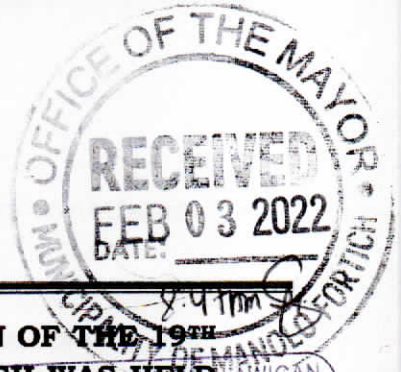




Republic of the Philippines
Province of Bukidnon
MUNICIPALITY OF MANOLO FORTICH
OFFICE OF THE SANGGUNIANG BAYAN
E-mail: sb@manoloportich.gov.ph



EXCERPT FROM THE MINUTES OF THE 1ST REGULAR SESSION OF THE 19TH SANGGUNIANG BAYAN OF MANOLO FORTICH, BUKIDNON WHICH WAS HELD AT SANGGUNIANG BAYAN SESSION HALL ON JANUARY 6, 2022.

PRESENT:

HON. MIGUEL D. DEMATA

Presiding Officer

Municipal Vice Mayor

HON. JUANITO I. QUIÑO

Sangguniang Bayan Member

HON. REYNALDO L. BAGAYAS, JR.

Sangguniang Bayan Member

HON. ELIEZER S. ONAHON

Temporary Majority Floor Leader

HON. RAUL S. MIÑOZA

Sangguniang Bayan Member

HON. WARLEO A. GOAYAN

Sangguniang Bayan Member

HON. JOY L. CORDOVEZ

Sangguniang Bayan Member

HON. CHRISTY L. SALABE

Sangguniang Bayan Member

HON. ALBERTO B. TINOY

Sangguniang Bayan Member

HON. ALEX D. PAYANGGA

IP Mandatory Rep.

HON. JOHN ANTHONY G. LEYSON

SK Federation Representative



ABSENT:

HON. NELSON S. BINAYAO

Liga ng mga Brgy. Rep.

ORDINANCE NO. 2021 - 1564 A
(1st Regular Session)

AN ORDINANCE ADOPTING THE GUIDELINES TO FACILITATE THE IMPLEMENTATION OF ENERGY PROJECTS WITHIN THE MUNICIPALITY OF MANOLO FORTICH, BUKIDNON.

WHEREAS, The National Economic and Development Authority (NEDA) launched AmBisyon 2040 which envisions *Filipinos to enjoy a strongly rooted comfortable and secure life in all aspects by 2040.*

WHEREAS, The Philippine Development Plan (PDP) 2017-2022 intends to accelerate all infrastructure development projects, including the energy sector.

WHEREAS, The Philippine Energy Plan (PEP) seeks to unify with government partners and the private sector to meet the country's electricity and fuel requirements through the improvements in the energy market, simplification of government procedures, promotion of resiliency in energy

systems and infrastructures, and the enhancements of the consumers' power of choice.

WHEREAS, The Philippine Power Development Plan forecasts that the country will need 43,765 megawatts (MW) additional capacity by 2040. With an average annual growth rate of 5.7% power demand will continue to move in an upward trend.

WHEREAS, President Rodrigo R. Duterte, in adopting a whole-of-government approach for the needs of the energy sector, issued Executive Order No. 30 (EO 30) to streamline regulatory procedures affecting Energy Projects of National Significance.

WHEREAS, The Congress of the Philippines passed Republic Act (RA) 11032 "Ease of Doing Business and Efficient Government Service Delivery (EODB) Act of 2018" and RA 11234 "Energy Virtual One-Stop Shop (EVOSS) Act" to establish the inter-operability of government processes through an online system that streamlines the permitting processes of power, generation, transmission and distribution projects.

WHEREAS, The Department of Energy (DOE), in implementing the pertinent energy laws, sees the Local Government Units (LGUs) as indispensable stakeholders and reiterates the existing and potential benefits for host communities of energy projects, such as Energy Regulation 1-94, national wealth tax or government share, job creations, and other social and economic development programs.

WHEREAS, The Department of the Interior and Local Government (DILG), in support of the DOE, enjoins all LGUs to implement the directive of the President on the implementation of energy projects.

