

S. No. 1296
H. No. 8928

Republic of the Philippines
Congress of the Philippines
Metro Manila

Eighteenth Congress

Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand twenty.



[REPUBLIC ACT NO. **11572**]

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

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

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

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

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

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

(c) Formulate multidisciplinary or transdisciplinary research-based policies and strategies for the cost-effective use of energy resources towards environmentally sound energy development; and

(d) Promote, enhance, and strengthen research efforts in the public and private sectors that are focused on sustainable, efficient, and indigenous energy sources.

SEC. 3. *Establishment of the Philippine Energy Research and Policy Institute.* – Pursuant to the national policy of enhancing the country's capability for energy research and policy development, there is hereby established a Philippine Energy Research and Policy Institute, hereinafter referred to as the Institute. The Institute shall be an independent agency attached to the University of the Philippines (UP). The Institute shall have its own budget separate from the UP.

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

(a) To conduct pertinent independent multidisciplinary or transdisciplinary energy research and policy development on energy issues guided by the research agenda determined by the Executive Board pursuant to Section 10 of this Act;

(b) To promote collaborative and multidisciplinary or transdisciplinary energy research and policy development among government agencies, the academe, and other public and private stakeholders;

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

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

(e) To provide assistance to the government, energy regulators, and the legislature on energy issues needing policy

direction and advice, other energy policy issues, and related matters;

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

(g) To create and administer training programs and provide fellowship grants intended to build the capacity of government agencies, the academe including graduate and postgraduate students, and public and private energy stakeholders;

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

(i) To create and maintain a data bank needed for the implementation of its functions, following the requirements under Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012"; and

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

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

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

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

(c) Conduct research and policy development programs and capacity-building trainings on energy: *Provided*, That special attention shall be given to the needs of the Department of Energy (DOE), the Energy Regulatory Commission (ERC), and the legislature;

(d) Provide common research support facilities and maximize the utilization of its technical experts and staff;

(e) Enhance the pool of researchers and faculty with graduate and postgraduate degrees in the field of energy, such as energy economics, energy engineering, energy law, energy statistics, and data science specializing in energy, among others, by providing research grants within and outside the UP, among others;

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

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

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

(i) Receive and manage grants, aid, donations, contributions, or any kind of assistance for achieving its objectives, in accordance with the rules and regulations of the UP. The amounts received and the sources of grants, aid, donations, contributions, or any kind of assistance received shall be published on its website for purposes of transparency.

The Executive Board may assign additional powers and functions to the Institute: *Provided*, That it shall be in accordance with the objectives of the Institute as stated in this Act.

SEC. 6. *Organizational Structure.* – The Executive Director shall head the Institute and shall report directly to the Executive Board. The Institute's research and policy direction and priorities shall be determined by the Executive Board and implemented by the Executive Director. The Institute shall be supported by a pool of research fellows, which shall include experts and researchers from diverse disciplines and various public and private universities across the country, and other technical staff in carrying out its functions.

SEC. 7. *The Executive Director.* – The Executive Director shall be a recognized expert in energy research and policy development with at least three (3) years experience in the energy sector, and shall have a strong organizational management background. The Executive Director shall be appointed by the UP President within sixty (60) calendar days after the effectivity of the implementing rules and regulations of this Act, upon the recommendation of the Executive Board. The Executive Director shall serve in full-time capacity for a term of five (5) years which may be renewed.

Upon assumption, the Executive Director shall:

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

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

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

The Executive Director shall strictly avoid any conflict of interest in the conduct and performance of duties for the duration of the term.

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

(a) Implement and enforce research and policy direction and priorities, policies, decisions, orders, rules, and regulations determined by the Executive Board;

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

(c) Recommend to the Executive Board, the following:

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

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

(iii) Overall budget of the Institute;

(d) Submit to the Executive Board, regular reports on the Institute to include annual reports on operations, status of programs and projects, and the financial condition of the Institute;

(e) Apprise regularly the Executive Board on the programs and projects of the Institute;

(f) Execute contracts, incur obligations, acquire and dispose of assets, and deliver documents on behalf of the Institute, including negotiated or consultancy contracts for personnel and for the Institute's pool of researchers within and outside of the UP, within the limits of the authority determined by the Executive Board;

(g) Generate and obtain logistical and financial support for the programs and component units of the Institute with the assistance of the Executive Board: *Provided*, That in so doing, no conflict of interest exists with the objectives of this Act and the functions of the Institute;

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

(i) Exercise and perform such other powers, functions, and duties as may be authorized or assigned by the Executive Board, and in accordance with the objectives of this Act.

SEC. 9. *Executive Board of the Institute.* – There shall be an Executive Board of the Institute to be composed of seven (7) members comprised of the UP President as the *ex officio* Chairperson, and at least one (1) representative from the fields of engineering, law, science, statistics, economics, social science, and public health, either from the academe or the private sector: *Provided*, That four (4) members shall come

from the academe and two (2) members shall come from the private sector: *Provided, further,* That each representative shall come from different fields.

