



MEMORANDUM

FOR : **The Directors**
Legal Affairs Service
Policy and Planning Service
Climate Change Service

All Bureau Directors

The OIC – Director
Mines and Geoscience Bureau

FROM : **The Director**
Legislative Liaison Office

SUBJECT : **INVITATION TO THE COMMITTEE MEETING AND REQUEST FOR COMMENTS ON HOUSE BILL NO. 8623 THE “PHILIPPINE NUCLEAR LIABILITY ACT” FROM THE SPECIAL COMMITTEE ON NUCLEAR ENERGY OF THE HOUSE OF REPRESENTATIVES**

DATE : 04 August 2023

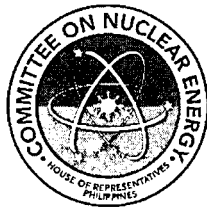
In reference to the electronic mail received by our Office, the Special Committee on Nuclear Energy of the House of Representatives is inviting the Department to a meeting on **07 August 2023 (Monday), 11:00 A.M. at Speaker De Venecia Hall, South Wing Annex, House of Representatives, Quezon City** to discuss **House Bill No. 8623** entitled: **“AN ACT CONCERNING CIVIL LIABILITY AND COMPENSATION FOR NUCLEAR DAMAGE”**

In this regard, may we respectfully request **your comments/recommendations on the abovementioned bill, in anticipation of the Committee meeting**, as requested by the Committee. Kindly send them on or before **7 August 2023, at 5:00 PM** via email at denrlo@denr.gov.ph. Further, kindly inform us of the name/s of the representative/s from your office who will participate in the meeting so we may include him/her/them as resource person/s.

Attached herewith are the Letter Invitation and a copy of the House Bill for your reference.


ROMIROSE B. PADIN

cc: Undersecretary for Special Concerns and Legislative Affairs
Undersecretary for Integrated Environmental Science



SPECIAL COMMITTEE ON NUCLEAR ENERGY

3rd Floor, Ramon V. Mitra Building, CTSS-I, Committee Affairs Department
House of Representatives, Batasan Hills, Quezon City, Philippines 1126.
Trunk Line: 9315001 local 7727, 7324. Direct Line: 8 951 3028, 8931 6691



August 2, 2023

MA. ANTONIA “TONI” YULO-LOYZAGA

Secretary

Department of Environment and Natural Resources (DENR)

DENR Bldg, Visayas Avenue

Diliman, Quezon City

Dear **Secretary Yulo-Loyzaga**,

The Special Committee on Nuclear Energy, House of Representatives invites you as resource speaker to the meeting with the members of the Committee to be held on August 7, 2023 (Monday) 11:00 AM in Speaker De Venecia Hall, South Wing Annex.

The Committee will have its initial deliberation of the House Bill 8623 entitled “**An Act Concerning Civil Liability and Compensation for Nuclear Damage**”. Copy of the said bill is herewith attached for reference.

The meeting will be conducted face to face and we look forward to your presence at the meeting.

Also, the Committee requests for a **written position paper** to be submitted on or before August 7, 2023 thru the committee email address committee.nuclearenergy@house.gov.ph copy furnish the office of the chair markcojuangco@house.gov.ph.

Thank you and more power!

Yours truly,

REP. MARK O. COJUANGCO

Chairman

For the Chair:

ATTY. MARIA VICTORIA A. BAYANG

Committee Secretary

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

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8623



Introduced by REPRESENTATIVE MARK O. COJUANGCO

AN ACT
CONCERNING CIVIL LIABILITY AND COMPENSATION FOR NUCLEAR
DAMAGE

EXPLANATORY NOTE

The existing nuclear liability law in the Philippines, Republic Act No. 5207 (otherwise known as the “Atomic Energy Regulatory and Liability Act of 1968”) encourages, supports, and facilitates the advancement and utilization of atomic energy for all peaceful purposes, encompassing the establishment and operation of atomic energy facilities and atomic energy materials, subject to regulations. Given that more than five decades have passed since its enactment, it is evident that it requires updating to align with modern principles and international standards in the field of nuclear liability.

