

Republic of the Philippines
ENERGY INVESTMENT COORDINATING COUNCIL

EICC RESOLUTION NO. _____

“CREATING A FOCUS GROUP TO RESOLVE CROSS-CUTTING ISSUES, CONFLICTING REQUIREMENTS AND PROCEDURAL BOTTLENECKS IN THE ISSUANCE OF PERMITS, LICENSES AND CLEARANCES FOR ENERGY PROJECTS DECLARED AS ENERGY PROJECT OF NATIONAL SIGNIFICANCE (EPNS) PER EXECUTIVE ORDER NO. 30”

WHEREAS, the Energy Investment Coordinating Council (EICC) was created under Executive Order (EO) No. 30 series of 2017 to establish a simplified approval process and harmonize the relevant rules and regulations affecting the Energy Projects to guarantee the delivery of sufficient, adequate and reliable supply of energy in the country;

WHEREAS, Republic Act (RA) No. 11032, otherwise known as the “Ease of Doing Business and Efficient Government Delivery Service Act of 2018” amending RA No. 9485, otherwise known as the “Anti-Red Tape Act (ARTA) of 2007,” recognizes that the conflicting requirements of the government agencies cause undue delay on investments hindering the attainment of a progressive economy, thus, requiring modifications/amendments of procedures and adoption of streamlined process and simplified requirements;

WHEREAS, Section 4 of RA No. 7638, otherwise known as the “Department of Energy Act of 1992”, mandates the Department of Energy (DOE) to prepare, integrate, coordinate, supervise and control all plans, programs, projects and activities of the government relative to energy exploration, development, utilization, distribution and conservation to ensure continuous, adequate and economic supply of energy for the country.

WHEREAS, it is paramount that energy infrastructure projects are completed as scheduled, and at the time needed by the energy system for the delivery of energy services.

WHEREAS, active participation and commitment of the different permitting government agencies are sought to immediately act on pending energy project applications for permits, license, and clearances, among others, for the development and completion of essential energy infrastructure projects;

WHEREAS, Section 2 of RA No. 9136 or the Electric Power Industry Reform Act of 2001 (EPIRA) states that it is the declared policy of the State to ensure and accelerate the total electrification of the country and provide quality, reliability, security and affordability of the supply of electric power;

WHEREAS, as stated under Section 9 of EO No. 30 “Cooperation of other Agencies,” the EICC may call upon any government agency or instrumentality for assistance as may be deemed necessary in the performance of its functions;

WHEREAS, Section 5 (d) of EO No. 30 “Functions,” clearly affirms that the EICC has the authority to create inter-agency sub-committees as may be necessary to fulfill its mandate;

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NOW, THEREFORE, as agreed upon in a meeting held on 04 October 2019 during the Third (3rd) Quarter EICC Full Council Meeting, a Focus Group is hereby created to resolve cross-cutting issues, conflicting requirements and procedural bottlenecks in the issuance of permits, licenses and clearances for Energy Projects declared as EPNS.

Section 1. Creation of Focus Group and Membership

A Focus Group, consisting of DOE, National Commission for Indigenous Peoples (NCIP), Department of Environment and Natural Resources (DENR), Department of Interior and Local Government (DILG), Department of Agrarian Reform (DAR), Department of Trade and Industry – Board of Investments (DTI-BOI), Department of Human Settlement and Urban Development (DHSUD) and National Water Resources Board (NWRB), is hereby created to discuss and resolve cross-cutting issues, conflicting requirements and procedural bottlenecks on the issuance of permits, licenses and clearances for energy projects declared as EPNS leading to streamlined/harmonized permitting processes.

The Focus Group shall be chaired by the DOE-EICC Head Secretariat who shall have the authority to call the member agencies on a regular basis.

