

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 4075

INTRODUCED BY REP. JB BERNOS

EXPLANATORY NOTE

The environmental impact of the petroleum-based transportation infrastructure, along with the fear of peak oil or the theorized maximum extraction point of oil, has led to renewed interest in an electric transportation infrastructure. While an effective source of power, oil is widely perceived as an inefficient source. All vehicles are dependent on it, and the by-products of their engines heavily contribute to air pollution. Furthermore, the volatile movement of worldwide prices greatly affect the domestic prices, causing prices of goods and services to increase sharply.

While we cannot totally eradicate dependence on oil until the depletion of its reserves in the near future, we have to ensure that the country's energy security and independence by reducing our reliance on imported fuel for the transportation sector. Among the many alternatives available to the fuel-based vehicles today are electric vehicles. Adopting electric vehicles will allow costs of commuting to go down, to around Php 2.75 per kilometer (for an electric jeepney) from Php 4.50 per kilometer (for a diesel-powered jeepney). Most importantly, we will be able to cut our carbon emissions from motor vehicles. While owning an electric vehicle may be high, we hope that in the long run, ownership costs will go down as public acceptance of electric vehicle goes up.

This Bill seeks to create a national policy to encourage the usage of electric vehicles by mandating parking areas and charging stations for electric vehicles, establishing an accreditation mechanism for all charging stations service providers, creating green routes exclusive to the electric vehicles and providing incentives for owning such vehicle.

In view of the foregoing, the immediate passage of this Bill is earnestly sought.


REP. JB BERNOS
Lone District, Abra

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AN ACT
PROVIDING THE NATIONAL ENERGY POLICY AND REGULATORY
FRAMEWORK FOR THE USE OF ELECTRIC VEHICLES, AND THE
ESTABLISHMENT OF ELECTRIC CHARGING STATIONS

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 “Electric Vehicles
2 and Charging Stations Act.”

3
4 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to:

- 5 (a) Ensure the country’s energy security and independence by reducing reliance
6 on imported fuel for the transportation sector;
- 7 (b) Promote and support innovation in clean, sustainable, and efficient energy
8 to accelerate social progress and human development by encouraging public
9 and private use of new and alternative energy technologies; and
- 10 (c) Safeguard and improve the integrity, reliability, and stability of the country’s
11 electric power grid by optimizing the location of energy sources relative to
12 demand.

13
14 Sec. 3. *Scope and Application.* – This Act shall apply to the manufacture,
15 importation, installation, and utilization of electric vehicles and charging stations.

16 Sec. 4. *Definition of Terms.* – For purposes of this Act, the following terms
17 shall be defined as stated below:

- 1 (a) *Battery electric vehicle* refers to a private, government-owned, or public
2 utility vehicle (PUV) which is propelled by an electric motor engine, and
3 powered by energy stored in an on-board battery pack which is charged
4 through a charging station and used on public highways;
- 5 (b) *Battery pack* refers to a completely functional system that includes battery
6 modules, battery support systems, and battery-specific controls used to store
7 and discharge electrical energy in an electric vehicle;
- 8 (c) *Charging fee* refers to the amount imposed on electric vehicle users in
9 exchange for the use of facilities of public charging stations. Its individual
10 components shall be unbundled pursuant to regulations issued by the
11 Energy Regulatory Commission (ERC);
- 12 (d) *Charging station* refers to the physical infrastructure built and designed to
13 deliver electrical energy from an electricity source to a battery pack. Its
14 components include connectors, conductors, fittings, and other associated
15 equipment. It may be for private or public use;
- 16 (e) *Charging Station Roll-Out Plan (CSROP)* refers to a proposed plan of a
17 particular charging station service provider to install and operate charging
18 stations in specific gasoline stations as well as private and public buildings
19 and establishments within the franchised area of a distribution utility;
- 20 (f) *Charging station service provider* refers to a natural or juridical person,
21 duly registered with the Department of Energy (DOE), who sells, installs,
22 maintains, owns, or operates charging stations or any of its components for
23 a fee;
- 24 (g) *Charging Infrastructure Development Plan (CIDP)* refers to the annual
25 report submitted by distribution utilities to the DOE outlining, among
26 others, the siting of existing and planned charging stations and
27 synchronization of charging stations with the distribution system. It shall be
28 incorporated in the Distribution Development Plan and Power Development
29 Plan. The CIDP shall consider the submitted CSROP of a charging station
30 service provider which intends to operate in a distribution utility's franchise
31 area;
- 32 (h) *Distribution Development Plan (DDP)* refers to the expansion,
33 reinforcement, and rehabilitation program of the distribution system, which
34 is prepared by the distribution utility and submitted to the DOE for

