

Chapter 6

REPUBLIC ACT NO. 1815

AN ACT TO CREATE THE PHILIPPINE NUCLEAR ENERGY COMMISSION TO ADMINISTER, REGULATE, AND CONTROL THE USE, APPLICATION, AND DISPOSITION OF FISSIONABLE MATERIALS; TO AUTHORIZE THE ESTABLISHMENT AND ADMINISTRATION OF AN ATOMIC ENERGY REACTOR; TO DETERMINE THE MANNER OF DEVELOPMENT, USE AND CONTROL OF ATOMIC ENERGY, TO PROVIDE FUNDS THEREFOR, AND FOR OTHER PURPOSES

SECTION 1. For the purpose of carrying out the following functions, a Philippine Nuclear Energy Commission is hereby created:

- (1) To establish well-equipped laboratories for nuclear research and training manned by competent scientists and other personnel;
- (2) To encourage and directly undertake the training of promising men in the field of nuclear science and to select and screen young Filipinos for government scholarships abroad in nuclear physics, nuclear chemistry, and nuclear biology in various levels according to their competence and preparation;
- (3) To coordinate the work of various research institutions and entities and various government bureaus, particularly the and the AFP, in nuclear energy and its applications;
- (4) To represent the Philippines in atomic and nuclear energy conferences and dealings with local as well as foreign entities in matters pertaining to nuclear energy and its applications;

- (5) To standardize commercial samples of radioactive materials, particularly those urgently needed in medicine and agriculture;
- (6) To approve and facilitate the procurement of radioactive materials and instruments used in nuclear laboratories free from government taxes and unnecessary delays;
- (7) To issue licenses for the use of radioactive, fissionable, and fertile materials, including processing as far as such work is not covered by the *Mining Act*;
- (8) To disseminate accurate information, on various levels, regarding nuclear energy by means of publications, lectures, symposia, conferences, and other means of communication suitable for the occasion.

SECTION 2. The Philippine Nuclear Energy Commission shall be composed of five members to be appointed by the President of the Philippines, provided they have the necessary specified qualifications and subject to the confirmation of the Commission on Appointments. The members shall be

citizens of the Philippines, of legal age, of proper mental aptitude and scientific training and shall have passed the necessary security clearance. The chairman of said Nuclear Energy Commission shall have a cabinet rank worthy of the importance of nuclear energy and its applications for the scientific progress of the Philippines in this new field.

The chairman and vice-chairman of the Commission shall have, in addition to the already stated qualifications, the necessary scientific and technical qualifications, a doctorate in physics and/or chemistry, and a broad professional background. The term of office of each member of the Commission shall be four (4) years, as follows: one for one year, another for two years, the third for three years, and the last two for four years; and any member appointed to fill a vacancy prior to the expiration of the term of his predecessor shall be appointed only for the remaining period of the term.

The President of the Philippines may remove from office any member of the Commission, after hearing for cause, for inefficiency, neglect of duty, disloyalty or gross misconduct in office, or conviction of crimes involving national security, in accordance with existing laws.

The chairman and the vice-chairman shall be full-time members of the Commission and shall receive an annual compensation of Twenty-Four Thousand Pesos and Eighteen Thousand Pesos, respectively, and the other members shall receive a *per diem* compensation of Sixty Pesos for each meeting attended, and all members shall be entitled to necessary traveling and other expenses while engaged in the work of the Commission.

SECTION 3. There is hereby created a Technical Advisory Committee to advice, collectively or individually, the Commission on scientific and technical matters relating to minerals, materials, production, and research and development, to be composed of nine

members who shall be appointed by the President, upon the recommendation of the Philippine Nuclear Energy Commission, and shall include one each of (a) physicist, (b) chemist, (c) engineer, (d) doctor of medicine, (e) agriculturist, (f) biologist, (g) industrialist, (h) economist, and (i) pharmacist. The members of this Technical Advisory Committee shall receive a per diem of Fifty Pesos and transportation expenses.

The Commission is empowered to request the services of any qualified person in the Philippines, whenever such services are indispensable to the Commission, under the same conditions as any member of the Technical Advisory Committee.

SECTION 4. The chairman, with the approval of the Commission, shall appoint an Executive Secretary, a Director of Research, and a Director of Regulation Services, and any other such personnel as the chiefs for the following divisions: (a) under the Director of Research, the Division of Reactor Design and Operation, the Division of Nuclear Physics, the Division on Isotope Works, and the Training Division; and (b) under the Director of Regulation Services, the Medical Services Division, Agricultural Services Division, Industrial Services Division, Legal and Administrative Division, Procurement and Disposal of Radioactive Materials Division, and such other personnel as may be necessary to carry out the purposes of this Act. The Commission shall be empowered to fix compensation and terms of office of these officers, unless covered by the civil service regulations.

