



MEMORANDUM

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

All Bureau Directors

The Regional Executive Director
Region XII

The Regional Director
Environmental Management Bureau - Region XII

FROM : **The Director**
Legislative Liaison Office

SUBJECT : **REQUEST FOR COMMENTS ON HOUSE RESOLUTION 1307 OR "A RESOLUTION URGING THE DEPARTMENT OF ENERGY (DOE) AND DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE CONSTRUCTION AND OPERATION ACTIVITIES OF THE EURO-HYDRO POWERPLANT IN THE PROVINCE OF COTABATO" FROM THE COMMITTEE ON ENERGY OF THE HOUSE OF REPRESENTATIVES**

DATE : 02 July 2024

In reference to the electronic letter dated 02 July 2024, the Committee on Energy of the House of Representatives is requesting for the Department's comments on **House Resolution No. 1307** or:

"A RESOLUTION URGING THE DEPARTMENT OF ENERGY (DOE) AND DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE CONSTRUCTION AND OPERATION ACTIVITIES OF THE EURO-HYDRO POWERPLANT IN THE PROVINCE OF COTABATO".

In this regard, may we respectfully request for comments on the abovementioned matter, as requested by the Committee. Kindly send them on or before Monday, 08 July 2024 at 5 PM via email at denrll@denr.gov.ph.

Attached herewith are the Letter request and House Resolution for your reference.


ROMIROSE B. PADIN



COMMITTEE ON ENERGY

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July 02, 2024

SECRETARY ANTONIA "TONI" YULO-LOYZAGA
Department of Environment and Natural Resources

Dear Secretary Yulo-Loyzaga:

May we refer to you for comments on **House Resolution No. 1307**, introduced by Representative Ma. Alana Samantha Santos, entitled: "A RESOLUTION URGING THE DEPARTMENT OF ENERGY (DOE) AND DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE CONSTRUCTION AND OPERATION ACTIVITIES OF THE EURO-HYDRO POWERPLANT IN THE PROVINCE OF COTABATO)".

We would appreciate receiving your comments within ten (10) working days from receipt hereof.

Thank you very much.

Very truly yours,

HON. LORD ALLAN Q. VELASCO
Chairperson

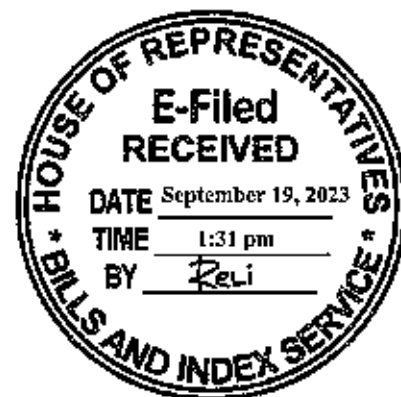
FOR THE CHAIRPERSON:


MELANIE T. AÑAIN
Committee Secretary

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

NINETEENTH CONGRESS
Second Regular Session

House Resolution No. 1307



Introduced by Honorable Ma. Alana Samantha Taliño Santos

A RESOLUTION URGING THE DEPARTMENT OF ENERGY (DOE) AND DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE CONSTRUCTION AND OPERATION ACTIVITIES OF THE EURO-HYDRO POWERPLANT IN THE PROVINCE OF COTABATO

WHEREAS, the 1987 Constitution provides that all forces of potential energy and other natural resources are owned by the State and as such, the exploration, development, and utilization of natural resources shall be under the full control and supervision of the State;

WHEREAS, Republic Act (RA) No. 9513 or the Renewable Energy Act was enacted to encourage the development and utilization of renewable energy (RE) resources and balance the goals of economic growth and development with the protection of health and the environment; Under Section 14 of RA No. 9513, all RE explorations, development, utilization, and RE systems operations shall be conducted in accordance with existing environmental regulations as prescribed by the Department of Environment and Natural Resources (DENR) and/or any other concerned government agency;

WHEREAS, Presidential Decree No. 1586 furthermore provides that it is part of the policy of the state to attain and maintain a rational and orderly balance between socio-economic growth and environmental protection; Under said law, no person, partnership or corporation shall undertake or operate any such declared environmentally critical project or area without first securing an Environmental Compliance Certificate (ECC);

WHEREAS, pursuant to Section 12 of RA No. 11038 or the "Expanded National Integrated Protected Areas System Act (ENIPAS) of 2015", proponent of development projects and activities with potentially significant adverse impacts to the environment, as screened and determined as such by the Environmental Management Bureau, shall secure an ECC in accordance with the Philippine Environmental Impact System, and as a condition precedent thereof, they shall secure a clearance from the Protected Area Management Board (PAMB);

WHEREAS, in violation of the foregoing requirements in relation to securing an ECC and a PAMB clearance, the Alamada Hydro-Electric Power Plant of Euro Hydro Power (Asia) Holdings, Inc. (EHPAHI) had not secured the necessary PAMB Clearance and ECC prior to its exploration and development activities in the Libungan River Watershed Forest Reserve protected area in violation of the laws and rules. EPHAHI started its pre-development activities in the protected area in 2012, but it was only in the year 2020 when it was able to secure an ECC.

WHEREAS, in recognition of the role of local government units in the development of RE projects such as hydro-electric powerplants, the DOE issued DOE Department Circular 2009-07-0011 providing that, for the conversion of hydro-electric powerplant from pre-development stage to development/commercial stage, a Resolution of Support from host communities is a necessary requirement for the development, production and utilization of renewable energy resources, including the construction and installation of relevant facilities up to the operation phase of the renewable energy facilities;

WHEREAS, in violation of the foregoing requirement, the Alamada Hydro-Electric Power Plant has also not obtained the necessary Provincial LGU endorsement and/or Sanggunian Panlalawigan Resolution approving its hydro-power project. This is despite the fact that the Alamada Hydro-Electric Power Plant is already operating at the commercial and development stage.

WHEREAS, despite the absence of such requirement, the DOE issued EHPAHI a Certificate of Confirmation of Commerciality on August 11, 2016. The DOE entered into a Hydro Power Service Contract with EHPAHI on January 11, 2012.

WHEREAS, it is the duty of the DOE to exercise supervision and control over all government activities relative to energy projects and to regulate private sector activities as provided under existing laws. The DOE, together with the DENR, has the mandate to ensure that private sector activities comply with all laws in undertaking RE development projects.

WHEREAS, it is the duty and responsibility of the House of Representatives to actively ensure compliance with environmental laws and to ensure that executive agencies adhere to their legal obligations concerning environmental requirements, ultimately for the protection of the environment;

NOW, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the House of Representatives, strongly urges the DOE and the DENR to conduct an investigation, in aid of legislation, to review compliance of Alamada Hydro Electric Power Plant on the pertinent energy and environmental regulations, and as a result of such investigation, impose the necessary sanction/s, if any. The failure of the government to timely address these issues and to call upon the concerned institutions would undermine the legislative intent and spirit to safeguard our protected areas and avert significant adverse environmental consequences stemming from energy development projects.

Approved,



HON. MA. ALANA SAMANTHA TALIÑO SANTOS
Representative, 3rd District of Cotabato