The Philippines is currently a contracting party to the 1963 Vienna Convention on Civil Liability for Nuclear Damage. The country is also a signatory to the 1997 Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage (the “1997 Vienna Convention”), the Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention (the “Joint Protocol”) and the Convention on Supplementary Compensation (the “CSC”), however, ratification of these conventions remain pending.

This bill seeks to modernize the provisions outlined in Part VII of Republic Act 5207 to align with modern principles of nuclear liability. The bill has been drafted based on the principles of nuclear liability found in the CSC, the Annex to the CSC, and the 1997 Vienna Convention. The bill also establishes provisions necessary for the Philippines to become a contracting party to the CSC, including mechanisms for contributing to and accessing pooled public funds. It includes key provisions on strict liability channeled to the nuclear power plant operator, liability caps, availability of compensation for nuclear damage, establishment of a Claims Handling Tribunal, and exclusive jurisdiction for claim resolutions.


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Moreover, the bill aims to introduce a three-tier funding system that encompasses operator funds, CSC joint public funds, and Philippine Government-appropriated funds, ensuring adequate compensation, to the extent necessary, for nuclear damage.

By ensuring that the Philippines has a robust, comprehensive, and effective nuclear liability regime that provides clarity, fairness, and adequate compensation, to the extent necessary, the country will demonstrate its commitment to upholding international best practices, complying with relevant international conventions, fostering cooperation with nuclear technology vendors, and enabling the responsible growth of the country's nuclear energy program.

Predictability and consistency in nuclear liability consequences are key pillars in making the Philippines attractive for nuclear investors, vendors, vendor countries, as well as the public and private international financing which accompanies these industries.

In view of the foregoing, passage of this bill is fervently sought.


HON. MARK COJUANGCO
Distrito Dos, Pangasinan

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

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8623

Introduced by **REPRESENTATIVE MARK O. COJUANGCO**

AN ACT
CONCERNING CIVIL LIABILITY AND COMPENSATION FOR NUCLEAR
DAMAGE

ARTICLE I:
PURPOSE AND DEFINITIONS

Section 1. Short Title

This Act shall be known as the "Philippine Nuclear Liability Act", referred to herein as the "Act".

Section 2. Purpose

The purpose of this Act is to govern civil liability and compensation for nuclear damage in case of a nuclear incident.

Section 3. Definitions

- 1) For the purposes of this Act:
 - (a) *Authority* means the Philippine Atomic Energy Regulatory Authority.
 - (b) *Convention on Supplementary Compensation* means the Convention on Supplementary Compensation for Nuclear Damage of 12 September 1997 and any amendment thereto if such amendment is in force for the Republic of the Philippines.
 - (c) *Law of the competent court* means the law of the Republic of the Philippines, including any rules of such law relating to conflict of laws.
 - (d) *Measures of reinstatement* means any reasonable measures which have been approved by the competent authorities of the State where the measures were taken, and which aim to reinstate or restore damaged or destroyed components of the environment, or to introduce, where reasonable, the equivalent of these components into the environment, provided that the law of the State where the damage is suffered shall determine who is entitled to take such measures.

(e) *Nuclear damage* means:

(i) loss of life or personal injury;

(ii) loss of or damage to property;

and each of the following to the extent determined by the law of the competent court:

(iii) economic loss arising from loss or damage referred to in subparagraphs (i) or (ii), insofar as not included in those subparagraphs, if incurred by a person entitled to claim in respect of such loss or damage;

(iv) the costs of measures of reinstatement of impaired environment, unless such impairment is insignificant, if such measures are actually taken or to be taken, and insofar as not included in subparagraph (ii);

(v) loss of income deriving from an economic interest in any use or enjoyment of the environment, incurred as a result of a significant impairment of that environment, and insofar as not included in subparagraph (ii);

(vi) the costs of preventive measures, and further loss or damage caused by such measures; and

(vii) any other economic loss, other than any caused by the impairment of the environment, if permitted by the general law on civil liability of the competent court,

in the case of subparagraphs (i) to (v) and (vii) above, to the extent that the loss or damage arises out of or results from ionizing radiation emitted by any source of radiation inside a nuclear installation, or emitted from nuclear fuel or radioactive products or waste in, or of nuclear material coming from, originating in, or sent to, a nuclear installation, whether so arising from the radioactive properties of such matter, or from a combination of radioactive properties with toxic, explosive or other hazardous properties of such matter.

