



Republic of the Philippines
DEPARTMENT OF ENERGY
(Kagawaran ng Enerhiya)

DEPARTMENT ORDER NO. DO2018-11-0021 / *fr*

**CREATING THE PROJECT REPEAL COMMITTEE FOR THE REVIEW OF THE
IRRELEVANT, BURDENSOME AND UNNECESSARY
LAWS / ISSUANCES OF THE DEPARTMENT OF ENERGY**

WHEREAS, Republic Act No. 11032 "*An Act Promoting Ease of Doing Business and Efficient Delivery of Government Service*" amending for the Purpose Republic Act No. 9485, Otherwise known as the "*Anti-Red Tape Act of 2007*", was promulgated to promote integrity, accountability in the government service, to promote proper management of public affairs and public property and to establish effective practices, aimed at efficient turnaround of the delivery of government services and the prevention of graft and corruption in the government;

WHEREAS, Republic Act No. 11032 expressly mandates all government agencies to **initiate review of existing policies and operations**; and **commence with the reengineering of their systems and procedures**, among others;

WHEREAS, the Anti-Red Tape Authority (ARTA) is mandated under RA 9485 or the Anti-Red Tape Act of 2007 to coordinate with all government offices covered under ARTA in the review of existing laws, executive laws, executive issuances and local ordinances and recommend the repeal of the same if deemed outdated, redundant, and adds undue regulatory burden to the transacting public.

WHEREAS, the Project Repeal is a government-wide regulatory reform initiative which aims to repeal outdated rules and reduce the cost of compliance and to review irrelevant, burdensome, and unnecessary laws/issuances imposed on businesses and citizens that affect the country's global competitiveness ranking and investment climate;

WHEREAS, all government agencies covered by RA11032 are required to conduct regulatory review through Regulatory Mapping and Regulatory Reform for which the creation of a Technical Working Group (TWG) is the initial step;

NOW, THEREFORE, for and in consideration of the foregoing premises, the following are hereby ordered:

Section 1. Policy. – It is the policy of the State to promote economic growth, social welfare development and environmental protection through the issuance and implementation of clear, coherent and efficient regulations. In support thereof, the DOE shall review and revisit its past and current issuances to identify burdensome and unnecessary laws/rules through **Regulatory Mapping** which involves stocktaking of laws and issuances and **Regulatory Reform** which requires content assessment of these regulations in accordance with the attached guidelines as **Annex A**.

Section 2. Regulatory Mapping

Section 2.1 – Creation of Technical Working Group (TWGs). – The Technical Working Group shall be instituted with the following membership:

Chairman : Assistant Secretary of Legal Services
Members : Legal Services
Energy Policy and Planning Bureau
Electric Power Industry Management Bureau
Renewable Energy Management Bureau
Energy Resource Development Bureau
Downstream Oil Industry Management Bureau
Energy Utilization Management Bureau
Investment Promotion Office
Information Technology Management Services
Records Section

Secretariat : Legal Services

Section 2.2.1 Responsibilities and Functions of the TWG:

- a. Conduct an inventory of all laws/regulations/issuances
- b. Review issuances made by the Department of Energy solely or jointly with other department/s or agency/ies
- c. Assess past and current DOE regulations and issuances
- d. Conduct public dialogues with other stakeholders such as Civil Society Organizations (CSOs) and private sector partners
- e. Draft policies based on the findings if necessary
- f. Recommend policy options
- g. Create or update the database system of laws and issuances
- h. Monitor and evaluate the review process
- i. Coordinate and submit accomplishment reports to ARTA

Section 2.2.2 Coordination Systems

- a. TWG shall meet regularly to discuss the progress of review
- b. TWG shall conduct planning session to determine the due dates of each review stage
- c. TWG shall report, coordinate and provide weekly status of report with ARTA Secretariat

Section 2.2 Stocktake of Laws and Issuances

Section 2.2.1 Conduct of Inventory

- a. TWG shall make an inventory of the following:
 - a.1. all existing laws related to the mandates and functions of the agency
 - a.2. all implementing rules and regulations (IRR) relative to existing laws
 - a.3. all department administrative orders, executive issuances, joint circulars
- b. TWG shall check with DOE's Records Section and cross check with Office of National Administrative Register (ONAR)

Section 2.2.2. Creation / Updating of the Agency's Database Systems and Website – After the conduct of inventory, the DOE shall have the list posted in the DOE's website.