WHEREAS, Section 3 of Administrative Order No. 23 Series of 2020, for processes applicable to energy-related projects, the timelines provided by RA 11234 shall be complied with.

WHEREAS, The DILG and the DOE issued Joint Memorandum Circular providing for the Guidelines for LGUs to Facilitate the Implementation of Energy Projects.

NOW, THEREFORE, in order to establish, strengthen and integrate the energy policies and mechanisms, with respect to energy safety practices, energy efficiency and conservation, energy resiliency, energy planning which includes energy access and resource development, to harmonize and fast-

track the implementation of the EODB Act, EVOSS Act, EO 30 and AO 23, to maximize benefits from energy projects to the host communities, to implement the necessary energy programs and projects,

BE IT ORDAINED by the Sangguniang Bayan of Manolo Fortich, Bukidnon in session that:

ARTICLE I. GENERAL PROVISIONS

SECTION 1. TITLE. This Ordinance shall be known as the Guidelines to Facilitate the Implementation of Energy Projects, otherwise known as the "LGU Energy Code".

SECTION 2. CREATION OF THE ENERGY SECTOR COMMITTEE UNDER THE LOCAL DEVELOPMENT COUNCIL. The Energy Sector Committee is hereby created under the Local Development Council to facilitate the implementation of energy programs, policies, and projects, in accordance with the following pertinent energy and other regulatory laws, and issuances:

Republic Act No. 7160, An Act Providing for a Local Government Code of 1991 (Local Government Code of 1991)

Republic Act No. 7683, An Act Creating the Department of Energy, Rationalizing the Organization and Functions of Government Agencies Related to Energy, and for Other Purposes (Department of Energy Act of 1992)

ENERGY-RELATED LAWS

Presidential Decree No. 87, Amending Presidential Decree No. 8 Issued on October 2, 1972 and Promulgation of an Amended Act to Promote the Discovery and Production of Indigenous Petroleum and Appropriate Funds Therefor (The Oil Exploration and Development Act of 1972)

Presidential Decree No. 972, Promulgating an Act to Promote an Accelerated Exploration, Development, Exploitation, Production and Utilization of Coal (The Coal Development Act of 1976)

Republic Act No. 7638, An Act Creating the Department of Energy, Rationalizing the Organization and Functions of Government Agencies Related to Energy, and for Other Purposes (Department of Energy Act of 1992)

Republic Act No. 8479, An Act Deregulating the Downstream Oil Industry and for Other Purposes (Downstream Oil Industry Deregulation Act of 1998)

Republic Act No. 9136, An Act Ordaining Reforms in the Electric Power Industry, Amending for the Purpose Certain Laws and for Other Purposes (Electric Power Industry Reform Act of 2001)

Republic Act No. 9367, An Act to Direct the Use of Biofuels, Establishing for this Purpose the Biofuel Program, Appropriating Funds Therefor, and for Other Purposes (Biofuels Act of 2006)

Republic Act No. 9513, An Act Promoting the Development, Utilization and Commercialization Republic Act No. 10623, An Act Amending Certain Provisions of Republic Act No. 7581 (An Act Providing Protection to Consumers by Stabilizing the Prices of Basic Necessities and Prime Commodities and by Prescribing Measures Against Undue Price Increase During Emergency Situations and like Occasions and for Other Purposes)

Republic Act No. 11285, An Act Institutionalizing Energy Efficiency and Conservation. Enhancing the Efficient Use of Energy, and Granting Incentives to Energy Efficiency and Conservation Project (Energy Efficiency and Conservation Act)

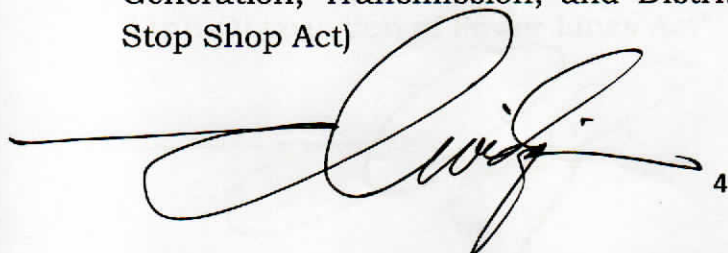
Republic Act No. 11361, An Act Ensuring the Continuous and Uninterrupted Transmission and Distribution of Electricity and the Protection of the Integrity and Reliability of Power Lines, and Providing Penalties for Violations Thereof (Anti-Obstruction of Power Lines Act)

