



Republic of the Philippines
DEPARTMENT OF ENERGY
(Kagawaran ng Enerhiya)

DEPARTMENT CIRCULAR NO. DC2023-12-0032

**THE RULES AND REGULATIONS ON ADMINISTRATIVE ACTIONS
FOR VIOLATIONS OF THE RENEWABLE PORTFOLIO STANDARDS (RPS)
RULES**

Pursuant to Section 36 of Republic Act (RA) No. 9513, Department of Energy (DOE) Department Circular (DC) No. DC2017-12-0015 dated 22 December 2017, DC No. DC2023-05-0015 and DC No. DC2023-05-0014 both dated 23 May 2023 (the DCs are hereinafter collectively referred to as the "*RPS Rules*"), the following rules and regulations on administrative actions for violations of the RPS Rules are hereby adopted and promulgated:

PART I – GENERAL PROVISIONS

Rule 1

Title, Scope, Definitions, Interpretation, Rules of Court

Section 1. Title. This shall be known as the "*Guidelines Governing Administrative Actions for Violations of the RPS Rules*" (the "*Guidelines*").

Section 2. Scope. This Guidelines shall govern the procedure before the Department in all matters concerning the inquiry, investigation, and all other proceedings conducted by the Department pursuant to Section 36 of RA 9513, Section 24(a), Rule 7 of DC No. DC2017-12-0015, as amended by DC No. DC2023-05-0015, and Section 21(a), Rule 7 of DC No. DC2023-05-0014. However, in consideration of public interest and consistent with due process, the Department may exempt itself from the application of this Guidelines and apply such fair and reasonable procedures to obtain the speedy disposition of administrative cases.

Section 3. Definitions. Unless otherwise indicated, the following terms shall be understood as follows:

- a. "**Answer**" refers to a pleading in which the respondent sets forth the defenses upon which s/he relies;
- b. "**Complainant**" refers to a natural or juridical person claiming to suffer direct injury by reason of respondent's alleged violation of the RPS Rules;
- c. "**Compliance Period**" refers to the timeframe allowed for a Mandated Participant to submit RE Certificates (RECs) corresponding to its minimum annual RPS Requirement of the current year to the RE Registrar through its RPS account which is from 26 December of the current year to 25 December of the following year;

- d. **"Department"** refers to the Department of Energy;
- e. **"Report"** refers to the action of the RPSCT upon a Complaint or an inquiry of the Renewable Energy Management Bureau on the alleged violation of the RPS Rules by a respondent;
- f. **"Decision"** refers to the action of the Secretary on the Report, and/or Protest and Resolution;
- g. **"Final Resolution"** refers to the action of the Secretary upon a *Motion for Reconsideration* of an adverse *Decision* filed by a complainant or respondent;
- h. **"Protest"** refers to the request of an aggrieved party to reconsider the Report of the RPSCT;
- i. **"Office of the President"** refers to the Office of the President of the Philippines;
- j. **"Show Cause Order"** refers to a directive issued by the RPSCT to a person or entity requiring them to answer allegations of violations of the RPS Rules;
- k. **"Renewable Energy Act" or "RE Act"** refers to RA 9513, otherwise known as the "Renewable Energy Act of 2008";
- l. **"Renewable Energy Management Bureau" or "REMB"** refers to the bureau of the Department of Energy created pursuant to Section 32 of the RE Act;
- m. **"Respondent"** refers to a person or entity who has allegedly violated the RPS Rules;
- n. **"RPS Composite Team" or "RPSCT"** refers to the Composite Team created under Section 19, Rule 5 of DC No. DC2017-12-005, as the composition thereof may be ordered by the Secretary from time to time; and
- o. **"RPSCT Chairperson"** refers to an officer of the Department designated through a Special Order as Chairperson of the Composite Team;
- p. **"RPSCT Secretariat"** refers to the Technical Management Services Division of REMB;
- q. **"Secretary"** refers to the head of the Department of Energy.

