

AMENDING REPUBLIC ACT NUMBERED SIXTY-ONE HUNDRED AND SEVENTY-THREE, OTHERWISE KNOWN AS THE OIL INDUSTRY COMMISSION ACT, BY AUTHORIZING THE OIL INDUSTRY COMMISSION TO GRANT PROVI...

PRESIDENTIAL DECREE NO. 102, January 19, 1973

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WHEREAS, under Presidential Decree No. 56, dated November 17, 1972, the Oil Industry Commission, among other agencies, has been placed under the administrative supervision of the National Economic Development Authority, hereinafter referred to as the NEDA, the highest development planning body of the country, for the purpose of providing the all-important link between the regulatory functions of the Commission and the development orientation required for a more effective performance of its functions;

WHEREAS, to enable the NEDA to exercise more effective supervision and control over the Oil Industry Commission, it is necessary that all the decisions and orders of said Commission be made reviewable by the NEDA in the light of their development implications;

WHEREAS, to expedite proceedings in the Oil Industry Commission and to provide the said Commission with more flexibility in resolving urgent cases, it is also necessary to grant the Commission express power to issue provisional orders and to change the existing mode of appeal from the orders and decisions of the Commission;

WHEREAS, there was pending before Congress prior to the promulgation of Proclamation No. 1081, dated September 21, 1972, a proposed amendment to Republic Act Numbered Sixty-One Hundred and Seventy-Three;

WHEREAS, said proposed amendment bearing House Bill No. 5165 and Senate Bill No. 895, would, among other things, authorize the Oil Industry Commission to use the application, registration, inspection and other fees and charges that it collects in the discharge of its quasi-judicial and regulatory functions;

WHEREAS, there is a need to grant the said authority to the Oil Industry Commission to augment its funds for operational expenses and enable it to carry out more effectively its objectives under the law; and

WHEREAS, while Sections fourteen and fifteen of Republic Act Numbered Sixty-one hundred and seventy-three provide for the source of funds for the operational expenses of the Oil Industry Commission, the sum of P1,500,000 is likewise appropriated in the current General Appropriations Act (Republic Act No. 6551) for the budgetary use of the same Commission, thereby making it necessary to clarify the funding of the said Commission;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, as amended, do hereby order, decree and declare the following amendments to Republic Act No. 6173 which are hereby adopted, approved, and made part of the law of the land:

SECTION 1. Section eleven of Republic Act Numbered Sixty-one hundred and seventy-three is hereby amended

to read as follows:

"SEC. 11. Review of Commission's Order; Commission's Authority to Grant Provisional Relief. — A party adversely affected by a decision or any order of the Commission in the exercise of its powers subject to hearing, may, within a period of seven (7) days from receipt of said decision or order, appeal in writing, stating clearly and distinctly the grounds relied upon, to the National Economic Development Authority, which shall have exclusive authority and jurisdiction to review, reverse, modify or amend the same. The decision or order of the Commission shall be final, unless reversed, altered or modified, either on appeal or on review motu proprio within the period hereinbelow stated. The National Economic Development Authority shall decide the appeal on the basis of the record of the proceedings had before the Commission and without requiring a re-hearing, within thirty (30) days after the decision or order of the Commission shall have been submitted thereto,

"The National Economic Development Authority shall likewise have the power to review, motu proprio, any decision or order of the Oil Industry Commission, to determine whether the same is in accord with the policies and guidelines formulated by the National Economic Development Authority. For this purpose, certified copies of all decisions, orders and rulings of the Commission shall be forwarded to the National Economic Development Authority immediately upon promulgation thereof. Should the National Economic Development Authority decide to exercise this power, it shall so advise the Oil Industry Commission within thirty (30) days after receipt of the decision, order or ruling.

"The decision of the National Economic Development Authority, on appeal or after review motu proprio, shall be final. Unless the National Economic Development Authority directs otherwise, appeal or motu proprio review shall not stay execution or implementation of all decisions or orders of the Oil Industry Commission, which shall be executory upon the expiration of seven (7) days after their promulgation.

"The Commission may, upon the filing of an application, petition or complaint or at any stage thereafter, and without prior hearing, on the basis of supporting papers duly verified and authenticated, grant provisional relief on motion of a party in the case or on its own initiative, without prejudice to a final decision after hearing, should the Commission find that the pleadings, together with such affidavits, documents and other evidence which may be submitted in support of the motion, substantially support the provisional order.

"This Section shall apply to all pending proceedings in the Commission."

SEC. 2. Section fourteen of the same Act is hereby amended to read as follows:

"SEC. 14. Appropriations. — For the proper implementation of this Act, the sum of one million five hundred thousand pesos is hereby appropriated out of any funds in the National Treasury not otherwise appropriated for the operating expenses of the Commission for the fiscal years nineteen hundred and seventy-one and nineteen hundred and seventy-two. Any unobligated balance of this initial appropriation may, however, still be used by the Commission in subsequent fiscal years.

"Beginning with fiscal year nineteen hundred and seventy-three, the operational expenses of the Commission shall be drawn from fees and charges collected under the authority of Section 15 of this Act and from application, licensing, registration and other fees or charges collected by the Commission in the exercise of its quasi-judicial and regulatory functions."

SEC. 3. Section fifteen of the same Act is hereby amended to read as follows:

"SEC. 15. Additional Fee on Importations and turn-over of collections; release to the Commission is Ministerial. — Effective July one, nineteen hundred seventy-one, there shall be levied, assessed and collected, an additional fee of one tenth of one per cent of the CIF value of crude oil and petroleum products imported into the Philippines. The fee imposed herein shall be collected at the same time, in the same manner and subject to the same penalties as the duties and taxes regularly imposed on such products. This fee shall not be a

basis for any increase in the price of any petroleum product as of the approval of this Act."

"The Commissioner of Customs shall turn over the collections to the Treasurer of the Philippines monthly within the first ten days of the succeeding month. The collections shall accrue to a special fund and the same or any portion thereof may not be transferred or diverted to the general or any other fund or used or expended for any purpose other than for the budgetary requirements of the Oil Industry Commission, the provision of any law to the contrary notwithstanding. It shall be the ministerial duty of the Treasurer of the Philippines, as well as the officers and employees under his supervision and control, to effect releases of said collections to the Commission upon order or authorization of the Chairman thereof.

"The special fund of the Commission shall be disbursed on the basis of principal and supplementary budgets duly approved by the Commission, subject to the provisions of C.A. 246, as amended: Provided, That, at the end of each fiscal year, beginning with fiscal year nineteen hundred and seventy-four, all unobligated balances, in excess of five hundred thousand pesos shall accrue to the general fund."

SEC. 4. Any provision of the General Appropriations Act for Fiscal Year 1973, Republic Act No. 6173, and of all other acts, laws, executive orders, administrative orders, rules and regulations or parts thereof which are inconsistent herewith are hereby repealed or amended accordingly.

SEC. 5. This Decree shall take effect immediately.

Done in the City of Manila, this 19th day of January, in the year of Our Lord, nineteen hundred and seventy-three.

(Sgd.) FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.) ALEJANDRO MELCHOR

Executive Secretary

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