

JOINT DEPARTMENT CIRCULAR NO. _____

GUIDELINES FOR THE SELECTION OF SECTORAL AND REGIONAL PROGRAM IMPLEMENTATION TASK FORCE REPRESENTATIVES AND MEMBERS OF THE NATIONAL PROGRAM POLICY TASK FORCE

Pursuant to Sections 31 and 32 of Republic Act No. 11592, otherwise known as LPG Industry Regulation Act, and Section 12 of Joint Department Circular No. JDC2022-11-0002, otherwise known as the LPG Cylinder Exchange, Swapping, and Improvement Programs and its Implementing Guidelines, the DOE together with the DTI, and in coordination with the LPG participants including public and private stakeholders shall create the National Program Policy Task Force and Regional Program Implementation Task Force to assist in the implementation of the LPG Cylinder Exchange, Swapping, and Improvement Programs.

For and in consideration of the foregoing, the following guidelines for the selection of Sectoral representatives, and members of the Regional Program Implementation and National Program Policy Task Force are hereby issued, adopted, and promulgated.

Rule I. General Provisions

Section 1. Application.

This Joint Department Circular shall apply to the selection of Sectoral and Regional Program Implementation task Force representatives and members of the National Program Policy Task Force.

Section 2. Definition of Terms.

As used in this Department Circular, the following terms shall be defined as follows:

- (a) Dealer - refers to any duly authorized natural or juridical person engaged in the trading or sale of LPG in cylinders to retail outlets or directly to End - consumers;
- (b) DOE-regulated LPG industry participants - refer to Importer, Refiner, Hauler, Refiller, Marketer, Dealer and Retailer;
- (c) DTI-regulated LPG industry participants – refer to Requalifier and Repairer;
- (d) Importer - refers to a duly authorized natural or juridical person engaged in the importation of LPG, LPG Pressure Vessels, or ancillary equipment for processing, sale, or own use, whichever is applicable;
- (e) Independent Hauler - refers to a duly authorized natural or juridical person engaged as an independent service provider of transportation, distribution, and delivery of LPG in bulk, in cylinder and/or in cartridge to other LPG industry participants;
- (f) License to operate (LTO) - refers to a certification issued by the DOE to a natural or juridical person intending to engage in business for a specific Activity as an LPG industry participant who has complied with all the documentary requirements, quality and safety standards, rules, and regulations prescribed by the DOE and other pertinent government agencies for such an Activity;
- (g) LPG cylinder - refers to a transportable and refillable pressure vessel with up to one hundred fifty (150) liters water capacity, designed for the storage of LPG;

- (h) LPG cylinder exchange - refers to the purchase by the End-consumer of an LPG-filled cylinder using an empty LPG cylinder of a different trademark or trade name;
- (i) LPG Cylinder Exchange and Swapping Program - refers to a system that allows End-consumers to exercise their freedom of choice in the purchase of LPG-filled cylinders through LPG cylinder exchange and LPG swapping;
- (j) LPG cylinder improvement - refers to activities such as repair and requalification to ensure an LPG cylinder is compliant with all applicable PNS that would render it fit for use and circulation;
- (k) LPG cylinder swapping - refers to the giving and taking among industry players of LPG cylinders bearing other trademarks or trade names at an accredited LPG cylinder swapping center;
- (l) Marketer – refers to a duly authorized natural or juridical person engaged in the sale of LPG, whether in bulk or in retail, under its own trademark or trade name;
- (m) Refiller - refers to a service provider authorized by the Trademark owner to refill LPG cylinders on the latter's behalf, or any Trademark owner which refills LPG into its own LPG cylinders;
- (n) Refiners - refers to a duly authorized natural or juridical person who refines crude oil and other naturally occurring petroleum hydrocarbons through distillation, conversion, and treatment;
- (o) Requalifier - refers to a natural or juridical person engaged in the business of requalification duly accredited by the DTI;
- (p) Repairer - refers to a natural or juridical person engaged in the business of repair duly certified by the DTI; and
- (q) Retailer - refers to a duly authorized natural or juridical person engaged in the direct and exclusive trade or sale of LPG in cylinders to End-consumers whose maximum floor stock is determined by the DOE.

Rule II. Voters Qualifications and Responsibilities

Section 3. Qualifications.