Section 2. Duties of Members

2.1) Department of Energy

- 2.1a) Establish a seamless coordination with the concerned government agencies, by which the DOE-EICC may require a regular meeting and constant communication, as may be deemed necessary in the performance of its functions;
- 2.1b) Conduct a special coordination meeting with NCIP, DENR and DILG to harmonize the documentary requirements of EPNS applications;
- 2.1c) Enhance linkages and networking mechanisms between and among government agencies and other relevant bodies or organizations engaged in the issuance of permits/licenses affecting energy projects;
- 2.1d) Designate focal persons dedicated to review energy project applications per region to be endorsed to NCIP wherein, participation in the Free, Prior and Informed Consent (FPIC) Consultation with the Council of Elders and energy project proponents is necessary;
- 2.1e) Assist NCIP to educate/ inform the Indigenous Cultural Communities (ICCs)/Indigenous Peoples (IPs) on the salient features of energy projects;
- 2.1f) Monitor energy project applications from pre-development to commerciality stage to end of life cycle or economic life;
- 2.1g) Provide regular update to NCIP on the list of all DOE issued and terminated Service Contracts (SC), as well as updated maps with specific coordinates and data points of energy projects with issued service contracts (SC);
- 2.1h) Classify energy projects into small scale/non-extractive or large scale/extractive/intrusive to categorize activities pursuant to Sections 19 and 24 of NCIP Administrative Order No. 3 Series of 2012 or the Revised Guidelines on the Exercise of Free and Prior Informed Consent (FPIC) and Related Processes;

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- 2.1i) Encourage partner agencies to efficiently implement the Energy Virtual One Stop Shop (EVOSS) under RA No. 11234 or the Energy Virtual One-Stop Shop Act.

2.2) National Commission for Indigenous Peoples

- 2.2a) Create a specific/special lane for EPNS application, if necessary, provided that EPNS Project Proponent submits a complete documentary requirement;
- 2.2b) Process FPIC application of EPNS project proponents even without the “Certificate of Endorsement” from DOE, provided that complete documentary requirements have been submitted;
- 2.2c) Provide updated list of identified ancestral domains per region to the DOE, as the chair of the EICC;
- 2.2d) Establish and maintain a simplified and streamlined FPIC process and other regulatory processes relative to the issuance of permits/licenses affecting energy projects in accordance with the provisions set forth under the EO No. 30, RA No. 11032 and RA No. 11234;
- 2.2e) Accept possible submission of Feasibility Study (FS) for energy resource development project that fall under the category of Non-Extractive Activity within Ancestral Domain (AD), pursuant to Section 24 of 2012 FPIC Guidelines;
- 2.2f) Establish a separate and shorter process for the issuance of permits and licenses specifically for Electricity Distribution Lines (DL), Transmission Lines (TL) as well as Power Plants within Ancestral Domain (AD) Areas;
- 2.2g) Provide a quarterly regional updates on the current status of pending EPNS applications under FPIC process to the DOE, and provide a written recommendations/resolutions of the said pending applications in compliance with the provisions of RA No. 11032 and its Implementing Rules and Regulations; and
- 2.2h) Provide regularly a digital/e-copy of updated AD maps with specific coordinates and data points to the DOE and other concerned EICC members.

2.3) Department of Environment and Natural Resources

- 2.3a) Come up with clear guidelines on the streamlining of requirements and cascade the information down to the frontline officers;
- 3.2b) Constant coordination with the concerned Local Government Units (LGUs) on the review of requirements imposed under their respective Local Ordinances pertaining to environmental permits and licenses. This includes the review of endorsement from barangay, municipality, city or province;
- 3.2c) Create a specific/special lane for EPNS application, if necessary, provided that EPNS Project Proponent submits a complete documentary requirement; and
- 3.2d) Come up with a Joint Circular (JC) to reconcile the requirement of NCIP and DENR in the issuance of FPIC, in coordination with the EICC Secretariat.

2.4) Department of Interior and Local Government

- 2.4a) Provide assistance to establish a specific/special lane for EPNS application (if applicable) in acquiring permits/ certificates/ licenses/ endorsements and other documentary requirements from LGUs; and

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- 2.4b) Come up with a Department Circular (DC) enjoining LGUs to streamline the processes and documentary requirements for the issuance of permits/certificates/licenses/endorsements and other documentary requirements.