1 integration with the Power Development Plan and the Philippine Energy
2 Plan. In the case of electric cooperatives, such plans shall be submitted
3 through the National Electrification Administration for review and
4 consolidation;

- 5 (i) *Distribution system* refers to the system of wires and associated facilities
6 belonging to a franchised distribution utility, extending between the delivery
7 points on the transmission, sub-transmission system, or generating plant
8 connection and the point of connection to the premises of the end-user;
- 9 (j) *Distribution utility (DU)* refers to any electric cooperative, private
10 corporation, or government-owned utility which has a franchise to operate a
11 distribution system including those whose franchise covers economic zones;
- 12 (k) *Electric vehicle (EV)* refers to either a battery electric vehicle or a plug-in
13 hybrid electric vehicle as defined under this Act;
- 14 (l) *Electric Vehicle Manufacturing Roadmap (EVMR)* refers to an annual plan
15 to incentivize, increase, and improve manufacturing of EVs and charging
16 stations in the country, whether for domestic or international use, taking
17 into consideration the EVR, Philippine Energy Plan, and Philippine
18 Development Plan as well as the incentives provided for in this Act and other
19 relevant laws, rules, and regulations;
- 20 (m) *Electric Vehicle Roadmap (EVR)* refers to an annual comprehensive plan to
21 accelerate the electrification of transportation. It shall include strategies
22 and measurable targets to increase EV adoption, hasten the build-out of
23 charging infrastructure, support the electrification of PUVs, incentivize
24 alignment with grid needs, and coordinate with grid modernization and
25 planning to maximize energy resources. It shall incorporate the Power
26 Development Plan and PUV modernization program, insofar as EVs and
27 charging stations are concerned. It shall be incorporated in the Philippine
28 Energy Plan;
- 29 (n) *Green routes* refer to public transportation routes created or identified by
30 local government units (LGUs) to be exclusively traversed by electric PUVs;
- 31 (o) *Joint Congressional Energy Commission (JCEC)* refers to the joint
32 congressional body created under Republic Act No. 9136, otherwise known
33 as the Electric Power Industry Reform Act of 2001, and renamed pursuant to

1 Republic Act No. 11285, otherwise known as the Energy Efficiency and
2 Conservation Act;

3 (p) *Investment Priorities Plan (IPP)* refers to the annual over-all plan prepared
4 by the Board of Investments (BOI) under Article 26 of Executive Order No.
5 226, otherwise known as the Omnibus Investments Code of 1987;

6 (q) *Philippine Distribution Code (PDC)* refers to the set of rules that governs the
7 distribution system in the country promulgated by the ERC pursuant to its
8 mandate under Republic Act No. 9136;

9 (r) *Philippine Electrical Code (PEC)* refers to the set of rules that ensures safety
10 in electrical installation and construction mandated under Republic Act No.
11 7920, otherwise known as the New Electrical Engineering Law;

12 (s) *Philippine Grid Code (PGC)* refers to the set of rules and regulations
13 governing the reliable operation, maintenance, and development of the high-
14 voltage backbone transmission system and its related facilities as
15 promulgated by the ERC pursuant to its mandate under Republic Act No.
16 9136;