3.1 Pursuant to Section 12.5.1 of Joint Department Circular No. JDC2022-11-0002, otherwise known as the LPG Cylinder Exchange, Swapping, and Improvement Programs and its Implementing Guidelines, all LPG industry participant duly issued with a License to operate by the DOE or accredited by the DTI, shall qualify as one of the Sectoral members in each of those activities where he/she is actually engaged and operating at each Administrative Region.

3.2 The Sectoral memberships shall refer to those engaged as:

- (a) Refiner - Marketer;
- (b) Direct Importer - Marketer;
- (c) Refiller - Marketer;
- (d) Marketer;
- (e) Independent Bulk LPG Hauler;

- (f) Independent Hauler of LPG in cylinder;
- (g) Dealer;
- (h) Retailer;
- (i) Requalifier; and
- (j) Repairer.

3.3 A Sectoral member shall be the registered voter who shall be entitled to one (1) vote for each LTO or DOE official receipt as proof of submission of an application for the issuance of an LTO in any or all Sectors for any or all Administrative Regions regardless of the number of registered Trademark or Trade name.

Section 4. Responsibilities.

A registered voter shall have the following responsibilities in the selection process:

- (a) Apply as a registered voter in any or all applicable Sectors for any or all Administrative Regions;
- (b) Vote during election day; and
- (c) Participate in all activities related to the selection process.

Non-compliance to any of the voter's responsibilities shall be ground for the imposition of applicable administrative penalties prescribed in Section 16 of Joint Department Circular No. JDC2022-11-0002, otherwise known as the LPG Cylinder Exchange, Swapping, and Improvement Programs and its Implementing Guidelines.

Section 5. Sectoral Voting.

The Sectoral voting shall be exercised in accordance with the following:

- (a) All registered voters - Refiner, Direct Importers, Marketer, Independent Bulk LPG Hauler, Independent Hauler of LPG in Cylinder, Requalifier and Repairer.
- (b) Refiller - All registered Refillers per Administrative Region;
- (c) Dealer - All registered Dealers per Administrative Region; and
- (d) Retailer - All registered Retailers per Administrative Region.

Section 6. List of Voters.

The Voters and Candidates Registration Affairs Working Group shall review and issue the final list of voters in each Sector for each Administrative Region. The said list will consist of LPG Industry participants issued with an LTO or DOE official Receipt as proof of the submission of an application for the issuance of an LTO for DOE-regulated LPG Industry participants and the list provided by the DTI for DTI-regulated industry participants.

Rule III. Selection of Sectoral Representatives and Regional Program Implementation Task Force (RPITF) Members

Section 7. Qualifications.

All interested registered voters may file a candidacy for Sectoral representative in all applicable Sectors for each Administrative Region.

Section 8. Composition, Term and Selection.

8.1 Pursuant to Section 12.5.1 of Joint Department Circular No. JDC2022-11-0002, otherwise known as the LPG Cylinder Exchange, Swapping, and Improvement Programs and its Implementing Guidelines, the Sectoral representatives who shall sit as official members of the RPITF shall come from the LPG industry participants that are engaged in the following activities:

- (a) Voting members:
 - (1) Refiner - Marketer;
 - (2) Direct Importer - Marketer;
 - (3) Refiller - Marketer; and
 - (4) Marketer.
- (b) Non-Voting Members:
 - (5) Independent Bulk LPG Hauler;
 - (6) Independent Hauler of LPG in cylinder;
 - (7) Dealer;
 - (8) Retailer;
 - (9) Requalifier; and
 - (10) Repairer.

8.2 Pursuant to Section 12.5.2 of Joint Department Circular No. JDC2022-11-0002, otherwise known as the LPG Cylinder Exchange, Swapping, and Improvement Programs and its Implementing Guidelines:

(a) Sectoral representatives shall consist of a chair and two (2) alternates from each Sector. Members of the respective Sectors shall conduct an official selection process in choosing its respective Sectoral representatives;

(b) The Sectoral representatives shall be given a fixed six (6) - year term unless sooner replaced by a majority vote of no confidence by the members of the Sector in which case a new selection shall be conducted. The Sectoral representatives shall be eligible for multiple terms;

(c) The Sectoral representatives shall be selected via casting of votes or endorsements through the conduct of an official selection process;

(d) The Sectoral representatives shall be selected only to represent one of the Sectors despite being a member and winner of several Sectors in each of the Administrative Regions.

