

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City



**EIGHTEENTH CONGRESS**  
First Regular Session

HOUSE BILL NO. 4267

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**Introduced by Representative Michael L. Romero**

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**EXPLANATORY NOTE**

In accordance the provisions of the constitution, it is hereby declared to be the policy of the state to promote scientific and technological research and development, foster invention, and utilize scientific knowledge as an effective instrument for the promotion of national progress. At present-day, several Acts, Decrees and Orders appear to be operative. Earlier actions were not always repealed or revoked when new decisions were put in force.

The **Philippine Nuclear Research Institute (PNRI)** is currently the only RDI (*Research and Development Institute*) under the DOST with quasi-judicial functions. Moreover, the PNRI also operates nuclear facilities which are exempted from licensing by the law which created it.

Since the beginning, PNRI laboratories and nuclear facilities have never been subjected to regulatory control and licensing to ensure that international standards of nuclear safety are complied with.

This disintegration has resulted in differences in interpretation of the scope, responsibility, and authority of the regulatory bodies between the subsequent acts, decrees, and orders.

This House Bill seeks to integrate, coordinate, and intensify scientific and technological research and development methods and to foster the application and implementation for nuclear concerns; to provide funds therefor; and for other purposes.

Thus, the early passage of this bill is earnestly requested.



**MICHAEL L. ROMERO Ph.D.**



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AN ACT

CREATING THE **PHILIPPINE NUCLEAR REGULATORY AND  
RESEARCH COMMISSION**, PROVIDING FUNDS THEREFOR, AND  
FOR OTHER PURPOSES

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

**SECTION 1. DECLARATION OF POLICY** – It is hereby a declared policy of the state to regulate the safe applications of nuclear science and technology enhancement in the country.

To provide a legal framework that adequately protects public health, safety and the environment against the harmful effects of ionizing radiation, and for the welfare and security of nuclear radiation resources and services.

**SECTION 2. CREATION OF THE COMMISSION PHILIPPINE NUCLEAR REGULATORY AND RESEARCH COMMISSION** – There is hereby created the Philippine Nuclear Regulatory and Research Commission (**PNRRC**), hereinafter referred to as the Commission, that shall be an attached agency of

the Department Science and Technology (**DOST**) for its program direction, coordination, technical and administrative supervision.

**SECTION 3. SCOPE AND LIMITATION OF THE COMMISSION -**

This Act shall apply to all activities and practices involving ionizing radiation sources, including nuclear and other radioactive materials, facilities and radiation generating equipment.

This Act shall not apply to activities or practices involving exposures that have been exempted from regulatory control through regulations established by the Commission.

**SECTION 4. DIRECTIVE OF THE COMMISSION. —** The

Commission shall exercise authority over all aspects of safety, security and safeguards involving nuclear materials and other radioactive materials, facilities and radiation generating equipment.

**SECTION 5. CORE FUNCTIONS** – The Commission shall conduct the following:

- A. Conduct research and development on the application of radiation and nuclear techniques, materials and processes;
- B. Undertake the transfer of research results to end-users, including technical extension and training services;
- C. Operate and maintain nuclear research reactors and other radiation facilities; and
- D. License and regulate activities relative to production, transfer and utilization of nuclear radioactive substances.

**SECTION 6. REGULATORY COURSE OF ACTION OF THE COMMISSION** — In issuing authorizations and regulations under this Act, the Commission shall:

- A. Impose the minimum requirements to protect the health and safety of the public and environment, and ensure the security of ionizing radiation sources;



- B. Prevent the spread of nuclear weapons and prevent nuclear or radiological terrorism consistent with the obligations of the Philippines under relevant international instruments;
- C. Establish and implement regulations consistent with relevant international standards and best practices; and
- D. Ensure that operators are technically and financially qualified to engage in the proposed activities in accordance with the requirements of this Act and the Commission's regulations, and has financial protection to fulfill obligations on liability for nuclear and radiation damage.

**SECTION 7. MANDATE OF THE COMMISSION** — The Commission shall:

- i. Define and formulate policies, regulations, standards, and other issuances as a basis for its regulatory actions on nuclear and radiation safety, security and safeguards;
- ii. Develop and issue regulations and standards, regulatory guides and other documents necessary for the implementation of this Act and its implementing rules
- iii. and regulations;
- iv. Issue, amend and revoke rules, regulations and orders pertaining to the financial capability of operators to cover liability for nuclear damage;
- v. Establish and implement a system of authorization in the form of notification, registration, and licensing, including modifications, amendments, suspension and revocation of such authorizations;
- vi. Review and assess submissions on safety assessments and security plans from the facility operators prior to authorization and periodically thereafter, as required;
- vii. Inspect, monitor and assess activities and practices to ensure compliance with applicable regulations, and the terms and conditions of authorizations;