Section 2.2.3. Review, Assessment and Prioritization of Laws – All laws shall be arranged chronologically, including implementing rules and regulations (IRRs), department administrative orders (DAOs) and joint circulars. They shall be reviewed and checked if they must be repealed, amended, consolidated or retained. Laws, IRRs, DAOs and Joint Circulars related to permitting and licensing shall be prioritized.

Section 3 – Regulatory Reforms

Section 3.1 Adoption of Policy Options. The DOE may adopt the laws amended, repealed, consolidated or retained as policy options.

Section 3.2 Draft Proposed Regulations. The TWG may draft either bill for submission to Congress or amended regulations for signature of the DOE Secretary. Both submissions will serve as key outputs for Project Repeal and shall be reported during the 4th Repeal Day.

Section 3.3 Conduct of Consultation with Major Stakeholders. The proposed repeal or amendment must adhere to good regulatory practices. A consultation/focus group discussions (FGD) with business groups, chambers, industry representatives, LGUs and CSOs may be conducted through crowdsourcing or online survey segmented by business entity and industry may also be resorted to. A real-time assessment through face-to-face interview with randomly and purposively selected clientele may also be conducted.

Section 3.4 Information Dissemination to the Public. The public shall be informed of the repealed, amended or new regulations/ issuances. There shall be an official publication in the Official Gazette or in the newspaper of general circulation. The DOE's Database Systems and website shall be updated for this purpose.

Section 3.5 Public Reporting / Repeal Day. The draft proposed repeal or amendment shall be submitted as proposal to Congress. The repealed, amended, or new administrative issuances shall be turned over by the DOE to ARTA. There shall be a Post Implementation Assessment and Review (PIAR) of the said repealed, amended or new administrative issuances.

Section 4 – Separability Clause. Nothing in this Order shall be construed to impair or otherwise affect the authority granted by law to an executive department, agency or the head thereof.

Section 5 – Effectivity. This Department Order shall take effect immediately upon signing of this document.

Signed this ____ day of _____ 2018 at DOE, Energy Center, Rizal Drive, Bonifacio Global City, Taguig City, Metro Manila.


ALFONSO G. CUSI
Secretary



NOV 09 2018

Project Repeal Guidelines

Overview

Launched in March 2016, Project Repeal aims to improve the country's regulatory environment by repealing, amending, or consolidating laws and issuances that impede the country's competitiveness and provide unnecessary regulatory burden to business and to the transacting public.

On May 28, 2018, the President signed into law Republic Act No. 11032 otherwise known as Ease of Doing Business and Efficient Government Service Delivery Act of 2018, which serves as the legal basis of Project Repeal. In particular, Section 5 of Republic Act No. 11032 provides that:

"The Anti-Red Tape Authority, created in this Act, shall coordinate with all government offices covered under Section 3 of this Act in the review of existing laws, executive issuances and local ordinances, and recommend the repeal of the same if deemed outdated, redundant, and adds undue regulatory burden to the transacting public."

To ensure continued implementation of ease of doing business and anti-red tape reforms, the Transitory Provision of Section 27 of RA 11032 mandates the DTI-Competitiveness Bureau to serve as temporary secretariat of ARTA until such time that its organizational structure and personnel complement have been determined and filled up.

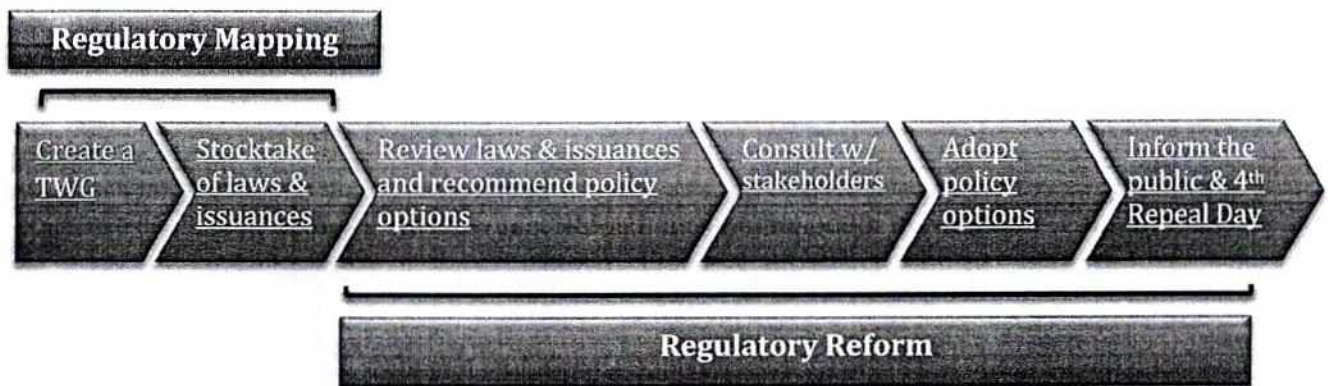
This document aims to assist government agencies in effectively implementing Project Repeal by providing a systematic way of going through the process of reviewing laws and issuances and adopting appropriate policy options for each.