2.5) Department of Agrarian Reform

- 2.5a) Come up with a streamlined process for Land Conversion and create a specific/special lane for EPNS application on land conversions, if necessary, provided that EPNS Project Proponent submits a complete documentary requirement; and
- 2.5b) Provide digital/e-copy maps with coordinates and data points of the available land areas for conversion.
- 2.5c) Conduct initial assessment of potential energy resources (with issued service contract) to be provided in advance by DOE to determine and address issues, if any, for land conversion.

2.6) Department of Trade and Industry- Board of Investments

- 2.6a) Promote/encourage investments to attain industry growth, specifically in the energy sector; and
- 2.6b) Ensure facilitation of energy project related issues, concerns and queries in promoting ease of doing business in the country.

2.7) Department of Human Settlements and Urban Development

- 2.7a) Establish/develop a mechanism, in collaboration with the energy project proponents, to facilitate a housing relocation of affected IPs in the implementation of energy projects, as deemed necessary; and
- 2.7b) Create a specific/special lane for EPNS application, if necessary, provided that EPNS Project Proponent submits a complete documentary requirement; and,

2.8) National Water Resources Board

- 2.8a) Create a specific/special lane for EPNS application, if necessary, provided that EPNS Project Proponent submits a complete documentary requirement; and
- 2.8b) Conduct initial assessment of potential hydro power resources (with issued service contract) to be provided in advance by DOE to determine and address issues, if any, for the issuance of water permit.

Section 3. Submission to EICC Full Council

All regulatory programs, initiatives and possible developmental interventions for energy project permitting and licensing processes undertaken by the Focus Group shall be submitted and reported to the EICC Full Council Quarterly Meeting.

The Focus Group shall be given authority to decide matters limited to all regulatory issues, conflicting requirements and procedural bottlenecks in the issuance of permits, licenses and clearances for EPNS, thereafter reporting the decisions or actions taken to the EICC Full Council Quarterly Meeting.

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Section 4. Authority to Invite LGUs and other concerned government agencies

The Focus Group shall have the authority to invite representatives from the League of Barangays, Municipalities, Cities and Provinces as well as representatives from other concerned government agencies such as Registry of Deeds (ROD) and Bureau of Internal Revenue (BIR) should the need arises.

Section 5. Representation and Attendance

All concerned member agencies covered by this Resolution should nominate/designate permanent representatives comprising of one (1) focal person and one alternate focal person to be officially submitted to the EICC Secretariat one week after the effectivity of this Resolution for proper documentation.

The permanent representatives are enjoined to regularly participate in the scheduled meetings, special meetings, conferences and other activities of the Focus Group through a notice from the EICC Secretariat.

Section 6. Expenses

Expenses attendant to the conduct of the special coordination meetings, specifically, meals and venue shall be borne by the EICC Secretariat, while other expenses such as accommodation (hotel lodging) and transportation (i.e. airfare, taxi fare, bus fare, etc.) (if applicable) shall be charged to respective budgets of the concerned government entities.

CERTIFIED CORRECT

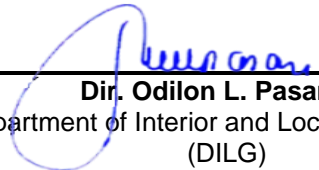
JESUS T. TAMANG
Head Secretariat, EICC
Director, Energy Policy and Planning Bureau

APPROVED


JESUS CRISTINO P. POSADAS
Senior Undersecretary/EICC Chairperson

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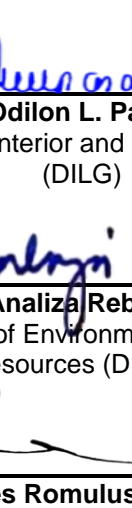
**EICC MEMBER AGENCIES
SIGNED**



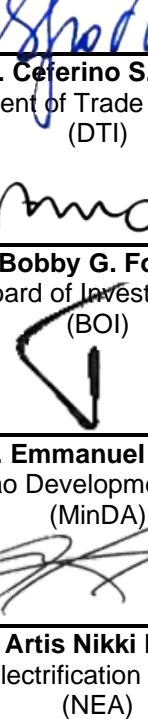
Dir. Odilon L. Pasaraba
Department of Interior and Local Government
(DILG)