17 (t) *Philippine Energy Plan (PEP)* refers to the overall energy program
18 formulated and updated yearly by the DOE and submitted to Congress
19 pursuant to Republic Act No. 7638, otherwise known as the Department of
20 Energy Act of 1992;

21 (u) *Plug-in hybrid electric vehicle* refers to a private, government-owned, or
22 PUV which is propelled by a combination of a traditional internal
23 combustion engine and an electric motor engine, and powered by energy
24 stored in an on-board battery pack which is charged through a charging
25 station and used on public highways;

26 (v) *Power Development Plan (PDP)* refers to the indicative plan for managing
27 electricity demand through energy-efficient programs and for the upgrading,
28 expansion, rehabilitation, repair, and maintenance of power generation and
29 transmission facilities, formulated and updated yearly by the DOE in
30 coordination with the generation, transmission, and distribution utilities;

31 (w) *Private buildings and establishments* refer to residential, commercial, and
32 industrial structures owned or leased by private persons or juridical entities,
33 and in the case of commercial and industrial structures, whose goods and
34 services are available to the public;

- 1 (x) *Private charging stations* refer to charging stations installed in private
2 buildings and establishments which are not open for use by the public;
3 (y) *Public buildings and establishments* refer to structures owned or leased by
4 the government through its departments, agencies, bureaus, offices,
5 corporations, and LGUs; and
6 (z) *Public charging stations* refer to charging stations installed in public
7 buildings and establishments, gasoline stations, and select private buildings
8 and establishments which are available for use by the public for a fee.
9

10 *Sec. 5. Role of the Department of Energy.* – The DOE shall determine the
11 general policy direction and specific policy measures required to promote the
12 adoption of EVs and charging stations, and shall:

- 13 (a) Prepare the EVR together with the Department of Transportation (DOTr), in
14 coordination with the Department of Trade and Industry (DTI), and other
15 relevant government agencies;
16 (b) Regularly accredit charging station service providers, and publish on its
17 website a quarterly inventory of all accredited charging station service
18 providers and a list of all charging stations in the country;
19 (c) Require charging station service providers and DUs to submit their respective
20 CSROPs and CIDPs;
21 (d) Enforce compliance with mandatory open access installation of charging
22 stations as required under Sections 12 and 13 of this Act;
23 (e) Mandate the unbundling of charging fees imposed by public charging stations;
24 (f) Aggregate and centralize data from ERC, DTI, DOTr, Department of
25 Environment and Natural Resources (DENR), Land Transportation Office
26 (LTO), Land Transportation Franchising and Regulatory Board (LTFRB),
27 Metro Manila Development Authority (MMDA), Philippine Competition
28 Commission (PCC), LGUs, and other relevant government agencies insofar as
29 EVs and charging stations are concerned; and
30 (g) Perform all other acts that are analogous to the foregoing, which are necessary
31 and incidental to accomplish the policy objectives of this Act.
32

33 *Sec. 6. Role of the Energy Regulatory Commission.* – In addition to its
34 functions under Republic Act No. 9136, the ERC shall:

- 1 (a) Promulgate uniform and streamlined rules, requirements, and standards for
2 the following:
- 3 (i) Application of charging station service providers with DUs,
4 (ii) Connection of charging stations to the distribution system, and
5 (ii) Operation of self-generating charging stations;
- 6 (b) Ensure charging stations are compliant with the PEC, PDC, PGC, and other
7 relevant laws, rules, regulations, and standards. The ERC shall conduct
8 regular inspections towards this end;
- 9 (c) Regulate the rates charged by DUs on all charging stations, taking into
10 account, among others, the utilization of the charging station, the promotion
11 of efficiency, the unique requirements of charging stations, and its effect on
12 the DU's demand profile and distribution system;
- 13 (d) Exercise exclusive jurisdiction over all matters that pertain to rate setting in
14 this Act; and
- 15 (e) Perform all other acts that are analogous to the foregoing, which are
16 necessary and incidental to accomplish the policy objectives of this Act.
- 17

