain a national emergency plan for responding to potential  
11 atomic or radiological emergencies which shall be approved by the President of  
12 the Philippines;
- 13 b. Coordinate the task of the radiological emergency response organization of the  
14 PARC within the framework of the National Disaster Risk Reduction and  
15 Management Council (NDRRMC) of the DND in the event of an atomic and  
16 radiological emergency;
- 17 c. Provide for the activities of an emergency response center and for an  
18 international exchange of information on the radiation situation, consistent with  
19 the Philippines' obligations under the Convention on Early Notification of an  
20 Atomic Accident and the Convention on Mutual Assistance in the Case of an  
21 Atomic Accident or Radiological Emergency; and
- 22 d. Define the radiation levels at which evacuation shall be considered.

23 **ARTICLE VI**

24 **TRANSPORT OF ATOMIC AND OTHER RADIOACTIVE MATERIAL**

25 *Sec. 29. Regulation in the Transport of Atomic and Other Radioactive Material.*  
26 — The PARC shall establish and implement safety and security requirements for the  
27 transport of atomic and other radioactive material to, from and within the jurisdiction  
28 of the Philippines, consistent with the International Atomic Energy Agency (IAEA)  
29 regulations, for the safe and secure transport of radioactive material.

30 *Sec. 30. Requirements for Authorization.* — No person shall engage in the  
31 transport of radioactive material without an authorization issued by the PARC.  
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**ARTICLE VII**

**IMPORT AND EXPORT OF ATOMIC AND OTHER RADIOACTIVE MATERIALS**

Sec. 31. *Export or Import Control.* — The PARC shall:

- a. Establish regulatory requirements, procedures and relevant guides for the exportation and importation of atomic and other radioactive materials including radioactive sources which require licensees, *inter alia* to:
  - i. Secure an authorization from the PARC prior to exportation or importation with the assurance of applying safeguards and physical protection measures to protect public health, safety and security;
  - ii. Ensure before importation that the exporter has an authorization from the competent authority of the exporting country to export such materials to the Philippines in accordance with laws and regulations of that country; and that a recipient is authorized to receive such materials and has the capacity to ensure their safety and security; and
  - iii. Ensure before exportation that a recipient is authorized to receive such materials and that the importing country has the necessary and appropriate technical and administrative capability, resources and regulatory infrastructure to ensure the safe and secure management of such materials, particularly disused sources.
- b. Coordinate with relevant agencies of government and establish appropriate formal mechanisms for coordination to effectively implement the import and export control measures for atomic and other radioactive material, as well as radioactive sources.

**ARTICLE VIII**

**MANAGEMENT OF SPENT FUEL AND OTHER RADIOACTIVE WASTE**

Sec. 32. *Regulation of Radioactive Waste and Spent Atomic Fuel Management.*

— To ensure the safe and secure management of radioactive waste and spent fuel, the PARC shall establish:

- a. Applicable safety and security requirements and regulations for the protection of people and the environment from adverse impacts of radioactive waste and



1 spent fuel management activities, including relating to predisposal  
2 management of radioactive waste, and generation characterization,  
3 classification, pre-treatment, treatment, conditioning, packaging and storage  
4 as appropriate;

5 b. A system of authorization of radioactive waste and spent fuel management  
6 activities;

7 c. A system of regulatory inspection, documentation, and reporting for radioactive  
8 waste and spent fuel management activities, and in the case of disposal, a  
9 system of institutional control; and

10 d. A system of enforcement to ensure compliance with applicable regulations and  
11 the terms and conditions of authorizations for radioactive waste and spent fuel  
12 management activities.

13 The PARC shall ensure the continuous regulatory control over radioactive waste  
14 from its generation to final disposal, including institutional control.

## 16 **ARTICLE IX**

### 17 **ATOMIC SAFETY AND DECOMMISSIONING**

18 *Sec. 33. Licensing Process of Atomic Installations. –*

19 a. Any person who intends to construct or operate a nuclear installation or to  
20 conduct related activities shall obtain an authorization from PARC consistent  
21 with the terms of this Act and applicable regulations.

22 b. The PARC shall establish requirements for the regulatory control of nuclear  
23 installations to include the following:

24 i. Regulations for siting, design, construction, commissioning, operation,  
25 maintenance and decommissioning;

26 ii. Regulations for public information, management system and  
27 authorization of installation operators;

28 iii. Assessment and verification of safety and security by the facility operator  
29 and by PARC;

30 iv. Financial and human resources necessary to ensure safety and security;  
31 and

- 1 v. Human factors to be taken into account by the facility operator during  
2 the lifetime of the nuclear installation.