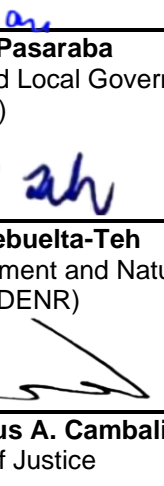
Asec. Roderick M. Planta
National Economic and Development Authority
(NEDA)



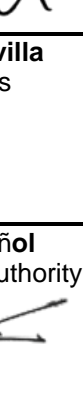
Usec. Analiza Rebueta-Teh
Department of Environment and Natural
Resources (DENR)



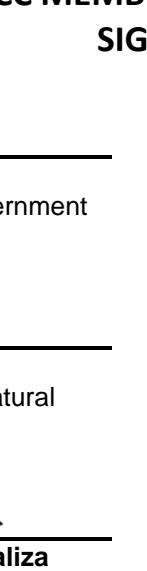
Mr. Redi Allan B. Remoroza
National Grid Corporation of the Philippines
(NGCP)



Atty. Charles Romulus A. Cambaliza
Department of Justice
(DOJ)



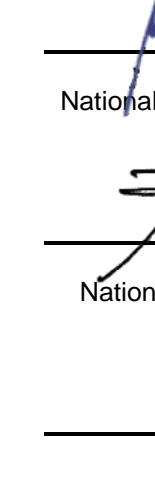
Mr. Pio J. Benavidez
National Power Corporation
(NPC)



Usec. Ruben S. Reinoso Jr.
Department of Transportation
(DOTr)



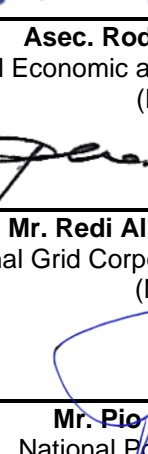
Mr. Alipio M. Agaton
National Transmission Corporation
(TransCo)



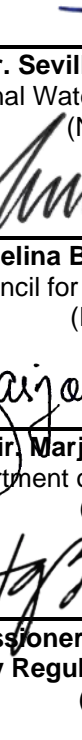
Usec. Ceferino S. Rodolfo
Department of Trade and Industry
(DTI)




Dir. Sevilla D. David, Jr.
National Water Resource Board
(NWRB)



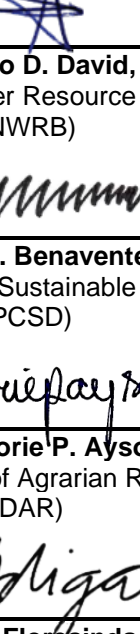
Dir. Bobby G. Fondevilla
Board of Investments
(BOI)



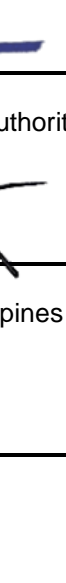
Atty. Adelina B. Benavente-Villena
Palawan Council for Sustainable Development
(PCSD)



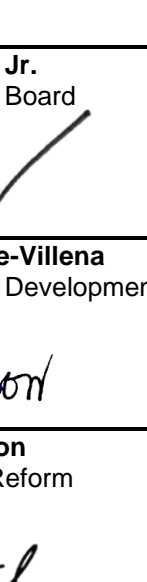
Sec. Emmanuel F. Piñol
Mindanao Development Authority
(MinDA)



Dir. Marjorie P. Ayson
Department of Agrarian Reform
(DAR)



Engr. Artis Nikki L. Tortola
National Electrification Administration
(NEA)

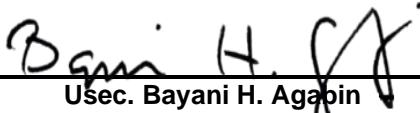


Commissioner Floresinda B. Digal
Energy Regulatory Commission
(ERC)

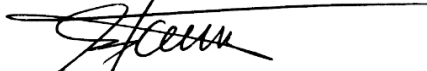


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**EICC MEMBER AGENCIES
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Usec. Bayani H. Agapin
Department of Finance
(DOF)



Sec. Eduardo D. Del Rosario
Department of Human Settlements and Urban
Development (DHSUD)

Chairperson Allen A. Capuyan
National Commission on Indigenous Peoples
(NCIP)