The other members of the Executive Board shall be chosen by the UP President. Each member shall have a term of three (3) years, which can be renewed for two (2) more terms: *Provided,* That the first two (2) appointees from the academe and the first appointee from the private sector shall have a term of two (2) years, which can be renewed for two (2) more terms. Any person appointed to replace a member who has resigned, died, or removed for cause shall serve only the unexpired portion of the term of the member replaced.

The Executive Board may invite the Secretaries of various government agencies as well as legitimate consumer and advocacy groups as resource persons during its meetings and deliberations.

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

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

(b) Determine research and policy areas for study and investigation by the Institute and an annual research agenda, in consultation with the Executive Director, based on its evaluation of the local and international energy policy landscape and advancements in technology taking into consideration, among others, the Philippine Energy Plan and the issuances of the DOE, ERC, and other energy related agencies;

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

(d) Approve the following:

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

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

(iii) Institute's overall budget;

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

(f) Assist the Executive Director in generating resources and obtaining logistical and financial support for the programs and component units of the Institute: *Provided*, That in so doing, no conflict of interest exists with the objectives of this Act and the functions of the Institute; and

(g) Assign additional powers, functions, and duties of the Executive Director in accordance with the objectives of this Act.

SEC. 11. *Organization of Human Resource Complement.* – The human resource complement of the Institute shall be organized and set up by the Executive Director subject to Sections 8 and 10 of this Act and the existing rules and regulations of the UP.

In addition, the Executive Director shall maintain a pool of researchers from various disciplines, such as engineering, law, science, statistics, economics, social science, public health, and other allied disciplines, in accordance with Section 8 of this Act.

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

SEC. 13. *Public Access.* – The Institute shall make available to the public its research papers, data, and other resources by posting these on its website, and shall provide

access to the same, including its facilities in a manner provided in the implementing rules and regulations of this Act: *Provided*, That any public disclosure shall be in accordance with Section 14 of this Act and other existing laws, rules, and regulations.

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

SEC. 15. *Special Account for Energy Research*. – A Special Account in the General Fund (SAGF) for energy research, which shall be maintained and managed by the Bureau of the Treasury, shall be established to support the research undertaken by the Institute. The SAGF for energy research shall recognize and accept grants, contributions, and donations collected for energy research, for purposes of executing its mandate and functions: *Provided*, That in so doing, no conflict of interest exists with the objectives of this Act and the functions of the Institute.

SEC. 16. *Appropriations*. – There is hereby appropriated out of the General Appropriations Act, the sum of Two hundred million pesos (P200,000,000.00) for the initial operating fund of the Institute. Thereafter, such amounts necessary for the sustainable operations of the Institute shall be appropriated from the General Appropriations Act based on the annual financial plan approved by the Executive Board and submitted to the DBM.

SEC. 17. *Government Contribution to Research Funding*. – Government agencies concerned are hereby authorized to include in their respective annual budget such necessary amounts as their contribution to the funding of certain research activities of the Institute.

SEC. 18. *Tax Exemptions and Tax Expenditure Fund*. – The Institute shall be entitled to all the tax exemptions enumerated under Section 25 of Republic Act No. 9500, otherwise known as the University of the Philippines Charter of 2008, as amended by Republic Act No. 10963, otherwise known as the Tax Reform for Acceleration and Inclusion Act.

The Institute may avail of the Tax Expenditure Fund pursuant to Executive Order No. 292, otherwise known as the Administrative Code of 1987, Presidential Decree No. 93 series of 1986, Presidential Decree No. 1177 series of 1977, and other applicable laws, rules, and regulations.

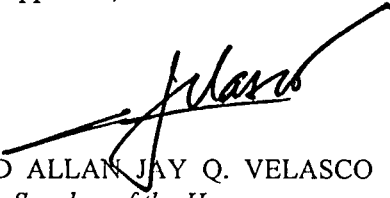
SEC. 19. *Implementing Rules and Regulations.* – Within ninety (90) calendar days from the effectivity of this Act, the UP, in consultation with the members of the academe, and other public and private stakeholders, shall promulgate the necessary implementing rules and regulations of this Act, subject to the approval of the UP Board of Regents.


SEC. 20. *Separability Clause.* – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 21. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, rule, or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.


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

Approved,



LORD ALLAN JAY Q. VELASCO
*Speaker of the House
of Representatives*


VICENTE C. SOTTO III
President of the Senate

This Act which is a consolidation of Senate Bill No. 1296 and House Bill No. 8928 was passed by the Senate of the Philippines and the House of Representatives on May 17, 2021.



MARK LLAMERO L. MENDOZA
Secretary General
House of Representatives



MYRA MARIE D. VILLARICA
Secretary of the Senate

Approved: JUL 30 2021



RODRIGO ROA DUTERTE
President of the Philippines

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