(f) *Nuclear fuel* means any material which is capable of producing energy by a self-sustaining chain process of nuclear fission.

(g) *Nuclear incident* means any occurrence or series of occurrences having the same origin which causes nuclear damage or, but only with respect to preventive measures, creates a grave and imminent threat of causing such damage.

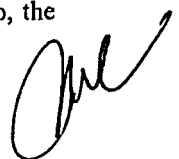
(h) *Nuclear installation* means:



- (i) any nuclear reactor other than one with which a means of sea or air transport is equipped for use as a source of power, whether for propulsion thereof or for any other purpose;
- (ii) any factory using nuclear fuel for the production of nuclear material, or any factory for the processing of nuclear material, including any factory for the re-processing of irradiated nuclear fuel;
- (iii) any facility where nuclear material is stored, other than storage incidental to the carriage of such material; and
- (iv) such other installations in which there are nuclear fuel or radioactive products or waste as the Board of Governors of the International Atomic Energy Agency shall from time to time determine,

provided that several nuclear installations of one operator which are located at the same site shall be considered as a single nuclear installation.

- (i) *Nuclear material* means:
 - (i) nuclear fuel, other than natural uranium and depleted uranium, capable of producing energy by a self-sustaining chain process of nuclear fission outside a nuclear reactor, either alone or in combination with some other material; and
 - (ii) radioactive products or waste.
- (j) *Nuclear reactor* means any structure containing nuclear fuel in such an arrangement that a self-sustaining chain process of nuclear fission can occur therein without an additional source of neutrons.
- (k) *Operator*, in relation to a nuclear installation, means the person designated or recognized as the operator of that installation, provided that with respect to a nuclear installation in the territory of the Republic of the Philippines, such operator is designated or recognized by the Authority.
- (l) *Person* means a natural or legal person.
- (m) *Preventive measures* means any reasonable measures taken by any person after a nuclear incident has occurred to prevent or minimize damage referred to in paragraphs (e)(i) to (v) or (vii) of this Section, subject to any approval of the competent authorities required by the law of the State where the measures were taken.
- (n) *Radioactive products or waste* means any radioactive material produced in, or any material made radioactive by exposure to the radiation incidental to, the



production or utilization of nuclear fuel, but does not include radioisotopes which have reached the final stage of fabrication so as to be usable for any scientific, medical, agricultural, commercial or industrial purpose.

- (o) *Reasonable measures* means measures which are found under the law of the competent court to be appropriate and proportionate, having regard to all the circumstances, for example:
 - (i) the nature and extent of the damage incurred or, in the case of preventive measures, the nature and extent of the risk of such damage;
 - (ii) the extent to which, at the time they are taken, such measures are likely to be effective; and
 - (iii) relevant scientific and technical expertise.
 - (p) *Special Drawing Right* or *SDR* means the unit of account defined by the International Monetary Fund and used by it for its own operations and transactions.
 - (q) *Vienna Convention* means the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963 and any amendment thereto if such amendment is in force for the Republic of the Philippines.
- 2) For the purposes of this Act, any term that is not defined in subsection 1 above and which has a particular meaning in the Vienna Convention or the Convention on Supplementary Compensation shall have the meaning from the Vienna Convention or the Convention on Supplementary Compensation when used in the relevant context.

ARTICLE 2: EXCLUSIONS

Section 4. Nuclear Installation or Small Quantities Exclusion

The Authority may, if the small extent of the risks involved so warrants, exclude any nuclear installation or small quantities of nuclear material from the application of the provisions of this Act, provided that:

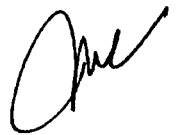
- (a) with respect to nuclear installations, criteria for such exclusion have been established by the Board of Governors of the International Atomic Energy Agency and the Authority issues a determination that any exclusion satisfies such criteria; and
- (b) with respect to small quantities of nuclear material, maximum limits for the exclusion of such quantities have been established by the Board of Governors of the International Atomic Energy Agency and the Authority issues a determination that any exclusion is within such established limits.