- viii. Take enforcement measures as provided for under Section of this Act in the event of non-compliance with applicable regulations or the terms and conditions of authorizations;
- ix. Define exemptions and exclusions from regulatory control;
- x. Ensure the application of safety, safeguard and security requirements consistent with national and international commitments;
- xi. Hold hearings and conduct investigations, and for these purposes, administer oaths and affirmations and issue subpoenas to any person to appear and testify, or to appear and produce documents at any designated time and place;
- xii. Cooperate with other governmental or non-governmental bodies having competence in such areas as health and safety, environmental protection, security and transportation of nuclear and related dangerous goods;
- xiii. Cooperate with and act as the national competent authority on nuclear safety, security and regulatory matters for the IAEA, foreign governments, ministries, departments, and agencies, relevant regional and international organizations, including law enforcement and intelligence agencies;
- xiv. Participate in relevant regional and international conferences related to safety, security and safeguards of nuclear and other radioactive materials and safety of radiation generating equipment;
- xv. Obtain experts' advice and opinions necessary to perform its functions, including the hiring of consultants, contracting of specific projects, or establishing Technical and Scientific Support Organizations (**TSOs**) or ad hoc advisory bodies;
- xvi. Cooperate with other relevant government agencies to establish and maintain a national radiological emergency preparedness and response plan;
- xvii. Carry out or contract research activities on radiation safety and security;



- xviii. Establish appropriate mechanisms and procedures for informing and consulting the public and other stakeholders about the regulatory process and the safety, health and environmental aspects of regulated activities and practices, including in incidents, accidents and abnormal occurrences;
- xix. Establish and maintain a national register of radiation sources;
- xx. Establish and maintain a national register of persons authorized to carry out activities or practices under this law;
- xxi. Cooperate with the IAEA in the application of safeguards in accordance with the Safeguards Agreement, and any protocols thereto, between the Republic of the Philippines and the IAEA, including conducting inspections and visits, carrying out complementary access and providing any assistance or information required by designated IAEA inspectors in the fulfillment of their responsibilities;
- xxii. Establish and maintain a State System of Accounting for and Control of nuclear material and a national system for the registration of licenses for nuclear material, and to establish the necessary reporting and record keeping and requirements pursuant to the Safeguards Agreement, and any protocols thereto, between [name of State] and the IAEA; and
- xxiii. Perform such other relevant functions necessary to implement the provisions of this Act.

Nothing in this Act shall preclude the authorized agents of the Department of National Defense (**DND**) and other law enforcement agencies to conduct inspections of atomic energy facilities, materials or any activity jointly with the authorized representatives of the Commission when the national security of the state is involved.

**SECTION 8. ADMINISTRATION** — The Commission shall establish, implement, and assess a management system that is aligned with its safety goals and contributes to its achievement.



The Commission shall ensure that regulatory control is stable and consistent.

The Commission shall therefor ensure that all research and development functions are conducted and meet.

**SECTION 9. ORGANIZATION OF THE COMMISSION** — The Commission shall be headed by a Commissioner who shall be appointed by the President of the republic, for a term of five **(5)** years with a rank equivalent to an Undersecretary.

The Commissioner shall be assisted by two Assistant Commissioners who shall be appointed by the President of the republic, with a term of three **(3)** years respectively. Thereafter, the successors shall be appointed for five (5) years.

The Commissioner or at least one assistant commissioners shall have the necessary scientific and technical qualifications, preferably an advanced degree in natural sciences or engineering or a broad professional background and expertise of the relevant fields.

The Commissioner shall not be removed from service for political considerations, but for just cause which includes misconduct, demonstrated lack of competence, unlawful behavior, inability to perform assigned duties, and the like.

The head of the Commission shall draw up its organizational structure to be submitted to the Secretary of the DOST for approval.

For the proper management and effective implementation of the objectives of the Commission, a General Manager shall be appointed by the President upon the recommendation of the Commission, and shall perform the following functions:

- a) Assist the Commissioner in the discharge of his functions as executive and administrative head of the Commission;
- b) Coordinate and direct the activities of the staff and is responsible for the day-to-day management of the affairs and activities of the Commission;



- c) Recommend and develop plans to achieve the Commission's objectives; and
- d) Provide secretariat services to the Commission; and Perform such other relevant functions necessary to implement the provisions of this Act.

**SECTION 10. APPROPRIATIONS** — The amount needed for the initial implementation of this Act shall be taken from the current year's appropriations of the *Nuclear Regulatory Division* of the Philippine Nuclear Research Institute (**PNRI**) and the licensing and regulatory group.

Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act (**GAA**) on the year following the effectivity of this Act, and every year thereafter.

Funds appropriated for the Commission and its agencies shall, if obligated by contract during the fiscal year for which appropriated, remain available for expenditure for two (**2**) years following the expiration of the fiscal year for which appropriated or for the duration of the contract under which is therefor obligated.

**SECTION 11. PENALTIES AND SANCTIONS.** — Any person who shall willfully violate, attempt to violate, or conspire to violate any provisions of this Act for which no penalty is specifically provided or of any regulation, order or authorization issued under this Act shall, upon conviction thereof, shall suffer the penalty of imprisonment of NOT LESS THAN FIVE (**5**) years or a fine of NOT LESS THAN ONE MILLION PESOS (**₱1,000,000.00**) or both.

**SECTION 12. TRANSITORY PROVISION** — Existing industries, businesses and offices affected by the implementation of this Act shall be given six (**6**) months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

All files, records, supplies, equipment, buildings, personnel, funds and unexpended balance of appropriations of the National Science Board, the National Scientific and Industrial Research Institute and the Philippine Nuclear Energy Commission, are hereby transferred respectively to the Commission, subject to the prevailing provisions of the republic of the Philippines.

**SECTION 13. IMPLEMENTING RULES AND REGULATIONS.** – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

**SECTION 14. REPEALING CLAUSE.** – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SECTION 15. SEPARABILITY CLAUSE.** – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

**SECTION 16. EFFECTIVITY CLAUSE.** – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,