Section 4. Interpretation and the Suppletory Application of Rules of Court. This Guidelines shall be liberally construed to carry out the objectives of the RE Act and other renewable energy laws, rules and regulations, and to obtaining a just and expeditious settlement or disposition of administrative cases. The provisions of the Rules of Court, however, shall apply in a suppletory character.

PART II – PROCEEDINGS BEFORE THE RPSCT

Rule 2

Commencement of Administrative Actions

Section 1. *Administrative Action, How Commenced.* All administrative actions for violations of the RPS Rules shall be commenced either by the filing of a verified *Complaint* with the RPSCT within four (4) years from the last day of the applicable Compliance Period; or upon the RPSCT's own initiative by an *Order* issued within one (1) year from the last day of the applicable Compliance Period. The *Order* shall be issued upon the filing of REMB's findings, duly validated by a technical subcommittee created by the RPSCT for the purpose, that a person or entity may have violated the RPS Rules.

Section 2. *Representation.* The *Complaint* may be prosecuted by the complainant by himself/herself or through counsel. The respondent may likewise appear by himself/herself or through counsel. The complainant and respondent and their respective counsels, if any, are required to conduct their business with politeness, decorum and courtesy.

Section 3. *Partners Named, Individually.* When two or more persons associated in any business, transact such business under a common name, the associates may be sued under such common name.

The associates of the business who are sued under a common name may be named individually in the Answer filed by them or on their behalf with their respective postal addresses.

If the respondents are distribution utilities or other entities holding a public franchise or licensed by the Energy Regulatory Commission, the officers and/or directors or other responsible officers thereof shall also be named respondents.

Section 4. *Form and Content of the Complaint.* The *Complaint* shall be filed in the following manner:

- 4.1 In three (3) legible copies with the original copy intended for the RPSCT and labelled accordingly, verified, and shall contain the names and addresses of the parties, the power of attorney/authority of the authorized representative, and a concise statement of the ultimate facts constituting the complainant's cause/s of action. It shall specify the relief/s sought, but it may add a general prayer for such further or other relief/s as may be deemed just or equitable. Every pleading filed shall likewise contain a caption setting forth the name of the Department, the title of the case, the case number, and the designation of the pleading.
- 4.2 Verified by an affidavit stating that the affiant has read the pleading and that the allegations therein are true and correct, based on personal knowledge or authentic documents, and the factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.

A *Complaint* which contains a verification based on "information and belief" or upon "knowledge, information, and belief" or lacks proper verification, shall be treated as an unsigned pleading.

- 4.3 Include a certification that (a) the complainant has not filed any other action or proceeding or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his/her knowledge, no such other action, proceeding or claim is pending therein; (b) if there is such other action or claim, a complete statement of the present status thereof; and (c) if the complainant should thereafter learn that the same or similar action, proceeding or claim has been filed or is pending, the complainant shall report that fact within five (5) calendar days therefrom to the court, tribunal or quasi-judicial agency wherein the party's action, proceeding or claim has been filed. The authorization of the affiant to act on behalf of the complainant, whether in the form of a secretary's certificate or a special power of attorney, should be attached to the *Complaint*.

Failure to comply with the foregoing requirements shall not be curable by mere amendment of the *Complaint* but shall be cause for dismissal of the case without prejudice to its refiling. The submission of a false certification or non-compliance with any of the undertakings therein, or the acts of the party or his/her counsel which clearly constitute willful and deliberate forum shopping, shall be ground for summary dismissal with prejudice.

No *Complaint* shall be deemed filed with the RPSCT unless it is accompanied by the required filing fee.

Section 5. Modes of Filing. A verified *Complaint* shall be filed with the RPSCT through the following:

- a. Personal delivery;
- b. Registered mail;
- c. Private courier; or
- d. Electronic mail (email).

Section 6. Filing Through Email or Other Electronic Filing System Approved by the Department.