**ARTICLE 3:
OPERATOR LIABILITY**

Section 5. The Liable Operator

The operator of a nuclear installation shall be liable for nuclear damage upon proof that such damage has been caused by a nuclear incident:

- (a) in such nuclear installation; or
- (b) involving nuclear material coming from or originating in such nuclear installation, and occurring:
 - (i) before liability with regard to nuclear incidents involving the nuclear material has been assumed, pursuant to the express terms of a contract in writing, by the operator of another nuclear installation;
 - (ii) in the absence of such express terms, before the operator of another nuclear installation has taken charge of the nuclear material; or
 - (iii) where the nuclear material is intended to be used in a nuclear reactor with which a means of transport is equipped for use as a source of power, whether for propulsion thereof or for any other purpose, before the person duly authorized to operate such reactor has taken charge of the nuclear material; but
 - (iv) where the nuclear material has been sent to a person within the territory of a non-Contracting State, before it has been unloaded from the means of transport by which it has arrived in the territory of that non-Contracting State;
- (c) involving nuclear material sent to such nuclear installation, and occurring:
 - (i) after liability with regard to nuclear incidents involving the nuclear material has been assumed by the operator pursuant to the express terms of a contract in writing, from the operator of another nuclear installation;
 - (ii) in the absence of such express terms, after the operator has taken charge of the nuclear material; or
 - (iii) after the operator has taken charge of the nuclear material from a person operating a nuclear reactor with which a means of transport is equipped for use as a source of power, whether for propulsion thereof or for any other purpose; but
 - (iv) where the nuclear material has, with the written consent of the operator, been sent from a person within the territory of a non-Contracting State,



only after it has been loaded on the means of transport by which it is to be carried from the territory of that State,
provided that, if nuclear damage is caused by a nuclear incident occurring in a nuclear installation and involving nuclear material stored therein incidentally to the carriage of such material, the provisions of paragraph (a) of this Section shall not apply where another operator or person is solely liable pursuant to the provisions of paragraph (b) or (c) of this Section.

Section 6. Carrier as Operator

Upon the request of a carrier of nuclear material or a person handling radioactive waste and with the consent of the operator concerned, the Authority may designate or recognize such carrier or person as operator in place of such operator in respect of such nuclear material or radioactive waste, provided that such designation or recognition shall be subject to such terms and conditions as the Authority may by regulation or order prescribe. In this case, such carrier or person shall be considered, for all purposes of this Act, as an operator of a nuclear installation situated within the territory of the Republic of the Philippines.

Section 7. Liability of More than One Operator

- 1) Where nuclear damage engages the liability of more than one operator, the operators involved shall, in so far as the damage attributable to each operator is not reasonably separable, be jointly and severally liable. The amount of public funds made available per incident shall be limited to the difference, if any, between the amounts hereby established and the amount established pursuant to Section 16.
- 2) Where a nuclear incident occurs in the course of carriage of nuclear material, either in one and the same means of transport, or, in the case of storage incidental to the carriage, in one and the same nuclear installation, and causes nuclear damage which engages the liability of more than one operator, the total liability shall not exceed the highest amount applicable with respect to any one of them pursuant to Section 16.
- 3) In neither of the cases referred to in subsections 1 and 2 of this Section shall the liability of any one operator exceed the amount applicable with respect to such operator pursuant to Section 16.

Section 8. Liability of One Operator for Several Nuclear Installations

Subject to the provisions of Section 7, where several nuclear installations of one and the same operator are involved in one nuclear incident, such operator shall be liable in respect of each nuclear installation involved up to the amount applicable with respect to such operator pursuant to Section 16. The amount of public funds made available per incident shall be

limited to the difference, if any, between the amounts hereby established and the amount established pursuant to Section 16.

Section 9. Absolute and Exclusive Liability of Operator

- 1) The liability of the operator for nuclear damage shall be absolute.
- 2) Except as otherwise provided for in this Act, no person other than the operator shall be liable for nuclear damage.

Section 10. No Relief of Operator Liability

The operator shall be liable for nuclear damage caused by a nuclear incident caused directly due to a grave natural disaster of an exceptional character.