In view of this provision, a candidate who won in several Sectors in one Administrative Region shall choose the official Sector he/she wants to represent and relinquish the others of which chairmanship shall belong to the holder of the next highest number of votes; and

(e) In case there is no candidate in a particular Sector or in the case of relinquishment, the holder of next highest votes is no longer interested, or the winning candidate is a lone candidate, the Election Committee shall resort to the selection via majority of votes from nominated candidates of the member LPG associations.

Section 9. Candidacy.

(a) Any interested registered voter shall file his/her certificate of candidacy addressed to the Election Commission Chair and attention to the Chair of the Voters and Candidates Registration Affairs Committee. Template form of the certificate of candidacy is hereto attached as Annex A;

(b) Three (3) copies of certificate of candidacy must be filed, with at least one (1) original copy;

(c) The certificate of candidacy must be submitted within a non-extendible period of seven (7) working days reckoned from the opening of the application period set forth by the Election Commission; and

(d) The certificate of candidacy shall be accomplished by the duly authorized representative of the LPG Industry Participant evidenced by a notarized special power of attorney attached with secretary's certificate. The certificate of candidacy shall clearly identify the Sector/s and the Administrative Region/s the candidate is qualified to run based on the final list of registered voters.

Section 10. Disqualification.

(a) If a candidate fails to meet the qualifications prescribed in Section 7;

(b) If a candidate fails to submit the complete documentary requirements prescribed in Section 9; and

(c) If a candidate fails to file the certificate of candidacy within the period prescribed in Section 9.

Section 11. Vacancy.

The first alternate shall succeed, in case of Sectoral chair disqualification, vote of no confidence or any other form of vacancy, to serve the remaining term. In all cases, the new setting Sectoral chair shall be authorized to fill up any vacant alternate position who shall likewise serve the remaining term.

**Rule IV. Selection of Regional Program Implementation Task Force Representatives
and National Program Policy Task Force (NPPTF) Members**

Section 12. Qualifications, Term and Selection.

12.1 Pursuant to Section 12.4.1 of Joint Department Circular No. JDC2022-11-0002, otherwise known as the LPG Cylinder Exchange, Swapping, and Improvement Programs and its Implementing Guidelines, there shall be an RPITF per administrative region. RPITF representatives to the NPPTF shall refer to a chair and its two (2) alternates selected through majority votes/endorsements of the voting Sectoral chairs. Only the voting Sectoral chairs shall be allowed to vote and be selected as RPITF representatives.

12.2 Pursuant to Section 12.4.2 of Joint Department Circular No. JDC2022-11-0002, otherwise known as the LPG Cylinder Exchange, Swapping, and Improvement Programs and its Implementing Guidelines, the RPITF shall conduct an official selection process in choosing its representatives with the following guidelines:

(a) The RPITF representatives shall be given a fixed three (3) - year term unless sooner replaced by a majority vote of no confidence by the voting Sectoral chairs in which case a new selection shall be conducted. The RPITF representatives shall be eligible for multiple terms;

(b) The RPITF representatives shall be selected via casting of votes or endorsements from each of the voting Sectoral chair through the conduct of an official selection process;

In view of this provision, the selection shall be done upon the convening of the RPITF members and confirmed through an RPITF resolution.

(c) The RPITF representatives shall be selected only to represent one of the administrative regions despite being a voting Sectoral chair in several administrative regions.

In view of this provision, the selected RPITF representative in several Administrative Regions shall choose the official Administrative Region he/she wants to represent and relinquish the others. The affected Administrative Regions shall conduct another selection of RPITF representatives;

(d) The RPITF shall be co-chaired by the duly designated official of the DOE and DTI Secretaries with at least a rank of Director and an alternate with at least a rank of Assistant Director. In the case, however, of DOE FOs, alternate to the FOs Director shall be the Division Chief of the Energy Industry Management Division; and

(e) DOE, DTI and Each Sectoral chair shall be entitled to one (1) vote in the selection of RPITF representatives;

Section 13. Vacancy.

The first alternate shall succeed, in case of RPITF chair disqualification, vote of no confidence or any other form of vacancy, to serve the remaining term. In all cases, the new setting RPITF chair shall be authorized to fill up any vacant alternate position who shall likewise serve the remaining term.

Rule V. Election Committee and Working Groups

Section 14. Composition of Election Commission.

(a) Chair – Director of the DOE – OIMB.

- (b) Alternate Chair – Assistant Director of the DOE-OIMB.
- (c) Members:
 - (1) Director of the DOE- Legal Service or its designated official representative;
 - (2) Directors of the Field Offices or their designated official representatives; and
 - (3) One (1) nominated representative from each identified LPG Industry Association.

