

**TWENTIETH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session



Senate

Office of the Secretary

25 AUG -7 P1 22

SENATE
S.B. No. 1090

RECEIVED BY: _____

Introduced by SEN. WIN GATCHALIAN

**AN ACT
AMENDING REPUBLIC ACT NO. 7638 OTHERWISE KNOWN AS THE
DEPARTMENT OF ENERGY ACT OF 1992**

EXPLANATORY NOTE

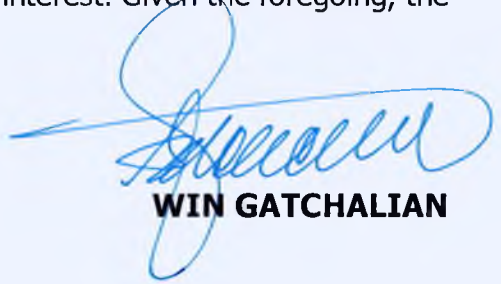
There are few industries more technical in nature than the energy industry where the steep learning curve is overcome not only by sheer capability and knowledge but by experience and exposure. The Secretary, as the head of the Department of Energy (DOE), is tasked with the implementation of the overall energy policy of the country¹ and supervision of all energy related programs, projects and activities² and is thus expected to have a deep understanding of the energy industry.

This measure seeks to remove the prohibitive provision which makes persons otherwise having the required knowledge and experience ineligible for appointment as Secretary of the DOE, while still safeguarding against conflicts of interest by mandating the (1) public disclosure of prior involvement or connection with any energy industry participant, the (2) divestment of any and all interests in any energy industry participant, and (3) termination of any directorship, employment, consultancy, contract of service or any connection with any energy participant.

¹ Section 5(a) of Republic Act No. 7638.

² Section 5(d) of Republic Act No. 7638.

This bill therefore endeavors to ensure that qualified knowledgeable and experienced persons are eligible to lead the DOE without conflicts of interest. Given the foregoing, the immediate passage of this measure is sought.



WIN GATCHALIAN



25 AUG -7 P1:22

SENATE
S. B. No. 1090

RECEIVED BY: _____

Introduced by Senator Sherwin Gatchalian

AN ACT
AMENDING REPUBLIC ACT NO. 7638 OTHERWISE KNOWN AS THE
DEPARTMENT OF ENERGY ACT OF 1992

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

SECTION 1. Section 8 of Republic Act No. 7638 is hereby amended to read as
follows:

"SECTION 8. The Secretary. – The Secretary shall be
appointed by the President, subject to confirmation by the
Commission on Appointments.

~~[No officer, external auditor, accountant, or legal counsel of
any private company or enterprise primarily engaged in the
energy industry shall be eligible for appointment as Secretary
within two (2) years from his retirement, resignation, or
separation therefrom.]~~

THE SECRETARY SHALL, UPON APPOINTMENT:

A) PUBLICLY DISCLOSE THE FOLLOWING:

**(i) ANY DIRECTORSHIP, EMPLOYMENT,
CONSULTANCY, CONTRACT OF SERVICE,**

1 CONNECTION WITH, OR PECUNIARY
2 INTEREST IN ANY ENERGY INDUSTRY
3 PARTICIPANT IN THE PAST FIVE (5) YEARS
4 PRIOR TO THE APPOINTMENT;

5 (ii) IF A SPOUSE, PARTNER, AND ANY RELATIVE
6 BY CONSANGUINITY OR AFFINITY WITHIN
7 THE FOURTH CIVIL DEGREE IS A DIRECTOR,
8 OFFICER, EMPLOYEE, CONSULTANT, OR HAS A
9 CONTRACT OF SERVICE, ANY CONNECTION,
10 OR PECUNIARY INTEREST IN ANY ENERGY
11 PARTICIPANT IN THE PAST FIVE (5) YEARS
12 PRIOR TO THE APPOINTMENT;

13 B) DIVEST, THROUGH SALE OR LEGAL DISPOSITION,
14 ANY AND ALL INTERESTS IN ANY ENERGY
15 INDUSTRY PARTICIPANT; AND

16 C) TERMINATE ANT DIRECTORSHIP, EMPLOYMENT,
17 CONSULTANCY, CONTRACT OF SERVICE, OR ANY
18 CONNECTION WITH ANY ENERGY INDUSTRY
19 PARTICIPANT.

20
21 XXX"

22
23 **SECTION 2. *Separability Clause.*** – Should any provision of this Act be held
24 unconstitutional, no other provision hereof shall be affected thereby.

25
26 **SECTION 3. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
27 publication in at least two (2) newspapers of general circulation.

28
29 Approved,