Section 11. Exclusions from Operator Liability

No liability shall attach to an operator for nuclear damage caused by a nuclear incident directly due to an act of armed conflict, hostilities, civil war or insurrection.

Section 12. Operator Relief from Compensation Obligation

The competent court may relieve the operator wholly or partly from the obligation to pay compensation for nuclear damage suffered by a person if the operator proves the nuclear damage resulted wholly or partly from the gross negligence of that person or from an act or omission of that person done with intent to cause damage.

Section 13. Damage Deemed Nuclear Damage

Whenever both nuclear damage and damage other than nuclear damage have been caused by a nuclear incident or jointly by a nuclear incident and one or more other occurrences, such other damage shall, to the extent that it is not reasonably separable from the nuclear damage, be deemed, for the purposes of this Act, to be nuclear damage caused by that nuclear incident. Where, however, damage is caused jointly by a nuclear incident covered by the provisions of this Act and by an emission of ionizing radiation not covered by it, nothing in this Act shall limit or otherwise affect the liability, either as regards any person suffering nuclear damage or by way of recourse or contribution, of any person who may be held liable in connection with that emission of ionizing radiation.

Section 14. Operator Not Liable

- 1) The operator shall not be liable under this Act for nuclear damage:
 - (a) to the nuclear installation itself and any other nuclear installation, including a nuclear installation under construction, on the site where that installation is located; and



- (b) to any property on that same site which is used or to be used in connection with any such installation.
- 2) The operator shall incur no liability for damage caused by a nuclear incident outside the provisions of this Act.

Section 15. Causes of Action Against Supplier of Funds

The right to compensation for nuclear damage may be exercised only against the operator liable or person furnishing financial security pursuant to this Act.

ARTICLE 4: LIABILITY LIMITS AND FINANCIAL SECURITY

Section 16. Operator Liability Limit

- 1) The liability of the operator for any one nuclear incident is limited to an amount in Philippine pesos equivalent to 300 million SDRs.
- 2) Notwithstanding subsection 1 of this Section, the Authority, having regard to the nature of the nuclear installation or the nuclear substances involved and to the likely consequences of an incident originating therefrom, may establish a lower limit of liability of the operator, provided that:
 - (a) in no event shall any amount so established be less than an amount in Philippine pesos equivalent to 5 million SDRs; and
 - (b) in such a case, paragraph (b) of Section 19 applies.
- 3) The amounts established by this Section shall apply wherever the nuclear incident occurs.
- 4) The amounts established by this Section are exclusive of any interest or costs which may be awarded by the competent court.

Section 17. Minimum Financial Security

- 1) The operator shall be required to maintain insurance or other financial security covering its liability for nuclear damage in the amount established by Section 16.
- 2) Nothing in this Act shall be construed to require the Government or any Government agency or instrumentality operating a nuclear installation to maintain insurance or other financial security to cover its liability as operator.

Section 18. Type and Terms of Financial Security

The Authority shall prescribe by regulation or order the type and terms of the required financial security, provided that in so prescribing, the Authority shall be guided by the

objectives of assuring adequate and effective compensation to victims of a nuclear incident without imposing unreasonable burden on the operator.

Section 19. Government Satisfaction of Claims

The Government shall ensure the payment of claims for compensation for nuclear damage which have been established against the operator:

- (a) to the extent that the yield of financial security is inadequate to satisfy such claims;
- (b) if the Authority has established the limit of the operator's liability in accordance with subsection 2 of Section 16; and
- (c) if the Government or any Government agency or instrumentality is the operator,

in all cases, up to the limit provided for in subsection 1 of Section 16.

Section 20. Equitable Distribution

Compensation for nuclear damage under Section 16, including any Government satisfaction of claims under Section 19, shall be distributed equitably without discrimination on the basis of nationality, domicile or residence, provided that the Authority may limit such funds available to compensate nuclear damage occurring in a non-Contracting State that has a nuclear installation on its territory at the time of the nuclear incident and does not afford equivalent reciprocal benefits, provided that such limit is an amount not lower than the Philippine pesos equivalent to 150 million SDRs.