3 *Sec. 34. Responsibility of an Authorized Person for atomic safety.* – The  
4 authorized person shall bear the prime responsibility for ensuring nuclear safety and  
5 security of nuclear installation and of all activities and practices associated with it.

6 *Sec. 35. Decommissioning.* – The PARC shall:

- 7 a. Establish requirements for the decommissioning of nuclear installations  
8 or radiation facilities, including:

- 9 i. Safety and environmental criteria, including conditions on the end  
10 state after decommissioning;  
11 ii. Limits and conditions for the removal of regulatory control for  
12 nuclear installations or radiation facilities containing  
13 radionuclides;  
14 iii. Regulations for the clearance of radioactive material during and  
15 following decommissioning.

- 16 b. Ensure that relevant documents and records prepared by the facility  
17 operator are maintained for a specified period of time before, during and  
18 after decommissioning.

19 *Sec. 36. Decommissioning Plan.* –

- 20 a. At the design stage of a nuclear installation, the applicant for authorization to  
21 construct and operate a nuclear installation, shall prepare an initial  
22 decommissioning plan for approval by the PARC. The plan shall be  
23 commensurate with the type and status of the nuclear installation and the  
24 hazard that may be associated with the decommissioning.  
25 b. The PARC shall require the facility operator to provide periodic reviews and  
26 updates of the decommissioning plan and shall specify the maximum time  
27 intervals between such reviews and updates.

1 **ARTICLE X**  
2 **SAFEGUARDS**

3 *Sec. 37. Safeguards.* - The PARC shall:

- 4 a. Maintain a system of accounting for and control of atomic materials and  
5 establish requirements thereon;
- 6 b. Fulfill the Philippines' obligation to the Non-Proliferation Treaty, the Safeguards  
7 Agreement, and related international treaties, conventions, agreements and  
8 protocols thereto;
- 9 c. Ensure unimpeded access by designated IAEA inspectors and duly authorized  
10 representatives of the Philippine government agencies to any location or facility  
11 provided for under the Safeguards Agreement and any protocols thereto, with  
12 a view to conducting the verification activities authorized by these instruments;  
13 and
- 14 d. Ensure cooperation and support to the IAEA by all National Government  
15 agencies and authorized persons in the application of safeguards measures.
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17 **ARTICLE XI**  
18 **PHYSICAL PROTECTION AND SECURITY**

19 *Sec. 38. Physical Protection and Security of Atomic and other Radioactive*  
20 *Material.* — The PARC shall:

- 21 a. Issue regulations to implement effective measures to prevent, detect, and  
22 respond to unauthorized acts involving atomic and other radioactive material  
23 that may cause injury to persons, property or the environment or otherwise  
24 jeopardize national security;
- 25 b. Establish requirements for the physical protection of atomic material, in  
26 accordance with the provisions of this Act, and in compliance with the country's  
27 obligations as a party to the Convention on the Physical Protection of Atomic  
28 Material, the Amendment thereto, and other international treaties and  
29 conventions;
- 30 c. Issue regulations for the protection of individuals, communities and the  
31 environment from the deleterious effects of radioactive sources; and

1 d. Coordinate with the relevant agencies of government and seek international  
2 cooperation to effectively implement these security measures.

## 3 4 **ARTICLE XII**

### 5 **ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW**

#### 6 *Sec. 39. Notice and Conduct of Hearing. —*

7 In any proceeding for the grant, suspension, revocation or amendment of any  
8 authorization, or upon the issuance of an order, the PARC shall hold a hearing upon  
9 the request of any person whose interest may be affected and shall admit such person  
10 as a party to the proceeding.

11 The hearings of the PARC may be open to the public and relevant stakeholders,  
12 except when warranted by considerations of security, national defense, or proprietary  
13 matters.

14 Except in cases where immediate action is required in order to protect the  
15 health and safety of the public or the national interest, no order issued under Section  
16 23 of this Act shall become effective until after the licensee has been given prior notice  
17 for a hearing and the opportunity to be heard.

18 Where an order suspending, revoking or modifying an authorization, or an order  
19 issued under Section 23 is made effective without prior notice for a hearing and  
20 opportunity to be heard, the order shall only be temporary pending the hearing and  
21 issuance of the PARC's final decision in the proceeding.