- a. A verified *Complaint* filed through email shall be addressed to `rpsct_complaint@doe.gov.ph` in portable document format (PDF). The *Complaint*, verification and certification on non-forum shopping shall be signed in accordance with the Rules on Electronic Evidence.
- b. The verified *Complaint* filed through email must be accompanied by the email addresses and mobile numbers of the complainant, his/her legal counsel/s or representative/s on record, and the respondent, if known to the complainant. It is the duty of the parties, their legal counsels or authorized representatives to update the RPSCT if there are any changes in the email addresses on record.

- c. Upon receipt of the verified *Complaint*, an email acknowledgment shall be sent to the complainant or to his/her counsel if so represented, indicating such date of receipt. Thereafter, the RPSCT shall:
- (i) Issue an Order for payment of filing fee, if the digital signatures comply with the Rules on Electronic Evidence. After the payment of the appropriate fees, the complainant shall subsequently submit by personal service, registered mail or private courier a Universal Serial Bus (USB) drive containing the documents submitted together with the copy of the receipt of payment of the filing fee.
 - (ii) If any digital signature does not comply with the Rules on Electronic Evidence, the complainant shall be required to file the *Complaint*, *verification* and *certification on non-forum shopping* in triplicate by personal service, registered mail or private courier. The Order for payment of filing fee shall be issued after receipt of the pleadings and supporting documents, in accordance with the next succeeding section.

Section 7. Payment of Filing Fee and Docketing. Upon receipt of the *Complaint*, the RPSCT shall issue an order for the payment of the required fee, which shall be delivered to the complainant through personal delivery, registered mail, private courier or email.

The complainant shall pay a filing fee of no less than PhP2,500.00 but not more than PhP20,000.00. The filing fee shall be determined by the RPSCT based on the amount of administrative fines that may be imposed, if the respondent is found liable for violation of the RPS Rules.

The RPSCT may revise the amount of filing fees prescribed above, upon the approval of the DOE Secretary.

The filing fee must be paid within ten (10) working days from receipt of the Order, failing which, the *Complaint* shall be dismissed without prejudice.

Upon payment of the required fee, the complainant, his/her counsel, or representative, shall submit to the RPSCT Secretariat a copy of the official receipt and present the original copy thereof for comparison. Such comparison may be dispensed with if the complainant submits the original official receipt to the RPSCT.

The date of receipt of proof of payment of the filing fee shall be considered as the date of filing, which shall be stamped on the first page of the *Complaint*.

Immediately after receipt of the proof of payment of the required fee, the RPSCT Secretariat shall acknowledge receipt of the papers by assigning an Administrative Complaint Number and docket the same.

Section 8. Evaluation of Complaint; Notice to Answer. Within five (5) working days from receipt of the proof of payment of filing fee, the RPSCT shall resolve whether to dismiss the *Complaint* outright for non-compliance with any of the requirements under this Rule or to require the respondent to answer.

If the *Complaint* is sufficient in form and substance, a *Notice to Answer* together with a copy of the *Complaint* shall be served to the respondent through the RPSCT Secretariat by personal service, registered mail, private courier, or email. If the service is done through registered mail, the return card shall be attached to the documents as evidence of receipt. The proof of service of the *Notice to Answer* shall be made in writing by the RPSCT Secretariat and shall set forth the manner, place and date of service, shall specify any papers which have been served with the process and the name of the person who received the same, and shall be sworn to when made by a person other than an employee of the Department.

Section 9. *Motu Proprio* Action; Contents of the Order. The Order referred to in Section 1 of this Rule shall cite the duly validated findings of REMB and allege with definiteness and clarity the violation, as well as the range or extent of the sanction that may be imposed should the violation be substantiated. The Order shall be served to the respondent and the proof of service thereof shall follow the procedure set forth in the immediately preceding Section.