Section 15. Functions of the Election Committee.

- (a) Formulate and issue the calendar of activities for the whole election period;
- (b) Prepare and issue the required forms for the conduct of the selection process;
- (c) Prepare, review and issue the official list of voters;
- (d) Prepare, review the filing of candidacy and issue the official list of candidates;
- (e) Designate the venue of election activities;
- (f) Canvass of votes and proclaim winners;
- (g) Receive and decide on all election protests pursuant to this guideline; and
- (h) Address all other related concerns.

Section 16. Official Proceeding and Decision.

The Election Committee shall officially deliberate all matters related to the selection activities when there is a quorum. A quorum shall be established if the majority of the Election Committee members are present.

All decisions of the Election Committee shall be passed through majority votes of those members present.

Section 17. Working Groups.

The following Working groups shall be created to assist the Election Committee in the discharge of its functions:

17.1 Legal Affairs.

- (a) Xxx

17.2 Voters and Candidates Registration Affairs.

- (a) Xxx

17.3 Printing and Logistics Affairs.

- (a) Xxx

17.4 Information and Media Affairs.

- (a) Xxx

17.5 Administrative Affairs.

- (a) Xxx

17.6 Finance Affairs.

- (a) Xxx

Section 18. Members of the Working Groups.

The members of the Working Groups shall come from the volunteers provided for by the identified LPG associations. A designated representative from the DOE and DTI shall form part of each Working Group.

Rule VI. Administrative Regions

Section 19. Compositions.

For purposes of this Circular, the following administrative regions cover the following areas:

- (a) Administrative Region 1 - Cordillera Administrative Region, Regions I and II;
- (b) Administrative Region 2 - Region III;
- (c) Administrative Region 3 - Regions IV and V;
- (d) Administrative Region 4 - National Capital Region;
- (e) Administrative Region 5 – Regions VI, VII and VIII;
- (f) Administrative Region 6 – Regions IX, X and Bangsamoro Autonomous Region in Muslim Mindanao; and
- (g) Administrative Region 7 – Regions XI, XII and XIII.

Rule VII. Campaign for Sectoral Chair

Section 20. Campaign Period.

All candidates for Sectoral representatives shall be given fifteen (15) calendar days to campaign. It shall begin and end consistent with the on the time and day specified in the calendar of activities issued by the Election Committee.

Section 21. Campaign Guidelines.

All candidates shall observe the following rules during the campaign period:

21.1 For printed campaign materials:

- (a) Shall not exceed two (2) feet in length and three (3) feet in height;
- (b) Shall be posted only on the LPG facilities or other private property of the Candidate;

(c) Shall be taken down within ten (10) calendar days after the end of the campaign period; and

(d) The use of glue and other similar permanent or semi-permanent adhesives shall be prohibited; and

(e) Shall not contain any offensive, derogatory, provocative, or libelous words, images, and/or other representations.

21.2 For digital campaign materials and other forms of campaign activities:

Shall not contain any offensive, derogatory, provocative, or libelous words, images, and/or other representations.

21.3 If the printed or digital campaign materials are in violation of the above-mentioned prohibition, such shall be removed immediately *moto proprio* by the candidate. If given a removal order by the Election Committee, the order to the candidate shall include the imposition of fine and/or disqualification whichever is applicable. Non-compliance to the removal order and/or non-payment of administrative fine shall be ground for disqualification.

21.4 If the campaign activity is in violation of the above-mentioned prohibition, the candidate shall *moto proprio* immediately cease and desist from such. If given a cease-and-desist order by the Election Committee, the order to the candidate shall include the imposition of fine and/or disqualification whichever is applicable. Non-compliance to the cease-and-desist order and/or non-payment of administrative fine shall be ground for disqualification.

Rule VII. Conduct of Election for Sectoral Chair

Section 22. Election Day.

(a) The date of the election for Sectoral representatives shall be held on the day after the last day of the campaign period. It shall be consistent with the date specified in the calendar of activities issued by the Election Committee.

(b) The voting shall be done from 8:00 in the morning up to 4:00 in the afternoon at the place/s to be designated by the Election Commission.

(c) The election shall be held every six (6) years thereafter consistent with the expiration of the term of the Sectoral chairs and their two (2) alternates.

Section 23. Ballot.