22 *Sec. 40. Orders and Decisions. —* All orders and decisions of the PARC shall be  
23 in writing, stating clearly and distinctly the facts and issues involved and the reasons  
24 on which the PARC's order or decision is based. Such order and decisions shall be  
25 made available to the public.

26 *Sec. 41. Judicial Review. —* The Court of Appeals shall have the power of judicial  
27 review over any final order or decision of the PARC and shall modify or set aside such  
28 order or decision when it clearly appears that there was no evidence before the PARC  
29 to support reasonably such order or decision, or that the same is contrary to law. Any  
30 such final decision or order may be reviewed by the Court of Appeals on the application  
31 of any party or other person affected thereby, by certiorari in appropriate cases, or by  
32 petition for review, in accordance with the Rules of Court, within such period as the

1 PARC may rule or prescribe but not exceeding thirty (30) days from notice of such  
2 order or decision.

3 An appeal shall not suspend the grant of authorization, but shall maintain the  
4 suspension or revocation of authorization until after the final disposition of the appeal  
5 by the Court of Appeals, unless said Court determines otherwise. Only questions of  
6 law on such order or decision may be reviewed by the Supreme Court.

7 *Sec. 42. Notice of Regulation.* — No regulation adopted by the PARC shall be  
8 effective less than fifteen (15) days after publication of the regulation in any  
9 newspaper of general circulation, except, that if the PARC finds that health, safety,  
10 and security considerations or the national interest require otherwise, the regulation  
11 may be made effective immediately upon publication in the Official Gazette, or in a  
12 newspaper of general circulation, or upon furnishing copies of the regulation to the  
13 persons affected.

14 *Sec. 43. Incident Reports.* — No report by any licensee of any incident arising  
15 out of or in connection with authorized activities made, pursuant to any requirement  
16 of the PARC, shall be admitted as evidence in any suit or action for damages growing  
17 out of any matter mentioned in such report.

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### ARTICLE XIII

20

#### CIVIL LIABILITY FOR ATOMIC AND RADIATION DAMAGE

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*Sec. 44. Liability of the Operator.* —The operator shall be liable for atomic  
damage upon proof that such damage has been caused by an atomic incident under  
the following circumstances:

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a. When the incident occurred in the operator's atomic installation:

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When the incident involved atomic material which came or originated  
from the operator's atomic installation, and occurred in either of the  
following circumstances:

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- i. Before liability with regard to atomic incidents involving the atomic  
material has been assumed, pursuant to the express terms of a contract  
in writing, by another installation operator, or;
- ii. In the absence of such express terms, before another installation  
operator has taken charge of the atomic material.



1 b. When the incident involved atomic material sent to the operator's atomic  
2 installation, and occurred in either of the following circumstances:

3 i. After the liability with regard to atomic incidents involving the atomic  
4 material has been assumed by the operator pursuant to the express  
5 terms of a contract in writing, from another installation operator; or

6 ii. In the absence of such express terms, after the operator has taken  
7 charge of the atomic material: *Provided*, that if atomic damage is caused  
8 by an atomic incident that occurred in an atomic installation and which  
9 involved atomic material stored therein incidental to the carriage of such  
10 material, the provisions of paragraph (a) of this Section shall not apply  
11 where another installation operator or person is solely liable pursuant to  
12 the provisions of paragraph (b) or (c) of this Section.

13 c. Any provision in this Section to the contrary notwithstanding, the installation  
14 operator shall be liable for atomic damage upon proof that such damage has  
15 been caused by an atomic accident involving atomic material in the course of  
16 carriage either to an atomic installation located in the territory of a State not  
17 party to an international convention on civil liability for atomic damage to which  
18 the Philippines is a party; or when the atomic material was being transported  
19 from the Philippines to an operator in another country that is a Contracting  
20 Party to the Vienna Convention.

21 For the purpose of this Act, whenever the damage, whether it was caused  
22 purely by an atomic incident or by an atomic incident and one or more other  
23 occurrences, such other damage shall, to the extent that it is not reasonably separable  
24 from the atomic damage, be deemed to be atomic damage caused by that atomic  
25 incident. Where the damage is caused both by atomic incident covered by this Section  
26 and by an emission of ionizing radiation not covered by it, nothing in this Section shall  
27 limit or otherwise affect the liability, either as regards any persons suffering atomic  
28 damage or by way of recourse or contribution of any person who may be held liable  
29 in connection with that emission of ionizing radiation.