Section 10. *Venue of Hearings.* All hearings on actions covered by this Guidelines shall, as far as practicable, be held within the premises of the Department. However, the parties may request that hearings be held via remote or teleconferencing arrangements.

Rule 3 Answer

Section 1. *Answer.* Within a period of ten (10) working days from receipt of the *Notice to Answer* or *Show Cause Order*, the respondent shall file an *Answer* whether admitting or denying the material allegations or facts set forth in the *Complaint* or *Show Cause Order*, or setting forth the reason why respondent cannot admit or deny said allegations. The respondent must state the facts and law relied upon for their defense with definiteness and clarity.

The respondent may, for meritorious reasons, be granted an additional period of not more than thirty (30) calendar days to file an *Answer*. The respondent is only allowed to file one (1) motion for extension of time to file an *Answer*.

Section 2. *Default.* (a) If the respondent fails to file an *Answer* within the time allowed therefor, the RPSCT shall *motu proprio* or upon motion of the complainant with notice to the respondent, and proof of such failure, declare the respondent in default. Thereupon, the RPSCT shall proceed to issue a *Report* granting the complainant such relief as his/her pleading may warrant or hold respondent liable for the violation stated in the *Order*, unless the RPSCT, in its discretion and upon motion of the respondent, requires the respondent to submit an *Answer*. All such *Reports* shall comply with Rule 4 of this Guidelines.

(b) A party declared in default may, at any time after notice thereof and before the issuance of the *Report*, file a motion under oath to set aside the order of default upon proper showing that his/her failure to answer was due to fraud, accident, mistake or

excusable negligence and that he/she has a meritorious defense. In such a case, the order of default may be set aside on such terms and conditions as the RPSCT may impose in the interest of justice.

(c) A party in default shall be entitled to notice of subsequent proceedings but shall not take part in the hearings, if any, unless s/he files a motion to lift or set aside the order of default.

Section 3. Motion to Dismiss Not Allowed. No motion to dismiss on any of the grounds mentioned in the Rules of Court and in any other law shall be allowed except on the ground of prescription. Such grounds other than prescription shall instead be pleaded as affirmative defenses, the resolution of which shall be made in the decision on the merits. The RPSCT may, for good cause shown, conduct a hearing on any of the affirmative defenses if this will expedite the issuance of the *Report*.

Rule 4 Report and Protest

Section 1. Report of the RPSCT. Whether or not the respondent submits an *Answer*, the RPSCT shall issue its *Report* for the Secretary within ninety (90) working days from respondent's receipt of the *Complaint* or *Show Cause Order*.

Prior to the issuance of the *Report*, the RPSCT may conduct a clarificatory hearing during which the parties shall be afforded the opportunity to be present but without the right to examine or cross-examine the witness being questioned. Where the appearance of the parties or witnesses is impracticable, the clarificatory questioning may be conducted in writing, whereby the questions desired to be asked shall be reduced into writing and served on the witness concerned who shall be required to answer the same in writing and under oath. The *Report* shall be served to the parties by personal service, registered mail, private courier, or email, as the case may require.

For purposes of crafting the *Report*, the RPSCT may call upon the various units of the Department to provide support.

Section 2. Contents of the Report. The *Report* of the RPSCT shall be signed by the RPSCT Chairperson, and shall contain such information, data and other details as may be necessary or appropriate for the Secretary to render a *Decision*.

Section 3. Protesting of Report. The *Report* may be protested by filing a request for reconsideration with the RPSCT under oath within fifteen (15) calendar days from receipt of the *Report*.

Section 4. Resolution of Protest. The RPSCT shall resolve the *Protest* within thirty (30) working days after its filing. Within three (3) calendar days after resolution, the RPSCT shall endorse the *Report*, *Protest* and *Resolution* to the Secretary for review.

Section 5. Endorsement of Report. If the aggrieved party does not file a *Protest*, the RPSCT shall, within three (3) calendar days from the last day of the prescribed period, endorse the *Report* to the Secretary for review.