The ballot shall contain the list of all qualified candidates as determined by the Election Committee. Sample ballots shall be provided to all identified LPG associations for comments for a period of ten (10) calendar days. Thereafter, the ballot shall be finalized, and all the required number of ballots shall be fully printed fifteen (15) calendar days before the election day.

Section 24. Manner of Voting.

(a) Every voter will be given one (1) ballot upon signing the attendance sheet and verification on the list of voters. The registered voter shall bring a government issued identification card for verification purposes. The Voters and Candidates Registration Affairs Working Group shall retain a xerox copy of the said identification card.

(b) Every candidate on the ballot shall have a circle beside it, and the voter will shade the circle next to its chosen candidate with the use of the pen provided at the venue. The voter shall shade only one (1) circle.

(c) After shading the ballot, the voter must drop it in the ballot box and the voting process shall be deemed completed.

Section 25. Canvass of Votes.

(a) All ballots inside the ballot box will be counted except those that have incorrect or unnecessary mark/s or containing marks that designate unclear candidate.

(b) The candidate that garners the highest number of votes of a Sector in an Administrative Regions shall be proclaimed Sectoral Chair.

(c) In case of a tie, a toss coin will be conducted. One candidate will be representing the head, and the other the tail. A designated member of the Election Committee will toss the coin and the candidate whose side of the coin turns up shall be proclaimed the winner.

(d) The canvass of votes shall start the day after the election day and shall be made daily and continuously from 9am to 4pm until the last ballot is counted.

(e) All candidates shall designate two (2) watchers during the canvassing who shall sign the canvass tally and witness the locking and opening of the ballot box.

Section 26. Proclamation.

The Election Committee shall immediately proclaim the Sectoral chair upon the counting of the last ballot and submission of the canvass tally duly signed by the chair of the Voters and Candidates Registration Affairs Working Group and confirmed by the Election Committee.

Section 27. Voting Venue.

The details of voting venue for all Administrative regions shall be reflected in the calendar of activities issued by the Election Committee.

Rule VIII. Conduct of Election for RPITF Chair

Section 28. Selection Rules.

The relevant rules for selection of RPITF Chair are already reflected in Rule IV of this Circular.

Rule IX. Protest

Section 29. Period to Protest.

Within five (5) calendar days from the proclamation of Sectoral or RPITF chairs, a losing candidate may file a notarized protest with the Election Commission in the case of Sectoral chair or the Co-chairs of the RPITF in the case of RPITF chair, citing thereof the grounds for the protest and attached with the relevant supporting documents. Failure to file any protest within the prescribed period shall be deemed a waiver to exercise said right.

Section 30. Reply.

The winning candidate shall be granted a period of ten (10) calendar days from receipt of the protest to file a notarized reply with the Election Commission in the case of Sectoral chair or the Co-chairs of the RPITF in the case of RPITF chair citing the response to all the grounds cited by the protestor and attached with the relevant supporting documents. The period to submit a reply may be extended for a final additional ten (10) calendar days.

Section 31. Decision of the Election Committee or the RPITF.

The Election Committee or the RPITF, whichever is applicable shall have fifteen (15) calendar days from the submission of the reply to decide on the protest. The decision of the Election Committee or the RPITF shall be final and unappealable. The Election Committee or the RPITF shall only resolve the issues raised in the protest and consider those relevant documents attached to the pleadings in deciding the protest.

Rule X. Penal Provisions

Section 32. Prohibited Acts and Penalties.

Any violations of this Circular shall be penalized under Section 38 (e) (2) of Republic Act 11592, otherwise known as the LPG Industry Regulation Act.

Rule XI. Final Provisions

Section 33. Separability Clause.

Should any provision of this Department Circular be subsequently declared invalid or unconstitutional, such parts not affected thereby shall remain in full force and effect.

Section 34. Repealing Clause.

All other rules and regulations or parts thereof, which are inconsistent with this Department Circular are hereby repealed or modified accordingly.

Section 35. Effectivity.

This Department Circular shall take effect fifteen (15) days following its complete publication in two (2) newspapers of general circulation and submission of a copy to the University of the Philippines Law Center-Office of the National Administrative Register (UPLC-ONAR).

Done this _____ of _____, 2022 in Bonifacio Global City, Taguig City, Metro Manila.

RAPHAEL P. M. LOTILLA

DOE Secretary

ALFREDO E. PASCUAL

DTI Secretary