Project Repeal Process

The process that constitutes Project Repeal is composed of two major components – regulatory mapping and regulatory reform. Figure 1 illustrates the key steps under each component.

Regulatory Mapping involves stocktaking of all laws and issuances made by the department or agency. **Regulatory Reform**, on the other hand requires evaluating past and current laws and issuances and subsequently taking the necessary policy option for each.

Figure 1. Project Repeal Steps and Key Components



The following section discusses each step in detail.



Step by Step Process	<p>1.1 Head of Agency to endorse the members of the Technical Working Group (TWG)</p> <p>1.2 Project Repeal Secretariat to orient the members of the TWG on RA 11032</p> <p>1.3 Once TWG has been officially established, TWG to conduct a planning session to determine timeline, next steps, planned activities of the review process.</p> <p><i>*NOTE: Project Repeal Secretariat may be invited by the agency to orient and guide them on the review process and share best practices of other agencies. Otherwise, head of the agency or appointed focal person can also give the orientation to TWG.</i></p>
Key Considerations	<p>Functions of TWG:</p> <ol style="list-style-type: none"> 1. Conduct stocktaking of all laws and issuances made by the department or agency solely or jointly with other department(s) or agency(ies). 2. Assess laws and issuances. 3. Conduct public dialogues with other stakeholders such as Civil Society Organizations (CSOs) and private sector partners, in identifying cumbersome regulations and in determining priority laws and issuances for review and improvement. 4. Recommend policy options to be adopted by the agency based on the result of the agencies' review and stakeholder consultations. 5. Create or update the database system and the agency website. 6. Ensure regular and timely coordination with ARTA.
Department Agencies Involved	<p>Recommended composition of TWG (at least 5 members):</p> <ol style="list-style-type: none"> 1. Headed by the Legal Affairs Chief 2. Members: <ul style="list-style-type: none"> • Planning and Policy Division Chief • Records Section Chief • Agency Frontline Service Division Chief (number to be determined by the agency) • Private or CSO sector representative <p><i>Note: For agencies with no legal team, head of management or planning can co-head the TWG.</i></p>
Materials Needed	R.A. No. 11032 (https://www.officialgazette.gov.ph/2018/05/28/republic-act-no-11032/)
Key Output under this Step	<ol style="list-style-type: none"> 1. Office Order on Formation of Technical Working Group for Project Repeal 2. Timelines and working dynamics of TWG established



Step-by-Step Process	<p>2.1 Create an inventory of ALL laws and issuances of the agency (except INTERNAL ones) using the attached template (ANNEX A).</p> <p>2.2 Validate the inventory list against the agency's existing records and database AND/OR crosscheck with Office of National Administrative Register (ONAR).</p>
Key Considerations	<p>The TWG must ensure the completeness of the inventory, as this will be the foundation of the agency's repeal process. TWG should work closely with Records' Section, especially for older laws and issuances.</p> <p>Pursuant to Section 17 (k) of the law, the submission of the agency's/office's database is crucial in the establishment of the Philippine Business Regulations Information System (PBRIS).</p> <p>NOTE: <i>INTERNAL</i> issuances should NOT be included in the inventory list.</p>
Key Group from the Agency	TWG, Records' Group or equivalent
Materials Needed	<p>Stocktaking of Laws and Issuances Template (ANNEX A)</p> <p><i>The Excel-based database has two worksheets. One worksheet is the database for all laws related to the mandates and functions of the agency. The second worksheet is the database for the agency/office issuances.</i></p>
Key Output Under this Step	Inventory of laws and issuances completed (columns A to D of ANNEX A)



Step-by-Step Process

3.1 Convene TWG members to review and discuss laws and issuances, taking note of the key considerations below.

3.2 Write down the remarks under column E of template in [ANNEX A](#).

3.3 Using the Project Repeal Review Test, recommend the policy option for each law and issuances.

Key Considerations

An agency has four (4) options to choose from after content review is done, i.e. Repeal, Amend, Consolidate, or Retain laws and issuances.