Rule 5 Decision and Final Resolution

Section 1. *Decision.* Within thirty (30) working days from receipt of the *Report*, and the *Protest* and *Resolution*, if any, the Secretary shall render a *Decision*.

Section 2. *Contents of the Decision.* The *Decision* shall be signed by the Secretary, and shall contain a clear, concise and brief statement of the following: (a) facts of the case; (b) issue/s involved; (c) findings of fact; (d) applicable law or rules; (e) conclusion and reasons therefor; (f) recommendation on the revocation of respondent's license, franchise, or authority to operate or the filing of criminal complaint, if warranted; and (g) the dispositive portion.

The *Decision* shall be filed by the RPSCT Secretariat with the Records Management Division, copy furnished REMB, and shall cause true copies thereof to be served upon the counsels of the parties, or in the absence of any counsel of record, on the parties themselves.

Section 3. *Evidence Required.* Substantial evidence shall be sufficient to support the *Decision*. A fact may be deemed established if it is supported by substantial evidence. It means such relevant evidence which a reasonable mind might accept as adequate to support or justify a conclusion.

Section. 4. *Secretary Not Bound by Technical Rules of Evidence.* The Secretary shall consider relevant and material evidence, rule on offer of evidence and exclude all irrelevant matters, and shall act according to justice and fairness. The Secretary shall not be strictly bound by the technical rules of evidence. The Secretary shall, however, take cognizance of the official acts of the legislative, executive and the judicial departments of the Philippines, the laws of nature, scientific facts as published in treatises, periodicals, or pamphlets and other facts which are of public knowledge or general knowledge as would enable the Secretary to rule upon the technical issues in the case.

Section 5. *Motions for Reconsideration.* *Motions for Reconsideration* of the *Decision* shall be under oath and filed within fifteen (15) calendar days from receipt of the *Decision*.

Section 6. *Action upon a Motion for Reconsideration.* The Secretary may give due course to a *Motion for Reconsideration* by requiring the aggrieved party to file a *Position Paper*, or deny the *Motion for Reconsideration*.

Section 7. *Position Paper.* The aggrieved party shall file a *Position Paper* within fifteen (15) calendar days from receipt of the Secretary's Order. The aggrieved party's *Position Paper* shall contain the following data/matters:

- i. Exact date of the assailed *Decision*;
- ii. Exact date when the assailed *Decision* was received;

- iii. Information regarding compliance with the requirements for a *Motion for Reconsideration* under this Guidelines;
- iv. Brief statement of the case and the facts;
- v. Reasons or grounds for the *Motion for Reconsideration*;
- vi. Arguments in support of the motion; and
- vii. Relief sought.

The Secretary may require the filing of additional pleadings to provide additional information.

The aggrieved party shall serve a copy of the *Position Paper* on the adverse party. Non-compliance with this requirement shall result in the denial of the *Motion for Reconsideration*.

The adverse party shall file a *Position Paper* within fifteen (15) calendar days from receipt of the *Position Paper* of the aggrieved party. Any party filing the required pleading or documents and other pleadings pertinent to the *Motion for Reconsideration* shall serve copies thereof on the adverse party and the RPSCT.

Section 8. Final Resolution. The Secretary shall resolve *Motions for Reconsideration* within thirty (30) working days from the time it is submitted for resolution. A *Motion for Reconsideration* shall be deemed submitted for resolution upon receipt of the adverse party's *Position Paper*, if any, or other pleading which the Secretary may require to be filed, or upon the lapse of the period given.

The *Final Resolution* shall be filed with the RPSCT, copy furnished REMB. The RPSCT Secretariat shall cause true copies thereof to be served upon the counsel of complainant and respondent, or in the absence of such counsel, on the complainant and respondent.