30 *Sec. 45. Absolute and Exclusive Liability. —*

31 a. The liability of the installation operator for atomic damage shall be absolute.

- 1        b. The installation operator shall not be liable for atomic damage caused by an  
2        atomic incident directly due to a grave natural disaster of an exceptional  
3        character.
- 4        c. Except as otherwise provided in this Act, no person other than the installation  
5        operator shall be liable for atomic damage.

6        *Sec. 46. Recourse Actions.* — The installation operator shall have a right of  
7 recourse only:

- 8        a. If there is such a right pursuant to the express provision of a written contract  
9        with the other installation operator; or
- 10       b. If the atomic incident results from an act or omission done with intent to cause  
11       damage against the individual who has acted or omitted to act with such intent.

12       *Sec. 47. Gross Negligence or Intentional Act of Claimant.* — If the atomic  
13 damage resulted wholly or partly either from the gross negligence of the person  
14 suffering the damage or from an act or omission of such person done with intent to  
15 cause damage, the Court may relieve the installation operator from the obligation to  
16 pay compensation in respect of the damage suffered by such person.

17       *Sec. 48. Exceptions to Liability.* — An installation operator shall not be liable for  
18 any atomic damage caused by an atomic accident directly due to hostilities, armed  
19 conflict, civil war or insurrection.

20       *Sec. 49. Limit of Liability.* — The liability of the installation operator for atomic  
21 damage under this Act shall be limited to an amount in Philippine pesos, which is  
22 equivalent to Four Hundred Million Special Drawing Rights (SDRs) for any one atomic  
23 incident, exclusive of interest or costs which may be awarded by the Court in actions  
24 for compensation of such atomic damage. The amount may be subject to change, as  
25 determined by the PARC, in accordance with international conventions ratified by the  
26 Philippines.

27       *Sec. 50. Exemption from Liability.* — The installation operator shall not be liable  
28 under this Act for atomic damage either to the atomic installation itself or to any  
29 property on the site of that installation, which is used or to be used in connection with  
30 that installation, or to the means of transport upon which the atomic material involved  
31 was located at the time of the atomic incident.

1           Sec. 51. *Exclusions.* —The PARC may, if it determines that the small extent of  
2 the risk involved so warrants, exclude by regulation any small quantity of atomic  
3 material from the application of the provisions in this Article XIII: *Provided*, that  
4 maximum limits for the exclusion of such quantities have been established by the  
5 Board of Governors of the International Atomic Energy Agency: *Provided, further*, that  
6 any exclusion must be within the limits so established.

7           Sec. 52. *Certificate to Carrier.* —In accordance with such regulations as the  
8 PARC may issue, the appropriate installation operator shall provide the carrier, which  
9 furnishes carriage of atomic material, with a certificate issued by or on behalf of the  
10 insurer or other financial guarantor furnishing the financial security.

11           Sec. 53. *Liability of Several Installation Operators.* — Where atomic damage  
12 engages the liability of more than one installation operator, the following rules shall  
13 apply:

14           a. In so far as damages attributable to each installation operator are not  
15 reasonably separable, the installation operators involved shall be jointly and  
16 severally liable;

17           b. In case the atomic incident occurs in the course of carriage of atomic material,  
18 either in one and the same means of transport, or, in the case of storage  
19 incidental to the carriage, in one and the same atomic installation, and causes  
20 atomic damage which engages the liability of more than one installation  
21 operator, the total liability shall not exceed the highest amount applicable with  
22 respect to any of the concerned operators, and in accordance with Section 44  
23 of this Act; and

24           c. In neither of the cases referred to in paragraphs (a) and (b) of this Section shall  
25 the liability of any one installation operator exceed the amount established in  
26 Section 44 hereof.

27           Sec. 54. *Operator of Several Installations.* — Subject to the provisions of  
28 Section 48, where several atomic installations of one and the same installation  
29 operator are involved in one atomic incident, such installation operator shall be liable  
30 in respect to each atomic installation involved, up to the amount applicable provided  
31 in Section 44 of this Act.

1           Sec. 55. *Carrier or Handler of Atomic Material as Installation Operator.* — The  
2 PARC may, subject to such terms and conditions as it may subscribe by regulation or  
3 order, designate a carrier of atomic material or a person handling radioactive waste,  
4 upon the carrier's request and with the consent of the installation operator concerned,  
5 as installation operator in the place of the installation operator in respect of such  
6 atomic material or radioactive waste, respectively. Upon such designation, such carrier  
7 or such person shall be considered as an installation operator for the purpose of this  
8 Section.