Repeal	Amend	Consolidate	Retain
<ul style="list-style-type: none"> •Revocation of laws or issuances •Laws or issuances are repealed only by subsequent ones 	<ul style="list-style-type: none"> •Modification or alteration of an enacted law or issuance 	<ul style="list-style-type: none"> •Integration of multiple, similar laws or issuances into one legal document 	<ul style="list-style-type: none"> •Keeping of a law or issuance which are still relevant and effective in its current form

The Project Repeal Secretariat developed a Review Test ([ANNEX B](#)) to help government agencies decide which policy option to take for each law and issuance. The agencies are highly encouraged to follow this test.

Key Group from the Agency

TWG, Legal

Materials Needed

Project Repeal Review Test ([ANNEX B](#))
[ANNEX A](#), Column E

Key Output Under this Step

Inventory of laws and issuances (with remarks under column E) completed



Step-by-Step Process	<p>4.1 Conduct stakeholder mapping</p> <p>4.2 Share the completed inventory of laws and issuances to stakeholders and request for feedback/comments (these may be additional laws/issuances or remarks about the policy options recommended by the agency)</p> <p>4.3 Conduct a focus group discussion with stakeholders</p> <p>4.4 Review and incorporate feedback and comments from stakeholders</p>
Key Considerations	<p>In the interest of time, especially for government agencies participating in the fourth (4th) Repeal Day on December 12, the above-mentioned methodology is recommended only. The agency has the prerogative to consult with key stakeholders using the method they deem most efficient and effective.</p> <p>However, please note that this is a critical step to ensure that the perspectives of the stakeholders, which will be impacted by the agency's laws and issuances the most, are taken into consideration.</p>
Key Group from the Agency	<p>TWG, Liaisons group or equivalent</p>
Materials Needed	<p>Guide questions for consultations</p>
Key Output Under this Step	<ol style="list-style-type: none"> 1. Focus Group Discussion with stakeholders conducted 2. Feedback and comments from stakeholders compiled, analyzed, and incorporated by the agency



Step-by-Step Process	<p>5.1 Upon review and incorporation of stakeholders' feedback (if possible), finalize recommended policy options</p> <p>5.2 For laws, write down rationale behind each recommended policy option using the template in ANNEX C</p> <p>5.3 For issuances, create a new issuance that will replace the repealed, amended, or consolidated using the template in ANNEX C</p>
Key Considerations	<p>Identify stakeholders directly and indirectly affected by the agency issuance. Assess likely nature, magnitude, and duration of impact of the adopted policy option.</p>
Key Group from the Agency	<p>TWG, Head of Agency</p>
Materials Needed	<p>Policy Adoption - Laws and Issuances Template (ANNEX C)</p>
Key Output Under this Step	<p>1. List of laws recommended for repeal, amendment, consolidation</p> <p>2. New issuances for repealed, amended, consolidated issuances</p>



Step-by-Step Process	<p>6.1 On Repeal Day: Submit 1) list of laws recommended for repeal, amendment, consolidation 2) new issuances for repealed, amended, consolidated issuances. <i>NOTE: Project Repeal Secretariat will consolidate all the list of laws submitted by the agencies and turnover to Congress.</i></p> <p>6.2.a Submit the repealed, amendatory, or consolidated issuances to the Office of the National Administrative Register (ONAR).</p> <p>6.2.b Have the laws and issuances published on the Official Gazette or in a Newspaper of General Circulation</p> <p>6.2.c Update the agency database systems and website.</p>
Key Considerations	<p>All repealed, amended, and consolidated regulations will be filed with ONAR to complete the repeal process.</p> <p>Repeal Day scheduled on December 12, 2018.</p>
Key Group from the Agency	TWG, Head of Agency
Materials Needed	<p>1. For submission to Project Repeal Secretariat:</p> <ul style="list-style-type: none"> Accomplished <u>Annex A</u> (e-copy) Accomplished <u>Annex C</u> (e-copy and hard copy, and supporting documents i.e. photocopies of old issuances) <p>2. For submission to ONAR:</p> <ul style="list-style-type: none"> Soft copy of OLD Issuance (PDF format) Soft copy of NEW Issuance (PDF format) Soft copy of NEW Issuance (WORD format) Three (3) Certified True Copies of the NEW Issuance
Key Output Under this Step	1) List of laws recommended for repeal, amendment, consolidation 2) new issuances for repealed, amended, consolidated issuances.

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