PRIVATE SECTOR PARTICIPATION LAWS

Republic Act No. 7718, An Act Amending Certain Section of Republic Act No. 6597 (An Act Authorizing the Financing, Construction, Operation, and Maintenance of Infrastructure Projects by the Private Sector, and for Other Purposes)

REGULATORY REFORM LAWS

Republic Act No. 11234, An Act Establishing the Energy Virtual One-Stop Shop for the Purpose of Streamlining the Permitting Process of Power Generation, Transmission, and Distribution Projects (Energy Virtual One-Stop Shop Act)

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Republic Act No. 11032, Ease of Doing Business and Efficient Government Service Delivery Act of 2018 (Ease of Doing Business Act 20218)

Executive No. 30 entitled, "Creating the Energy Investment Coordinating Council (EICC) in order to Streamline the Regulatory Procedures Affecting Energy Project (EO 30)"

Administrative Order No. 23 Series of 2020, Eliminating Overregulation to Promote Efficiency of Government Processes.

SUPPORTING POLICIES

DILG-DOE Joint Circular 95-1 dated 31 1995 entitled, "Utilization of Shares from National Wealth"

DOE Department Circular No. DC2003-11-010 entitled, "Rules and Regulation Governing the Business of Retailing Liquid Petroleum Products"

DOE Department Circular No. DC2007-02-0002 entitled, "Providing for the Rules and Regulations Governing the Business of Supplying, Hauling, Storage, Handling, Marketing and Distribution of Liquefied Petroleum Gas (LPG) for Automotive Use"

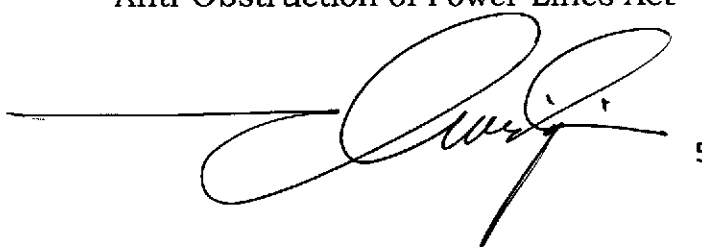
DOE Department Circular No. DC2014-01-0001 entitled, "Providing for the Rules and Regulations Governing the LPG Industry"

DOE Department Circular No. DC2017-11-0011 entitled, "*Promulgating a Revised Rules and Regulations Governing the Business of Retailing Liquid Fuels*"

DOE Department Circular No. DC2019-05-0007 entitled, "*Rules and Regulations Implementing Republic Act No. 11234 (Energy Virtual One-Stop Shop Act)*"

DOE Department Circular No. DC2019-11-0014 entitled, "*Implementing Rules and Regulations of Republic Act No. 11361, Otherwise Known as the 'Anti-Obstruction of Power Lines Act'*"

DOE Department Circular No. DC2020-02-0002 entitled, "The Implementing Rules and Regulations of Republic Act No. 11361, Otherwise Known as the 'Anti-Obstruction of Power Lines Act'"

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DILG-DPWH-DICT-DTI Joint Memorandum Circular No. 2018-01 entitled, *"Guidelines in Streamlining the Processes for the Issuance of Building Permits and Certificate of Occupancy"*

DILG-DOF Joint Memorandum Circular No. 2019-01 entitled, *"Guidelines for the Review, Adjustment, Setting and/or Adoption of Reasonable Regulatory Fees and Charges of Local Government Units"*

DILG Memorandum Circular No. 2019-117 entitled, *"Guidelines in the Integration of the Issuance of Barangay Clearance in the Permitting Processes of Cities and Municipalities"*

DILG-ARTA Joint Memorandum Circular No. 2019-01 entitled, *"Guidelines on the Regulatory Reform for LGUs pursuant to the Ease of Doing Business and Efficient Government Service Delivery (EODB-EGSD) Act of 2018"*

