

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

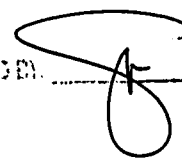
SENATE
Office of the Secretary

SENATE

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S.B. No. 2154

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Introduced by Senator WIN GATCHALIAN

AN ACT REMOVING THE EXPIRATION PERIOD OF THE JOINT CONGRESSIONAL ENERGY COMMISSION, FURTHER AMENDING FOR THE PURPOSE SECTION 62 OF REPUBLIC ACT NO. 9136, OTHERWISE KNOWN AS THE ELECTRIC POWER INDUSTRY REFORM ACT OF 2001, AS AMENDED

EXPLANATORY NOTE

The Joint Congressional Power Commission (JCPC) was constituted by Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act of 2001 (EPIRA), which was signed into law on 8 June 2001 and took effect on 26 June 2001. It was created to, among others, "set the guidelines and overall framework to monitor and ensure the proper implementation of the EPIRA",¹ "review and evaluate the performance of industry participants in relation to the objectives and timelines set forth in the EPIRA",² and "determine inherent weaknesses in the EPIRA and recommend necessary remedial legislation or executive measures."³ It is to exist for a period of ten (10) years from the effectivity of the EPIRA,⁴ which was further extended for another ten (10) years or until 26 June 2021 through Joint Resolution No. 1, Series of 2010 Extending the Period of Existence of the Joint Congressional Power Commission.

¹ Republic Act No. (RA) 9136. (2001). Section 62(a).

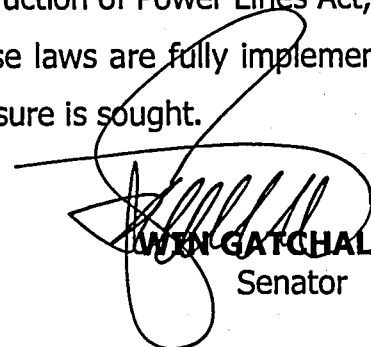
² Id. at Section 62(d).

³ Id. at Section 62(g).

⁴ Id. at Section 62.

Almost twenty (20) years since the passage of the EPIRA, four observations in relation to the role of the JCPC can be observed: *First*, there have been numerous challenges in the EPIRA's full implementation, to include the failure to roll-out retail competition and open access⁵ and the wholesale electricity spot market⁶ in the entire country, contrary to the timelines set in the law; *Second*, local and international developments in the energy sector, such as the move towards decentralization, digitalization, and decarbonization, necessitate the EPIRA's review; *Third*, the JCPC has been renamed as the Joint Congressional Energy Commission (JCEC) by virtue of the passage of Republic Act No. 11285 otherwise known as the Energy Efficiency and Conservation (EEC) Act;⁷ and *Fourth*, the JCEC's oversight powers have been expanded to include six (6) other laws, to wit: (1) Republic Act No. 9513 otherwise known as the Renewable Energy (RE) Act of 2008,⁸ (2) Republic Act No. 11039, otherwise known as the Electric Cooperatives Emergency and Resiliency Fund (ECERF) Act,⁹ (3) Republic Act No. 11234, otherwise known as the Energy Virtual One-Stop Shop (EVOSS) Act,¹⁰ (4) EEC Act,¹¹ (5) Republic Act No. 11361, otherwise known as the Anti-Obstruction of Power Lines Act,¹² and (6) Republic Act No. 11371, otherwise known as the Murang Kuryente Act.¹³

Given the foregoing, this proposed legislation seeks to remove the expiration period of the Joint Congressional Energy Commission to allow regular review and if needed, amendments, of the EPIRA, and to ensure that the goals and objectives of the RE Act, ECERF Act, EVOSS Act, EEC Act, Anti-Obstruction of Power Lines Act, and Murang Kuryente Act are fully achieved and that these laws are fully implemented. For these reasons, the immediate passage of this measure is sought.


ARMIN GATCHALIAN
Senator

⁵ Id. at Section 31.

⁶ Id. at Section 30.

⁷ Approved on 12 April 2019. Effective on 22 May 2019 RA 11285 (2019). Section 37.

⁸ Approved on 16 December 2008. Effective on 20 January 2009; RA 9513 (2008). Section 34.

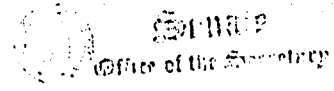
⁹ Approved on 29 June 2018; RA 11039 (2018). Section 13.

¹⁰ Approved on 8 March 2019. Effective on 30 March 2019; RA 11234 (2019). Section 24.

¹¹ See Note 7.


¹² Approved on 8 August 2019. Effective on 30 August 2019; RA 11361 (2019). Section 16.

¹³ Approved on 8 August 2019. Effective on 29 August 2019; RA 11371 (2019). Section 6.



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

1 SECTION 1. *Short Title.* – This Act shall be referred to as the "JCEC Extension
2 Act".

3
4 SECTION. 2. *Joint Congressional Energy Commission.* – Section 62 of Republic
5 Act No. 9136 otherwise known as the Electric Power Industry Reform Act of 2001, as
6 amended, is hereby further amended to read as follows:

7
8 "SEC. 62. *Joint Congressional Energy Commission.* –

9 X X X X

10 ~~[The Joint Congressional Energy Commission shall exist for a~~
11 ~~period of ten (10) years from the effectivity of this Act and may~~
12 ~~be extended by a joint concurrent resolution]."~~

13
14 SECTION. 3. *Separability Clause.* – Any portion or provision of this Act, which
15 may be declared unconstitutional or invalid shall not have the effect of nullifying other
16 portions or provisions hereof.

1

2 **SECTION 4. *Repealing Clause.*** – All laws, decrees, orders, rules, and regulations
3 or parts thereof inconsistent with any of the provisions of this Act are hereby repealed,
4 amended, or modified accordingly.

5

6 **SECTION 5. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after
7 its publication in Official Gazette or in one (1) newspaper of general circulation.

Approved,