18 *Sec. 7. Role of the Department of Transportation.* – In addition to its
19 functions under Executive Order No. 292, otherwise known as the Administrative
20 Code of 1987, as amended by Republic Act No. 10844, otherwise known as the
21 Department of Information and Communications Technology Act of 2015, the DOTr
22 shall:

- 23 (a) Prepare the EVR together with the DOE, in coordination with the DTI and
24 other relevant government agencies;
- 25 (b) Determine specific classifications for EVs, and promulgate uniform and
26 streamlined rules and requirements for their registration;
- 27 (c) Incorporate the electrification of PUVs in its PUV modernization program;
28 and
- 29 (d) Mandate the inclusion of green routes in the respective Local Public
30 Transport Route Plans of the LGUs.
- 31

32 *Sec. 8. Role of the Department of Trade and Industry.* – In addition to its
33 functions under existing laws, the DTI shall:

- 1 (a) Establish national quality and safety standards for EVs, battery packs,
2 charging stations, and other associated equipment. These standards shall
3 include terminology, product, process, service, and interface;
- 4 (b) Prepare the EVMR, in coordination with DOE, DOTr, BOI, and other
5 relevant government agencies; and
- 6 (c) Coordinate with the DOE and DOTr in the preparation of the EVR.

7
8 *Sec. 9. Role of Local Government Units.* – In addition to its functions under
9 Republic Act No. 7160, otherwise known as the Local Government Code of 1992,
10 LGUs shall:

- 11 (a) Identify green routes in their respective Local Public Transport Route Plan;
- 12 (b) Include the electrification of PUVs in their respective development plans; and
- 13 (c) Ensure compliance of public and private buildings and establishments with
14 Section 11 of this Act.

15
16 *Sec. 10. Role of the Department of Environment and Natural Resources.* – In
17 addition to its functions under Executive Order No. 192, otherwise known as
18 Providing the Reorganization of the Department of Environment, Energy and
19 Natural Resources and Renaming it to the Department of Environment and Natural
20 Resources, the DENR shall, in consultation with the DOE, DOTr, DTI, and other
21 public and private stakeholders, promulgate rules and guidelines on the recycling
22 and disposal of battery packs and other components of an EV.

23
24 *Sec. 11. Dedicated Parking Slots for Electric Vehicles in Private and Public*
25 *Buildings and Establishments.* – Private and public buildings and establishments
26 constructed after the effectivity of this Act and pursuant to Republic Act No. 6541,
27 otherwise known as the National Building Code of the Philippines, shall designate
28 dedicated parking slots for the exclusive use of EVs: *Provided*, That the number of
29 dedicated parking slots shall be proportional to the total number of parking slots
30 within the building or establishment. *Provided further*, That the use of dedicated
31 parking slots by vehicles other than EVs shall be punishable under Section 22 of this
32 Act. *Provided finally*, That existing private and public buildings and establishments
33 upon the effectivity of this Act shall comply with the foregoing requirements within
34 five (5) years from effectivity of this Act.

1 No permit shall be issued for the construction or renovation of a building or
2 establishment unless the owner submits to the building official of the relevant LGU
3 and DOE a sworn affidavit that there are parking spaces dedicated for the exclusive
4 use of EVs, and a copy of the building plan incorporating the same.
5

6 *Sec. 12. Open Access Installation of Charging Stations in Dedicated Parking*
7 *Slots.* – Dedicated parking slots built in accordance with Section 11 shall be installed
8 with a charging station. *Provided,* That the owner of the private or public building or
9 establishment shall allow a third party charging station service provider to install,
10 operate, or maintain the charging station, or enter into any other contractual
11 arrangement with such third party charging station service provider in fair,
12 reasonable, and nondiscriminatory terms: *Provided further,* That the owner of the
13 private or public building or establishment may act as its own charging station
14 service provider by constituting itself as a charging station service provider pursuant
15 to the provisions of this Act: *Provided finally,* That if a DU engages in the business of
16 a charging station service provider, it shall do so in accordance with Section 26 of
17 Republic Act No. 9136.