Section 21. Exclusive Use of Funds

The funds provided by insurance, by other financial security pursuant to Section 17 and 18 or by the Government pursuant to Section 19, shall be exclusively available for compensation due under this Act.

Section 22. Carrier to be Furnished with Certificate

- 1) The operator liable in accordance with this Act shall provide the carrier with a certificate issued by or on behalf of the insurer or other financial guarantor furnishing the financial security required pursuant to Section 17 and 18.
- 2) The certificate shall:
 - (a) state the name and address of such operator and the amount, type and duration of security and these statements may not be disputed by the person by whom or on whose behalf the certificate was issued;
 - (b) indicate the nuclear material in respect of which the security applies; and

- (c) include a statement by the Authority, or, with respect to nuclear material coming from another Contracting Party the competent authority of such Contracting Party, that the person named is an operator within the meaning of the Vienna Convention or the Convention on Supplementary Compensation, as applicable.
- 3) The Authority may exclude the obligation in subsection 1 of this Section in relation to carriage which takes place wholly within the territory of the Republic of the Philippines.

Section 23. Notice of Suspension or Cancellation by Insurer

No insurer or other financial guarantor shall suspend or cancel the insurance or other financial security provided pursuant to Section 17 and 18:

- (a) without giving notice in writing of at least two (2) months to the Authority; or
- (b) in so far as such insurance or other financial security relates to the carriage of nuclear material, during the period of the carriage in question.

**ARTICLE 5:
CONVENTION ON SUPPLEMENTARY COMPENSATION PUBLIC FUNDS**

Section 24. Public Funds from Contracting Parties to Convention on Supplementary Compensation

Public funds contributed by Contracting Parties to the Convention on Supplementary Compensation above the operator's liability limit in subsection 1 of Section 16 shall:

- (a) apply to nuclear damage which is suffered in the territory of a Contracting Party to the Convention on Supplementary Compensation and other locations determined by Article V of the Convention on Supplementary Compensation; and
- (b) subject to the provisions of the Convention on Supplementary Compensation, be distributed equitably without discrimination on the basis of nationality, domicile or residence.

Section 25. Reimbursement of Public Funds

- 1) When a call for public funds is made by a Contracting Party to the Convention on Supplementary Compensation in accordance with Article III(1)(b) and for which the Republic of the Philippines is required to contribute funds in accordance with Article IV of the Convention on Supplementary Compensation, operators of nuclear

installations in the territory of the Republic of the Philippines shall reimburse the Government with respect to such funds, provided that:

- (a) reimbursement shall be called on by the Government only after the later of:
 - (i) the installation of 7,500 MWth of nuclear capacity in the territory of the Republic of the Philippines; and
 - (ii) the year 2025; and
 - (b) an operator's pro rata contribution shall be determined based on the percentage of its installed nuclear capacity out of the total installed nuclear capacity in the Republic of the Philippines at the time of the relevant nuclear incident.
- 2) The Authority shall by regulation or order determine any additional provisions with respect to such reimbursement.

**ARTICLE 6:
ADDITIONAL PUBLIC FUNDS**

Section 26. Report to Congress Regarding Additional Public Funds

In any case where it appears that the nuclear damage caused by a nuclear incident exceeds or will probably exceed both the limit of liability established in subsection 1 of Section 16 and the contributions to be provided by Contracting Parties to the Convention on Supplementary Compensation in accordance with Article III(1)(b), the Authority shall furnish a report to Congress with its recommendations, including any recommendations for the appropriation of additional funds from Congress to provide compensation for nuclear damage.

Section 27. Limit on Compensation by Public Funds

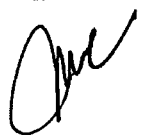
With respect to any additional funds appropriated by Congress pursuant to Section 26 (and only with respect to such additional funds):

- (a) compensation shall not be paid from such additional funds if the Government proves that the relevant exposure to ionizing radiation is within the dose limits for normal operating conditions prescribed by the Authority; and
- (b) the Government may determine any other limits on compensation paid from such additional funds.