Rule 6

Finality of Decisions and Final Resolutions, and Entry Thereof

Section 1. Finality of Decision and Final Resolution. The *Decision* shall become final and executory fifteen (15) calendar days after the receipt of a copy thereof by the parties, unless within the said period a *Motion for Reconsideration* has been filed.

The *Final Resolution* shall become final and executory fifteen (15) calendar days after the receipt of a copy thereof by the aggrieved party, unless within the said period an appeal to the Office of the President has been perfected.

Section 2. Entry of Decisions and Final Resolutions. If no *Motion for Reconsideration* or *Appeal* is filed within the period provided in this Guidelines, the RPSCT Secretariat, upon the instance of the RPSCT, shall forthwith cause the entry of the *Decision* or *Final Resolution* in the Records Management Division. The date of finality of said *Decision* or *Final Resolution* shall be deemed to be the date of its entry. The record shall contain the dispositive part of the *Decision* or *Final Resolution* and shall be signed by the Secretary with a certificate that such *Decision* or *Final Resolution* has become final and executory.

Rule 7
Appeal to the Office of the President

Section 1. Appeal to the Office of the President. The aggrieved party may appeal the *Final Resolution* of the Department to the Office of the President. However, interlocutory orders shall not be appealable.

Section 2. Procedure on Appealed Cases. The procedure provided in Administrative Order No. 22, Series of 2011 titled, "Prescribing the Rules and Regulations Governing Appeals to the Office of the President" shall govern appeals by aggrieved parties of the *Final Resolutions* of the Department to the Office of the President.

Rule 8
Administrative Penalties and Sanctions

Section 1. Administrative Penalties Imposable. After formal investigation, the Department may impose one (1) or more of the following administrative penalties, pursuant to Section 36 of RA 9513, Section 24(a), Rule 7 of DC No. DC2017-12-0015, and Section 21(a), Rule 7 of DC No. DC2023-05-0014:

- a. The imposition of administrative fines in such amount as deemed reasonable by the Department, which shall in no case be less than One Hundred Thousand Pesos (PhP100,000.00) to Five Hundred Thousand Pesos (PhP500,000.00), or the total amount of damages caused or the costs avoided for noncompliance, whichever is higher, upon the discretion of the Secretary.

The cost avoided for noncompliance shall refer to the difference between the retail rate if the respondent was RPS compliant (RR_1) and the retail rate actually charged to its customers (RR_2) multiplied by the Net Electricity Sales (NES) in kWh for the year of noncompliance.

$$\text{Cost Avoided for Noncompliance} = [(RR_1 - RR_2) \times (NES)] \times (365)$$

- b. The cancellation of any permit, license, authority, or registration which may have been granted by the Department, or the suspension of the validity thereof for such period of time as the Department may deem reasonable, which shall not exceed a period of one (1) year; and
- c. The withholding of any permit, license, authority or registration which is being secured by the respondent from the Department.

The fines above shall be imposed against the officers and/or directors or other responsible officers of the respondent and shall not be passed on to the Captive Market.

In addition to the administrative penalties enumerated above, the Department, citing the *Report* of the RPSCT, may also recommend to the appropriate government

entity/agency the revocation of the respondent's license, franchise, or authority to operate for the second violation committed by the respondent.

If it is the third violation of the same person or entity, the Department, citing the *Report* of the RPSCT, shall recommend to the appropriate government office the filing of a criminal action for violation of the RE Act and other relevant laws.

In every case, the Department shall act upon the recommendation to revoke the respondent's license, franchise, or authority to operate or file a criminal action only after finality of the *Decision* or *Final Resolution*.

Rule 9 Confidentiality of Proceedings

Section 1. *Prohibited Disclosure.* No employees of the Department and the officers and members of the RPSCT shall discuss the case or any phase thereof with either the complainant or respondent, or his/her counsel of record in the absence of the other party, or with any third person not having any interest or legal standing before the Department.