18 *Sec. 13. Open Access Installation of Charging Stations in Gasoline Stations.* –
19 Gasoline stations shall designate dedicated spaces for the installation of charging
20 stations: *Provided,* That the owner of the gasoline station shall allow a third party
21 charging station service provider to install, operate, or maintain the charging station,
22 or enter into any other contractual arrangement with such third party charging
23 station service provider in fair, reasonable, and nondiscriminatory terms: *Provided*
24 *further,* That the owner of the gasoline station may act as its own charging station
25 service provider by constituting itself as a charging station service provider pursuant
26 to the provisions of this Act: *Provided finally,* That a gasoline station shall not be
27 issued a construction, operation, or compliance permit by the DOE unless the owner
28 submits a sworn affidavit that there is ample space for the construction of charging
29 stations within its premises.
30

31 *Sec. 14. Use of Charging Stations in Dedicated Parking Spaces and Gasoline*
32 *Stations.* – All charging stations installed in public buildings and establishments,
33 and gasoline stations shall be public charging stations. Private buildings and

1 establishments may designate public charging stations. Only public charging
2 stations shall be allowed to impose and collect charging fees.

3
4 Sec. 15. *Permits for the Installation of Charging Stations.* – All government
5 agencies including LGUs shall provide for a uniform and streamlined permitting
6 process for the installation, operation, maintenance, replacement, and removal of
7 charging stations: *Provided*, That the process shall be covered by the provisions of
8 Republic Act No. 11234, otherwise known as the Energy Virtual One-Stop Shop Act.

9
10 Sec. 16. *Duties and Responsibilities of Charging Station Service Providers.* –
11 A charging station service provider shall have the following duties and
12 responsibilities:

- 13 (a) Comply with the rules, requirements, and standards of the DOE and ERC in
14 accordance with Sections 5 and 6 of this Act, and permits and licenses of
15 government agencies and LGUs in accordance with Section 15 of this Act;
16 (b) Pay the DU for electricity consumption from the use of the charging station in
17 cases where the charging station service provider is the owner or operator of
18 the charging station; and
19 (c) Regularly submit to the DOE an unbundled structure of the charging fees
20 imposed on EV users, in the case of public charging stations owned or
21 operated by the charging station service provider.

22
23 Sec. 17. *Fiscal Incentives.* – The following activities shall be included in the
24 annual IPP of the BOI and shall be entitled to the incentives provided under
25 Executive Order No. 226 and other applicable laws for ten (10) years from the
26 effectivity of this Act: *Provided*, That after the aforementioned period, the inclusion
27 of these activities in the annual IPP shall be reviewed and may be extended by the
28 BOI:

- 29 (a) The purchase and importation of capital equipment, spare parts, and
30 components used in the manufacture or assembly of electric vehicles and
31 the construction of charging stations; and
32 (b) The manufacture or assembly of completely knocked-down parts, semi
33 knocked-down parts, and semi-built units of electric vehicles and the
34 construction of charging stations.

1
2 EV users shall be granted the following fiscal incentives, which shall be
3 available for nine (9) years from the effectivity of this Act:

- 4 (a) Exemption from the payment of value added taxes in the purchase of EVs;
5 (b) Exemption from the payment of the motor vehicle user's charge imposed by
6 the LTO under Republic Act No. 8794, otherwise known as Motor Vehicle
7 User's Charge Act; and
8 (c) Exemption from on-street parking fees imposed LGUs to local traffic and
9 zoning ordinances, and other similar rules and regulations.

