



SEVENTEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
First Regular Session]

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RECORDED BY: *J*

SENATE

P.S. Res. No. 240

Introduced by SEN. WIN GATCHALIAN

A RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION, ON THE
MANDATE, POWERS, AND FUNCTIONS OF THE ENERGY REGULATORY
COMMISSION (ERC) UNDER REPUBLIC ACT NO. 9136
OR THE ELECTRIC POWER INDUSTRY REFORM ACT OF 2001
IN LIGHT OF THE ALLEGED SUICIDE OF ERC DIRECTOR
ATTY. FRANCISCO "JUN" VILLA

WHEREAS, Republic Act No. 9136 or the Electric Power Industry Reform Act of 2001 (EPIRA) created an independent, quasi-judicial body called the Energy Regulatory Commission (ERC);

WHEREAS, under the EPIRA, the ERC is mandated to "promote competition, encourage market development, ensure customer choice, and penalize abuse of market power in the restructured electricity industry"¹;

WHEREAS, the ERC envisions itself to be a world class and independent electric power industry regulator that equitably promotes and protects the

¹ Section 43, R.A. 9136

interests of consumers and other stakeholders, to enable the delivery of long-term benefits that contribute to sustained economic growth and an improved quality of life²;

WHEREAS, however, on 9 November 2016, ERC Director Atty. Francisco “Jun” Villa allegedly committed suicide due to pressure from a superior to approve procurement contracts without bidding and to hire consultants as chair of ERC’s Bids and Awards Committee³;

WHEREAS, three handwritten letters labeled as ‘suicide notes’ were found beside the body of ERC Director Villa detailing the supposed corruption within the Commission⁴;

WHEREAS, upon receipt of confidential intelligence reports on this matter, President Rodrigo Duterte asked Congress to either disband or reorganize the ERC, leave the Commission without a budget, and/or file charges against the erring officials simultaneously⁵;

WHEREAS, the ERC’s role is imbued with public interest as it is responsible for granting several types of permits necessary for industry players to operate, and approving power contracts amounting to millions, even billions, of pesos;

WHEREAS, due to its broad decision-making powers within the energy sector, the ERC is the “Supreme Court” of the power industry and should serve as the protector and guardian of the consumers against monopolization and cartelization;

² <http://www.erc.gov.ph/>

³ <http://newsinfo.inquirer.net/846241/resign-duterte-tells-erc-execs-after-colleagues-suicide>

⁴ <http://news.abs-cbn.com/focus/11/17/16/erc-director-left-3-suicide-notes-before-taking-his-own-life>

⁵ <http://newsinfo.inquirer.net/846241/resign-duterte-tells-erc-execs-after-colleagues-suicide>

WHEREAS, corruption within the Commission itself could result in the proliferation of anti-competitive behavior which would be disastrous to the stability of our electricity supply;

NOW THEREFORE, BE IT RESOLVED by the Senate of the Philippines, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the mandate, powers, and functions of the Energy Regulatory Commission under Republic Act No. 9136 in light of the alleged suicide of ERC Director Atty. Francisco "Jun" Villa with the end in view of protecting the Filipino consumers by insulating the power industry from vested interests.

Adopted,



WIN GATCHALIAN