9           Sec. 56. *Court Having Jurisdiction.* —The Regional Trial Court having  
10 jurisdiction over the place where the atomic incident occurs shall have jurisdiction to  
11 determine claims for compensation for such atomic damage under this Act.

12           Sec. 57. *Intervention of PARC in Court Proceedings.* —When, after the  
13 occurrence of an atomic incident, it appears that the Government will have to pay  
14 indemnity, the Court having jurisdiction over the claims for compensation arising from  
15 the atomic incident, shall, at any time before final judgment, allow the PARC, upon its  
16 petition, to intervene in the proceedings with respect to technical issues.

17           Sec. 58. *Compulsory Processes.* —After the occurrence of an atomic incident  
18 for which it appears compensation may be payable under this Act, the PARC may  
19 adopt such measures as may be appropriate to determine the persons who were or  
20 might have been exposed to ionizing radiation resulting from such atomic incident,  
21 which measures may include summons to such persons to submit themselves to  
22 examination before such authority or body as shall be designated by the PARC within  
23 three (3) months from the date of summons. In determining the amount of damages  
24 or the right to recover damages, the Court may, in its discretion, take into account the  
25 inexcusable failure of the claimant to fulfill or comply with the foregoing obligation.

26           Sec. 59. *Investigation of Atomic Incidents.* - The PARC shall investigate the  
27 cause and extent of any atomic incident for which it appears compensation may be  
28 payable under this Act, and its finding shall be made available to the public, to the  
29 parties involved, and to the Courts.

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1 **ARTICLE XIV**

2 **TRANSITORY PROVISIONS**

3 SEC. 60. *The Philippine Atomic Research Institute.* -

- 4 a. The Philippine Nuclear Research Institute (PNRI) herein renamed and  
5 henceforth referred to as the *Philippine Atomic Research Institute* (PARI), shall  
6 be the scientific atomic organization in the country and continue its mandate  
7 to foster atomic research and development, including atomic safety research,  
8 pursuant to the objectives of Executive Order No. 128, series of 1987. Likewise,  
9 PARI shall continue to function as one of the Research and Development  
10 Institutes of the Department of Science and Technology.
- 11 b. The regulatory function of the PNRI is hereby transferred to the PARC.
- 12 c. The regulatory functions of the PNRI, which were inherited from the former  
13 Philippine Atomic Energy Commission by virtue of RA 2067, as amended, and  
14 RA 5207, as amended, Executive Order No. 128 and Executive Order No.366,  
15 are deemed transferred to the PARC.
- 16 d. The development, promotion, and use of atomic energy for peaceful  
17 applications shall remain the responsibility of the Institute, whereupon the  
18 Director of the Institute shall, in coordination with the DBM, draw up its new  
19 organizational structure in accordance with existing laws and civil service rules  
20 and regulations.
- 21 e. All regulations, rules, orders previously established by the PNRI shall remain in  
22 force until superseded by the PARC by appropriate orders or issuances.

23 Sec. 61. *The Center for Device Regulation, Radiation, Health and Research.* -

- 24 a. The regulatory functions of the Center for Device Regulation, Radiation, Health  
25 and Research (CDRRHR) of the DOH over devices generating ionizing radiation  
26 by virtue of RA 9711 otherwise known as "*The Food and Drug Administration*  
27 *Act of 2009*", are deemed transferred to the PARC.
- 28 b. This Act shall in no way prevent the DOH or its line agencies from imposing  
29 additional requirements for the regulation of medical and health-related devices  
30 in the interest of public health and safety as provided for by law.
- 31 c. The administrative supervision of the CDRRHR shall remain with the DOH.



1 d. All regulations, rules, orders pertaining to ionizing radiation previously  
2 established by the CDRRHR shall remain in force until superseded by the PARC.

3 Sec. 62. *Human Resources.* —All plantilla positions of the Nuclear Regulatory  
4 Division of the PNRI, DOST are hereby transferred to the PARC. Thereafter, all powers,  
5 functions and duties, records, files, and assets pertaining to regulation of atomic and  
6 radioactive materials and facilities of the PNRI shall be transferred to the PARC. All  
7 plantilla positions of the Radiation Regulation Division of the Center for Device  
8 Regulation, Radiation, Health and Research (CDRRHR) of the DOH which have  
9 responsibilities solely in ionizing radiation regulation are also hereby transferred to the  
10 PARC. Thereafter, all powers, functions and duties, records, files, and assets of these  
11 organizational units shall be transferred to the PARC.