10
11 Sec. 18. *Non-Fiscal Incentives.* – EV users shall be granted the following non-
12 fiscal incentives, which shall remain in force from the effectivity of this Act until
13 explicitly repealed:

- 14 (a) Prioritization in the registration and renewal of registration, and issuance
15 of a special type of vehicle plate by the LTO in accordance with Section 7(b)
16 of this Act;
17 (b) Exemption from the mandatory unified vehicular volume reduction
18 program, number-coding scheme, or other similar schemes implemented
19 by the MMDA, other similar agencies, and LGUs; and
20 (c) Prioritization with the LTFRB in the approval of applications for franchise
21 to operate, including its renewal, for PUV operators that are exclusively
22 utilizing EVs.

23
24 Sec. 19. *Financial Assistance.* – Government financial institutions and other
25 financial institutions, in accordance with and to the extent allowed by the enabling
26 provisions of their respective charters or applicable laws, provide concessional
27 financial packages for entities engaged in the activities mentioned in the first
28 paragraph of Section 17 of this Act.

29
30 Sec. 20. *Public Access to Information.* – The DOE, DOTr, DTI, DENR, ERC,
31 LTO, LTFRB, MMDA, LGUs, and other relevant government agencies shall allow
32 public access to all data and information in relation to the implementation of this
33 Act: *Provided, That* such access is subject to Section 21 of this Act.
34

1 Sec. 21. *Confidentiality.* – The DOE, DOTr, DTI, DENR, ERC, LTO, LTFRB,
2 MMDA, LGUs, and other relevant government agencies shall not disclose any
3 proprietary and confidential data unless prior consent of the source or owner of such
4 data has been obtained by the requesting party, and that such disclosure is in
5 accordance with Republic Act No. 10173, otherwise known as the Data Privacy Act of
6 2012, and other relevant laws and regulations.

7
8 Sec. 22. *Penalties.* – Without prejudice to civil liability, the following penalties
9 shall be imposed upon any person, both natural and juridical, found guilty of
10 violating Sections 11, 12, 13, and 14 of this Act:

- 11 (a) First Offense – the penalty of *arresto mayor* or a fine of twenty thousand
12 pesos (PhP 20,000.00), or both, at the discretion of the court;
13 (b) Second Offense – the penalty of *prision correccional* or a fine of fifty
14 thousand pesos (PhP 50,000.00), or both, at the discretion of the court; and
15 (c) Third Offense – the penalty of *prision mayor* or a fine of eighty thousand
16 pesos (PhP 80,000.00), or both, at the discretion of the court.

17
18 Sec. 23. *Congressional Oversight.* – The JCEC shall exercise oversight powers
19 over implementation of this Act. The DOE, DOTr, DTI, DENR, ERC, LTO, LTFRB,
20 MMDA, PCC, and other relevant government agencies shall submit annual reports,
21 which shall include the latest relevant data, implementation reports, and regulatory
22 issuances, among others, to the JCEC not later than the fifteenth day of September.

23
24 Sec. 24. *Implementing Rules and Regulations.* – The DOE together with the
25 DOTR, and in coordination with DTI, DENR, ERC, LTO, LTFRB, MMDA, PCC, and
26 other relevant government agencies and other electric power industry stakeholders,
27 shall issue the implementing rules and regulations of this Act within sixty (60) days
28 upon its effectivity.

29
30 Sec. 25. *Separability Clause.* – If any portion or provision of this Act is
31 declared unconstitutional, the remainder of this Act or any provisions not affected
32 thereby shall remain in force and effect.

1 Sec. 26. *Repealing Clauses.* – Any law, presidential decree or issuance,
2 executive order, letter of instruction, rule or regulation inconsistent with the
3 provisions of this Act is hereby repealed or modified accordingly.

4
5 Sec. 27. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
6 following its complete publication in the Official Gazette or a newspaper of general
7 circulation.

Approved,