SECTION 5. The Philippine Nuclear Energy Commission shall:

- (1) Be authorized to issue license in favor of any qualified person, partnership or corporation to sell, buy, process, use and/or dispose of radioactive and/or fissionable materials for commercial, industrial, scientific, agricultural and/or

medical uses, or for the conduct of test, experiment and research along such lines, and for any other purpose, provided that those already engaged in such nuclear research are allowed to continue unless violating any other provision of this Act. Users of less than ten millicuries of radioactive substance are only required to notify the Commission and make the necessary safeguards.

- (2) Make arrangements for the establishment of a nuclear reactor, and, in general, to conduct research and development relating to:

- (a) Nuclear processes;
- (b) The theory and production of atomic energy, including processes, materials, and devices related to such production;
- (c) Utilization of special nuclear material and radioactive material for commercial, industrial, medical, biological, agricultural, health, or military purposes;
- (d) The promotion of nuclear research and application in all fields of nucleonics;
- (e) The issuance of rules and regulations for the personnel and the general public, and see to it that enforcement of such rules and regulations for the protection of personnel and the public is carried out.

- (3) Acquire and distribute supplies of fissionable materials and suitable isotopes.

- (4) Screen, select, and appoint candidates for overseas training in nuclear technology and science at government expense.

- (5) Promulgate rules and regulations regarding the purchase, sale, processing, use and disposition of radioactive and/or fissionable materials and such other rules and regulations necessary to carry out the provisions of this Act; and

- (6) Be authorized to perform any other activity to carry out its purpose as stated in section one of this Act.

SECTION 6. The Commission may call upon any department, bureau, office, or agency of the Government for the purpose of securing any information, data, and materials necessary in carrying out its work or in enforcing its regulations.

SECTION 7. The Commission shall be empowered to offer research facilities and financial or other to deserving projects by public or private parties. In case patentable inventions should result from such government-subsidized research, the benefits shall be shared equally between the inventory and the government.

SECTION 8. No person, association, partnership or corporation shall sell, buy, process, use, and/or otherwise dispose of radioactive and/or other fissionable or fertile materials and tritium without first being duly licensed by the Philippine Nuclear Energy Commission, with the exception of conventional commercial items, like luminous-dial clocks, or any other item for ordinary use, provided they do not contain more than ten microcuries of radioactive substance or its equivalent.

SECTION 9. All persons connected with the Philippine Nuclear Energy Commission shall, prior to appointment, be cleared for security purposes.

The Commission has the power to decide which information may be withheld from the public for reason of national security.

SECTION 10. There is hereby appropriated, out of any funds of the National Treasury not otherwise appropriated, an initial sum of Two Million Pesos for the purpose of carrying out the provisions of this Act, and funds for at least one million pesos shall be appropriated yearly for maintenance and research. The Philippine Nuclear Energy Commission shall submit yearly progress reports of its work to the President of the Philippines.

SECTION 11. Any person who willfully violates, attempts to violate, or conspires to violate, any provision of this Act or of any regulations promulgated thereunder, or whoever unlawfully interferes, attempts to interfere, or conspires to interfere, in the administration of the provisions of this Act, shall, upon conviction thereof, be punished by a fine of not more than Ten Thousand

Pesos or by imprisonment of not more than five years, or both, in the discretion of the Court.

Whoever commits such offense with intent to injure the Republic of the Philippines or with intent to give advantage in favor of any foreign nation by such treasonable act shall, upon conviction thereof, be punished by death or imprisonment for life.

SECTION 12. This Act shall be known as the *Philippine Nuclear Energy Act of 1957*.

SECTION 13. This Act shall take effect upon its approval.

Approved, June 22, 1957

REPUBLIC ACT NO. 7832

AN ACT PENALIZING THE PILFERAGE OF ELECTRICITY AND THEFT OF ELECTRIC POWER TRANSMISSION LINES/MATERIALS, RATIONALIZING SYSTEM LOSSES BY PHASING OUT PILFERAGE LOSSES AS A COMPONENT THEREOF AND FOR OTHER PURPOSES

SECTION 1. *Short Title*. – This Act shall be referred to as the “Anti-electricity and Electric Transmission Lines/Materials Pilferage Act of 1994”.

SECTION 2. *Illegal Use of Electricity*. – It is hereby declared unlawful for any person, whether natural or juridical, public or private, to:

- (a) Tap, make or cause to be made any connection with overhead lines, service drops, or other electric service wires, without previous authority or consent of the private electric utility or rural electric cooperative concerned;
- (b) Tap, make or cause to be made any connection to the existing electric service

facilities of any duly registered consumer without the latter’s or the electric utility’s consent or authority;

- (c) Tamper, install or use a tampered electrical meter, jumper, current reversing transformer, shorting or shunting wire, loop connection or any other device which interferes with the proper or accurate registry or metering of electric current or otherwise results in its diversion in a manner whereby electricity is stolen or wasted;
- (d) Damage or destroy an electric meter, equipment, wire or conduit or allow any of them to be so damaged or destroyed as to interfere with the proper or accurate metering of electric current; and