

FOURTEENTH CONGRESS OF THE)
 REPUBLIC OF THE PHILIPPINES)
 First Regular Session)

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SENATE

RECEIVED BY: P. S. Res. No. 59

 Introduced by Senator JUAN MIGUEL F. ZUBIRI

**RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE
 TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE
 LAPSES IN THE IMPLEMENTATION OF REPUBLIC ACT NO. 9367,
 OTHERWISE KNOWN AS THE BIOFUELS ACT OF 2006**

WHEREAS, on January 12, 2007, Republic Act No. 9367 or the Biofuels Act of 2006 was signed into law by President Arroyo, which took effect on May 6, 2007.

WHEREAS, the law leaves it to the Department of Energy, in consultation with the National Biofuel Board, the stakeholders and other agencies concerned, the promulgation of the Implementing Rules and Regulations (IRR) without the prior review or approval of the Committee on Energy in both Houses of Congress or the Congressional Biofuels Oversight Committee created under the law.

WHEREAS, on May 17, 2007, the IRR of RA 9367 was signed by the Secretary of the Department of Energy.

WHEREAS, the law also provides for certain quality specifications for Biofuel, Biodiesel and Bioethanol Fuel including their additives and oxygenates for gasoline which should conform with the Philippine National Standards.

WHEREAS, a report and position paper has been forwarded to the office of the undersigned on the improper implementation of the Biofuels Act of 2006 particularly on the Philippine National Standards for Fatty Acid Methyl Ester (B100) with a test procedure called "Methyl Laurate 45% mass, minimum."

WHEREAS, the Methyl Laurate 45% mass, minimum test is alleged to be biased against other feedstocks for biodiesel not made from coconut oil.

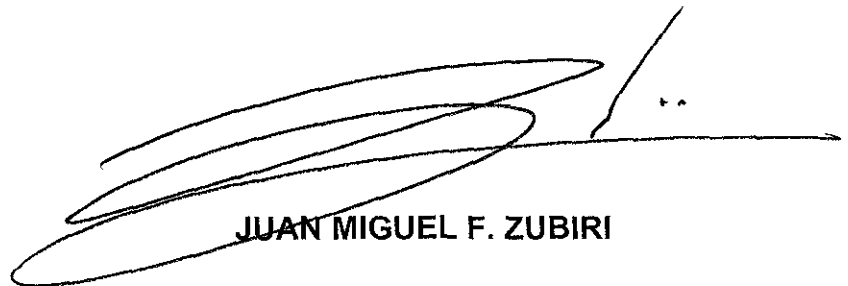
WHEREAS, this decision by the Department of Energy – Technical Committee on Petroleum Products and Additives to proceed with this particular test procedure after only one consultation and despite the opposition of the stakeholders, particularly the Jatropha Biodiesel Coalition, composed of non-governmental organizations, government-owned and controlled corporations, private corporations and individuals, and members of the academe, is detrimental to the development of other feedstocks for biodiesel, aside from coconut, such as but not limited to molasses, sugarcane, cassava, jatropha, sweet sorgum and other biomass.

WHEREAS, a concerned individual also forwarded a notarized letter-complaint to the undersigned alleging that he bought a diesel from a certain gasoline station in Ayala-Alabang which still contains triglyceride molecule or fatty acid and does not conform with the Philippine National Standards.

WHEREAS, these reports give credence to alleged lapses in the implementation of RA 9367 and that the Implementing Rules and Regulations promulgated by the Department of Energy do not fully adhere to the intent and spirit of the law.

NOW, THEREFORE, be it resolved, as the Senate hereby resolves, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the lapses in the implementation of Republic Act No. 9367, otherwise known as the Biofuels Act of 2006.

Approved,



JUAN MIGUEL F. ZUBIRI