PPPC-DILG Joint Memorandum Circular No. 2019-01 entitled *"Supplemental Guidelines for the Implementation of Public-Private Partnership for the People Initiative for Local Government (LGU P4)"*

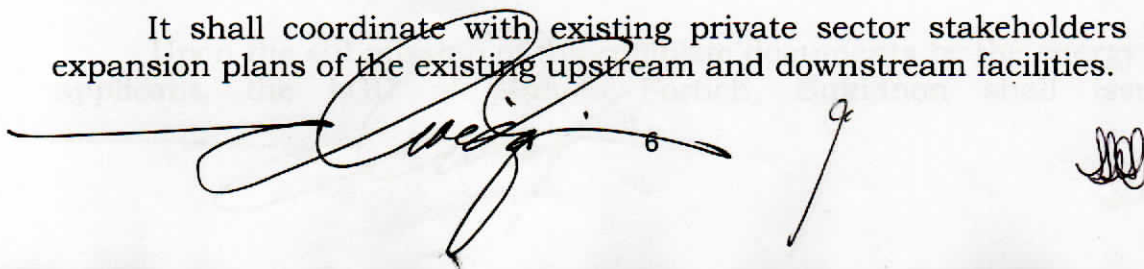
ARTICLE II. INCORPORATION OF ENERGY PROJECTS INTO THE MUNICIPALITY'S SPATIAL PLAN AND COMPREHENSIVE DEVELOPMENT PLAN

SECTION 3. INCORPORATION OF THE LGU PLANS. The Local Government Unit of Manolo Fortich, Bukidnon shall incorporate the energy programs, policies, and projects into the spatial plan (Physical Framework Plan or Comprehensive Land Use Plan, whichever is applicable) and its comprehensive development plan.

SECTION 4. The Municipality of Manolo Fortich, Bukidnon, in consultation with concerned stakeholders, shall identify upstream conventional (coal, oil, or natural gas) and/or renewable (biomass, geothermal, solar, hydropower, ocean, and wind) energy resources within its area of jurisdiction which shall be posted on its website, if available.

The Local Government Unit of Manolo Fortich in consultation with concerned stakeholders, shall plot existing upstream and downstream energy facilities with coordinates in accordance with the Philippine Reference System 1992 (PRS 92).

It shall coordinate with existing private sector stakeholders on the expansion plans of the existing upstream and downstream facilities.

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The Municipality shall submit the data under Section 4 to the Province of Bukidnon for consolidation and submission to the DILG Regional Office, Region 10.

All data under Section 4 shall be submitted to the DILG – Bureau of Local Government Development and DOE – Investment Promotion Office.

The Municipality of Manolo Fortich, if there is a need, shall coordinate with the Public-Private Partnership (PPP) Center for investment opportunities and potential public-private partnerships.

SECTION 5. BENEFITS OF ENERGY PROJECTS INCORPORATION INTO THE COMPREHENSIVE DEVELOPMENT PLAN. The Municipality of Manolo Fortich, Bukidnon, composed of the twenty two barangays shall monitor and collect the benefit of the energy projects and incorporate these benefits in its comprehensive development plan. The benefits to host communities from energy projects may include among others, funds from the Energy Regulation (ER1-94), and the National Wealth Tax.

The Municipality and all its Barangays shall include all local energy policies, plans, and programs covering energy safety and best practices, energy efficiency and conservation, and energy resiliency in its comprehensive development plan which shall be submitted to its Regional Development Council and integrated to each of its respective Regional Development Plan.

ARTICLE III. ENERGY PERMITS REGULATORY REFORMS

SECTION 6. IMPLEMENTATION OF THE EVOSS ACT. The LGU shall streamline the processes on issuing the necessary permits on energy-related projects in accordance with Section 14 of the EVOSS Act.

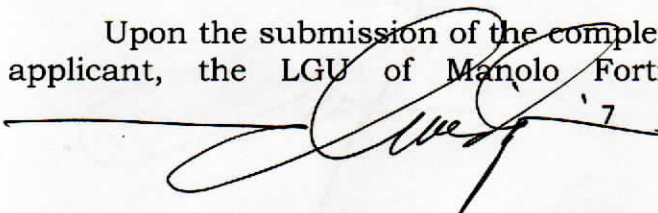
The LGU shall prepare, submit, and implement a unified streamlined and transparent permitting process and corresponding fees.