PART III – INSTITUTION OF CRIMINAL PROCEEDINGS BY THE DEPARTMENT

Rule 10 Prohibited Acts, Penalties, and Commencement of Criminal Actions

Section 1. *Prohibited Acts and Penalties.* For the purposes of this Guidelines, and pursuant to Sections 35(a) and 35(e) of RA 9513, non-compliance or violation of the RPS Rules and non-compliance with the established guidelines that the Department will adopt for the implementation of RA 9513 are prohibited acts.

Pursuant to Section 36 of RA 9513, any person who willfully commits any of the prohibited acts, upon conviction thereof, shall suffer the penalty of imprisonment of one (1) year to five (5) years, or a fine ranging from a minimum of One Hundred Thousand Pesos (PhP100,000.00) to One Hundred Million Pesos (PhP100,000,000.00), or twice the amount of damages caused or costs avoided for non-compliance, whichever is higher, or both, upon the discretion of the court.

Section 2. *Institution of Criminal Action by the Department.* The Department, after having resolved the administrative action or inquiry, and finding that there is a third violation by the respondent, shall refer the matter to the relevant government agency for the conduct of criminal investigation and prosecution of any person who willfully commits any of the prohibited acts, in accordance with existing laws, rules, and regulations. Likewise, any person who willfully aids or abets the commission of any such act by another shall be liable in the same manner as the principal.

In the case of associations, partnerships or corporations, the penalty shall be imposed on the partner, president, chief operating officer, chief executive officer, directors or officers responsible for the violation.

PART IV – FINAL PROVISIONS

Section 1. Participation of the Legal Services. For the purposes of this Guidelines, the Legal Services shall assist and support the concerned units of the Department during the administrative and criminal proceedings.

Section 2. RPSCT Secretariat. Without prejudice to its duties under relevant rules and regulations and consistent with its responsibility to provide technical and administrative support to the RPSCT, the Technical Services Management Division of REMB shall serve as the RPSCT Secretariat in any action or proceeding under this Guidelines.

Section 3. Internal Rules of the RPSCT. Within sixty (60) calendar days after the effectivity of this Guidelines, the RPSCT shall promulgate its internal rules to govern matters not otherwise provided for herein. Such rules shall ensure that the actions or proceedings of the RPSCT are transparent, timely and orderly, and may include, but shall not be limited to, the following:

- a. Filing, receiving, service of a *Complaint, Answer* and any other pleading or document submitted or filed under this Guidelines;
- b. Quorum;
- c. Formula for determining the proper amount of filing fees;
- d. Deliberations;
- e. Manner of voting and voting requirements for any action or decision;
- f. Agenda and minutes of proceedings, and preparation thereof;
- g. Preparation and endorsement of *Report*;
- h. *Rollo* for each administrative action; and
- i. Repository of original documents.

Section 4. Information, Education and Communication Activities. Pursuant to Section 31, Rule 10 of the IRR of the RE Act, the Department, together with the National Renewable Energy Board, shall develop and implement a comprehensive information, education and communication activities that are designed to increase the public awareness and appreciation of this Guidelines and the renewable energy industry in general.

Section 5. Separability. If any provision in this DC or application of such provision to any circumstances is held invalid, the remainder of this DC shall not be affected thereby.

Section 6. Repealing Clause. The provisions of other circulars, orders, issuances, rules and regulations, which are inconsistent with the provisions of this DC are hereby repealed, amended, superseded or modified accordingly.

The portions of Section 24 of DC No. DC2017-12-0015 and Section 21 of DC No. DC2023-05-0014 referring to the applicability of the DOE Rules of Practice and Procedure to cases covered by this DC are hereby repealed.

Section 7. Effectivity. This DC shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation. A copy of this DC shall be filed with the University of the Philippines Law Center – Office of the National Administrative Register.

Issued on __ December 2023, at Energy Center, Rizal Drive cor. 34th Street, Bonifacio Global City, Taguig City.


RAPHAEL P.M. LOTILLA
Secretary



DEC 07 2023