12 RA 6656 or the *Government Reorganization Act* shall govern the reorganization  
13 of the affected personnel of the Nuclear Regulatory Division of the PNRI and the  
14 Radiation Regulation Division of the CDRRHR.

15 There shall be no diminution of rank, salaries, allowances and benefits of all  
16 personnel transferred to the PARC. In case of a difference in the above benefits  
17 between the transferred employees of the two agencies, the higher amount shall be  
18 adopted. New employees of the PARC shall be entitled to the same allowances and  
19 benefits as the transferred employees.

20 The PARC shall draw up its organizational structure with the necessary  
21 qualification requirements and standards in accordance with the Civil Service Law  
22 (CSC), rules and regulations for evaluation and approval of the DBM within three (3)  
23 months upon submission with the CSC.

24 Sec. 63. *Magna Carta for Science and Technology Personnel.* — Qualified  
25 employees of the PARC and its attached units shall be covered by RA 8439, otherwise  
26 known as the "*Magna Carta for Scientists, Engineers, Researchers and other Science  
27 and Technology Personnel in the Government.*"

## 28 29 **ARTICLE XV**

### 30 **PENAL PROVISIONS**

31 Sec. 64. *Violation of Specific Provisions of the Act.* — Any person who willfully  
32 violates, attempts to violate, or conspired to violate, any provision of Section 16 of

1 this Act shall upon conviction thereof, suffer the penalty of imprisonment of not more  
2 than five (5) years or a fine ranging from One million pesos (PHP 1,000,000.00) to  
3 Five million pesos (PHP 5,000,000.00), or both.

4 Sec. 65. *Violation of Other Provisions of this Act.* — Any person who willfully  
5 violates, attempts to violate, or conspires to violate any provision of this Act for which  
6 no penalty is specifically provided, or of any regulation, order or authorization issued  
7 under this Act shall, upon conviction thereof, suffer the penalty of imprisonment of  
8 not more than two (2) years or a fine of not more than five hundred thousand pesos  
9 (PHP 500,000.00), or both.

10

11

## ARTICLE XVI

12

### FINAL PROVISIONS

13 Sec. 66. *Appropriations.* — The amount necessary to cover the initial  
14 implementation of this Act shall be charged against the current year's appropriations  
15 of the Nuclear Regulatory Division of the PNRI and the Radiation Regulation Division  
16 of the CDRRHR responsible for ionizing radiation regulation. Thereafter, such sums as  
17 may be necessary for the continued implementation of this Act shall be included in the  
18 annual General Appropriations Act.

19 In addition, the PARC is authorized to receive contributions, grants, bequests,  
20 gifts, and donations, in cash or in kind, whether from local or foreign sources:  
21 *Provided*, that acceptance of grants, bequests, contributions, and donations from  
22 foreign governments shall be subject to the approval of the President of the  
23 Philippines, upon the recommendation of the Commissioner of the PARC and the  
24 Secretary of the Department of Foreign Affairs (DFA).

25 Sec. 67. *Implementing Rules and Regulations (IRR).* — The PARC, in  
26 consultation with the DOST, DBM and the CSC shall issue within one hundred eighty  
27 (180) days from the effectivity of this Act, the rules and regulations necessary to  
28 effectively implement its provisions.

29 Sec. 68. *Separability Clause.* — If any provision of this Act shall be declared  
30 unconstitutional or invalid, the other provisions not otherwise affected shall remain in  
31 full force and effect.

1           Sec. 69. *Repealing Clause.* — The pertinent provisions of RA 2067, otherwise  
2 known as the "*Science Act of 1958*", as amended, RA 5207, as amended by PD 1484  
3 otherwise known as the "*Atomic Energy Regulatory and Liability Act of 1968*", RA  
4 9711, otherwise known as the "*Food and Drug Administration Act of 2009*", Executive  
5 Order No. 128, Series of 1987 on "*Reorganizing the National Science and Technology*  
6 *Authority*" are hereby repealed. All other laws, executive orders, proclamations, rules,  
7 regulations, and other issuances or parts thereof, which are contrary to, or  
8 inconsistent with, the provisions of this Act are hereby repealed or amended  
9 accordingly.

10           Sec. 70. *Effectivity.* —This Act shall take effect fifteen (15) days from its  
11 complete publication in the *Official Gazette* or in two (2) newspapers of general  
12 circulation in the Philippines.

*Approved,*