Said permitting process and corresponding fees shall be submitted by the LGU to the EVOSS Steering Committee through the Secretariat, the DOE- Investment Promotion Office and DILG Regional Office.

The LGU shall process permits within the prescribed time frame as stated in the EVOSS Act to fast track processing of necessary permits to expedite their completion.

The LGU shall designate a focal person, office or unit in charge to managing the EVOSS account in the EVOSS system to ensure proper monitoring and updating of electronic documents and implementation of the EVOSS Act and its IRR.

Upon the submission of the complete documents by the energy project applicant, the LGU of Manolo Fortich, Bukidnon shall issue the



corresponding permit within project. Provided, that this shall not preclude the EVOSS Steering Committee from imposing a shorter time frame for resolution of applications should see it the expediency and feasibility of doing so.

SECTION 7. DEEMED APPROVED. Failure of the LGU to act on applications duly submitted with complete supporting electronic documents within the time frame shall be deemed an approval of such application by the LGU without need of further action on the part of the concerned energy project applicant.

The duly received/stamped as received application form of the energy project applicant by the LGU shall serve as the relevant permit if the LGU fails to act on the application within the provided time frame.

SECTION 8. DENIAL OF APPLICATION. In case of denial of application, the LGU shall notify the energy project applicant in writing stating the reason/s for disapproval.

SECTION 9. PENALTIES. Section 19 of EVOSS Act states:

"Any person found guilty of committing the acts stated in Section 17 (a) and (b) shall be penalized as follows:

- a) First Offense - Thirty (30) days of suspension without pay;
- b) Second Offense - Three (3) months suspension without pay; and
- c) Third Offense - Dismissal and perpetual disqualification from public service

Any person found guilty of committing the act stated in Section 17 (c) shall be penalized as follows:

- a) First Offense - Thirty (30) days of suspension without pay and mandatory attendance in Values Orientation Program;
- b) Second Offense - Three (3) months suspension without pay; and
- c) Third Offense - Dismissal and perpetual disqualification from public service, and forfeiture of retirement benefits.

Any person found guilty of committing the act stated in Section 17 (d) shall suffer the penalty of dismissal and perpetual disqualification from the public service.

Any person found guilty of committing the act stated in Section 18 shall suffer the penalty of dismissal and perpetual disqualification from public service.

In case of violation by the operator and market operator of Section 17 (a), (b), (c), the ERC shall impose a fine of One Hundred Thousand Pesos (P100, 000.00) for every day of delay."

ARTICLE IV. DOWNSTREAM OIL

SECTION 10. The LGUs shall assist the DOE through the LGUs suspension of Mayor's Business Permit and stop the actual operation of the Liquefied Fuel (LF) Retail Outlets or Gasoline Stations, Household Liquefied Petroleum Gas (LPG) Establishments (i.e. Refiller, Dealer and/or Retailer), and Auto LPG Dispensing Stations which do not have the DOE Certificate of Compliance (COC) and Standards Compliance Certificate (SCC).

The LGU shall enforce its mandate to calibrate instruments of weights and measures of dispensing pump meters in LF Retail Outlets and weighing devices in LPG Establishments.

The LGU shall implement price freeze of household LPG and kerosene upon the declaration of state of calamity in the locality. The price freeze will be implemented for a maximum of fifteen (15) days, starting from the day of the official declaration and conduct regular price monitoring of LPG and kerosene that will serve as basis for the price freeze.

ARTICLE V. POWER DISTRIBUTION DEVELOPMENT

SECTION 11. For all applications for Building Permits, the LGUs shall inform or coordinate with the Distribution Utilities for the inclusion of the additional supply and demand of energy in the Distribution Development Plan (DDP). Furthermore, the LGUs shall ensure compliance with RA 11361 (Anti-Obstruction of Power Lines Act).

ARTICLE VI. ENERGY EFFICIENCY AND CONSERVATION

SECTION 12. ENERGY EFFICIENCY AND CONSERVATION OFFICE (EECO). The LGUs, except the barangays, shall establish their respective EECOs, which may be part of the planning and development office, using appropriations from their General Funds established under Local Government Code.