**ARTICLE 7:
PERIOD OF EXTINCTION**

Section 28. Period of Extinction

- 1) Rights of compensation for all nuclear damage under this Act shall be extinguished if an action is not brought within:



- (a) ten (10) years from the date of the nuclear incident; and
 - (b) three (3) years from the date on which the person suffering nuclear damage had knowledge or ought reasonably to have had knowledge of the damage and of the operator liable for the damage, provided that the period established in paragraph (a) of this subsection is not exceeded.
- 2) Notwithstanding paragraph (a) of subsection 1 of this Section, the Authority may by regulation or order determine that rights of compensation with respect to loss of life and personal injury only shall be extinguished if an action is not brought within thirty (30) years from the date of the nuclear incident, provided that the period established in paragraph (b) of subsection 1 of this Section is not exceeded.
- 3) Where nuclear damage is caused by a nuclear incident involving nuclear material which at the time of the nuclear incident was stolen, lost, jettisoned or abandoned, the period established pursuant to subsection 1 shall be computed from the date of that nuclear incident, but the period shall in no case exceed a period of twenty (20) years from the date of the theft, loss, jettison or abandonment.
- 4) Any person who claims to have suffered nuclear damage and who has brought an action for compensation within the period established in subsection 1 of this Section may amend the claim to take account of any aggravation of the damage, even after the expiry of such period, provided that final judgment has not been entered.

**ARTICLE 8:
RIGHT OF RECOURSE**

Section 29. Right of Recourse

- 1) The operator shall have a right of recourse only:
 - (a) if this is expressly provided for by a contract in writing; or
 - (b) if the nuclear incident results from an act or omission done with intent to cause damage, against the individual (natural person) who has acted or omitted to act with such intent.
- 2) Where the operator has a right of recourse according to subsection 1 of this Section, such right of recourse shall also be extended to the benefit of the Government and Contracting Parties to the Convention on Supplementary Compensation with respect to any public funds made available by the Government in accordance with Section 19, and any contributions paid by Contracting Parties to the Convention on Supplementary Compensation in accordance with Article III(1)(b) of the Convention on Supplementary Compensation, respectively. The Government may exercise the rights

of recourse on behalf of the Contracting Parties to the Convention on Supplementary Compensation.

**ARTICLE 9:
FINAL PROVISIONS**

Section 30. Additional Provisions

The provisions of the Vienna Convention and the Convention on Supplementary Compensation shall apply to cases not provided for in this Act or in regulations or orders issued by the Authority.

Section 31. Applicable Law

The nature, form, extent and equitable distribution of compensation for nuclear damage caused by a nuclear incident shall be governed by the law of the competent court through application of this Act and the provisions of the Vienna Convention and the Convention on Supplementary Compensation.

Section 32. Competent Court

The Authority shall promulgate rules to establish a claims handling tribunal in the event of a nuclear incident, referred to as the Nuclear Claims Tribunal. The Nuclear Claims Tribunal shall have exclusive jurisdiction over claims for compensation for nuclear damage under this Act. Appeals from the Nuclear Claims Tribunal shall be heard by the Regional Trial Court situated in the place where the nuclear incident occurs.

Section 33. Recognition of Foreign Judgments

A judgement which is recognized under the Vienna Convention or the Convention on Supplementary Compensation shall, upon being presented for enforcement in accordance with the formalities of the law of the competent court in the Republic of the Philippines, be enforceable as if it were a judgment of such competent court.

Section 34. Competent Authority

The Authority, as defined in Section 3 (1)(a) of this Act, PHILATOM, shall be the competent authority with respect to implementation of the provisions of this Act.

Section 35. Implementing Regulations

The Authority shall issue the regulations necessary to implement this Act within one hundred and eighty (180) days from the effective date of this Act.

Section 36. Separability

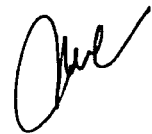
If a provision of this Act is declared unconstitutional or invalid, the other provisions shall not be affected and shall remain in full force and effect.

Section 37. Repeal

All Acts, executive orders, administrative orders, proclamations, rules and regulations inconsistent with any provisions of this Act, including Sections 37 to 63 of Part VII, Liability for Nuclear Damage, under Republic Act No. 5207, are repealed or modified accordingly.

Section 38. Effectiveness

This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

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