That DOE, in coordination with the DILG, shall issue the necessary guidelines and templates for the reports and updated to assist the LGUs in the development and implementation of their respective Local Energy Efficiency and Conservation Plans.

Within the three (3) years from the effectivity of the EEC-IRR, of the Planning and Development Office of the LGUs shall be considered as the EECO of the LGU of Manolo Fortich, Bukidnon.

SECTION 13. ENERGY EFFICIENCY AND CONSERVATION OFFICER.

Section 13.1 Appointment/Designation of the EEC Officer. The EEC Officer, who shall head the EECO, must be at least a college graduate

and may be designated by the Local Chief Executive from the existing personnel of the LGU or hired through external recruitment. The EEC Officer shall ensure the LGU's compliance with the EEC Act and its IRR, the Local EEC Plan and all energy conservation issuances. Within three (3) years from the effectivity of the EEC-IRR, the head of the Municipal Planning and Development Office of the LGU of Manolo Fortich shall be considered as the EEC Officer.

Section 13.2 Funding for Remuneration of the EEC Officer. Funding requirements for the remuneration of the EEC Officer's services shall be charged from the existing fund of the municipality.

SECTION 14. NATIONAL ENERGY EFFICIENCY AND CONSERVATION OFFICE (NEE&C Office). To support the National Energy Efficiency and Conservation Coordinating Officer (NEECCO), the NEE&C Office is hereby established. The NEE&C Office shall support the NEECCO designated in the integration of all Local EE&C Plans and assist the NEECCO in participating on matters pertaining to the Government Energy Management Program (GEMP) for the LGUs in the Inter-Agency Energy Efficiency and Conservation Committee (IAEECC).

SECTION 15. LOCAL ENERGY EFFICIENCY AND CONSERVATION PLAN. The LGU through the EECOs and Planning Development Office, with the assistance of the DOE and in coordination with the DILG, shall develop and implement its Local EE&C Plans and incorporate these in municipality's local development plan. The DOE, in coordination with the DILG, shall issue the necessary guidelines and templates for reports and updates to assist the LGU in the development and implementation of its Local EE&C Plans.

ARTICLE VII. PRIVATE SECTOR PARTICIPATION

SECTION 16. LOCAL INVESTMENT INCENTIVES PLAN (LIIP). In coordination with the PPP Center, the LGU shall explore energy development projects with the private sector.

Pursuant to Section 109 of RA 7160 and in the interest of promoting energy efficiency on the local setting, the LGUs, through its Local Development Councils, may include energy efficiency projects in their respective Investment Priority Areas (IPA) and shall grant applicable incentives, including assistance or fast-tracking of permits and licenses indicated in the LIIP to establishments with energy efficiency projects upon registration and compliance with the requirements of the LGU.

Furthermore, the LGU shall encourage the participation of the private sector on opportunities provided by the upstream and downstream laws enumerated in this Ordinance.

ARTICLE VIII. FINAL PROVISIONS

SECTION 17. INFORMATION EDUCATION COMMUNICATION CAMPAIGN. The LGU, in coordination with the DILG and the DOE, shall disseminate and capacitate its concerned stakeholders and constituents on energy safety practices, energy efficiency and conservation, energy resiliency, energy planning which includes energy access and resource development, energy programs, policies and projects.

SECTION 18. SEPARABILITY CLAUSE. If for any reason, any section or provision of this Ordinance is declared illegal or unconstitutional other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.


SECTION 20. REPEALING CLAUSE. All previous issuances, ordinances, rules and regulations or parts thereof which are inconsistent or in conflict with provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 21. EFFECTIVITY CLAUSE. This Ordinance shall take effect fifteen (15) days after its publication to local newspaper.

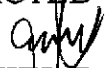
This Ordinance was enacted on motion of Hon. Reynaldo L. Bagayas, Jr. and unanimously seconded by the members present.

ENACTED: January 6, 2022.

CERTIFIED CORRECT:


LYDIA O. LASTIMOSA
Secretary to the Sanggunian

CERTIFIED AND ATTESTED TO HAVE
BEEN ENACTED ON JANUARY 6, 2022:


MIGUEL D. DEMATA
Presiding Officer
Municipal Vice Mayor

APPROVED:


CLIVE D. QUIÑO
Municipal Mayor