



JOINT DEPARTMENT CIRCULAR NO. JDC 2024-07-0001 48

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 and Regional Program Implementation Task Force (RPITF) to assist in the implementation of the LPG Cylinder Exchange, Swapping, and Improvement Programs.

For and in consideration of the foregoing, the following guidelines are hereby adopted and issued for the selection of the task force members and the task force voting system.

Rule I. General Provisions

Section 1. Application.

This Joint Department Circular shall apply to the selection of task force members and the task force voting system.

Section 2. Definition of Terms.

As used in this Joint 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 - refers to the Department of Energy;
- (c) DOE-regulated LPG industry participants - refer to Importer, Refiner, Hauler, Refiller, Marketer, Dealer and Retailer;
- (d) DTI-regulated LPG industry participants – refer to Requalifier and Repairer;
- (e) FO - refers to the field office of the DOE in Luzon, Visayas and Mindanao;
- (f) 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;
- (g) 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;
- (h) 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;
- (i) LPG- refers to Liquefied Petroleum Gas;
- (j) 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;
- (k) 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;
- (l) 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;
- (m) 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;
- (n) 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;
- (o) 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;
- (p) OIMB - refers to the Oil Industry Management Bureau of the DOE;
- (q) 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;
- (r) 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;
- (s) Requalifier - refers to a natural or juridical person engaged in the business of requalification duly accredited by the DTI;
- (t) Repairer - refers to a natural or juridical person engaged in the business of repair duly certified by the DTI; and
- (u) 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. Election Committee Composition and Functions

Section 3. Composition of Election Committee.

The Election Committee shall be created consisting of all the nominated representatives of DOE recognized LPG associations. Each LPG association shall have one (1) representative and two (2) alternates in the Election Committee. The members of the Election Committee shall select a chair and vice-chair and the selection shall be done through nomination and casting of votes among the members and confirmed officially through a resolution.

The DOE-OIMB Director, Field Offices (FOs) Director and DTI with a rank of Director shall sit in the Election Committee as observers. The respective Directors may designate their authorized representative in case of inability to attend the meeting.

Section 4. 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) Review and issue the official list of voters;
- (d) Review the certificate of candidacy and issue the official list of candidates;
- (e) Designate the venue of election activities;
- (f) Canvass the votes and proclaim the winners of the election;
- (g) Receive and decide on all election protests pursuant to this guideline;
- (h) Creation of working groups to handle specific tasks assigned to the Election Committee;
- (i) Promulgate clarificatory issuances and further implementing guidelines to fully implement the selection process consistent with this Joint Department Circular; and
- (j) Address all other election-related concerns.

Section 5. Official Proceeding and Decision of the Election Committee.

The Election Committee handling the selection for Sectoral and RPITF chairs shall officially deliberate all matters only when there is a quorum. A quorum shall refer to the presence of the majority of the Election Committee members with the chair or vice-chair present. All decisions of the Election Committee shall be passed through majority votes of those members present.

Section 6. Working Groups.

The Election Committee shall mandate the numbers of volunteers from each LPG associations recognized as member of the Election Committee and designate the chair and members of the respective working groups. The following working groups, among others, shall be created to assist the Election Committee in the discharge of its functions:

6.1 Legal Affairs.

The legal affairs group shall assist the Election Committee through issuance of legal opinion and guidance in all matters related to the conduct of election for Sectoral and RPITF chairs.

Among others, provide legal opinion or guidance on the following election matters:

- (a) Election rules;
- (b) Voter's registration;
- (c) Candidacy and disqualification;
- (d) Election, canvass, proclamation and protest; and
- (e) Other legal-related matters.

6.2 Voters and Candidates Registration Affairs.

The voters and candidates registration affairs group shall assist the Election Committee in the review and finalization of the official list of voters and candidates. This group shall likewise conduct the actual canvassing of votes and the endorsement of winning candidates for proclamation of the Election Committee.

6.3 Administrative and Finance Affairs.

The administrative and finance affairs group shall assist the Election Committee in the overall planning and execution of the election process in consultation with the other working groups.

Among others prepare and submit for approval of the Election Committee:

- (a) Overall work activities and budget plan for the whole election process;
- (b) Manpower complement plan for the whole election process;
- (c) Implement proper collection and accounting of the election fund and publication of relevant financial statements; and
- (d) Serve as the permanent secretariat of the Election Committee.

6.4 Printing and Logistics Affairs.

The printing and logistical affairs group shall assist the Election Committee in the printing, proper custody and accounting of relevant forms and the delivery of such forms in the designated storage and/or election venue.

This group shall likewise oversee the effective procurement and management of forms, equipment, supplies and other requirements essential to the conduct of election.

6.5 Information Affairs.

The information affairs group shall assists the Election Committee in the information dissemination of relevant information to the LPG industry participants.

Among others:

- (a) Disseminate to the public all the information related to the election process;
- (b) Respond to media inquiries about the election process in close coordination with the Election Committee and Legal Affairs;
- (c) To ensure the transparency and accurate publication of the election process through social media and all other media platforms to the public;
- (d) Develop communication plans and programs in achieving a fair and successful election for all LPG industry participants; and
- (e) Handle other information dissemination - related activities.

Rule III. Recognition of LPG Associations and Convening of Election Committee

Section 7. Qualifications.

The association shall possess the following qualifications:

- (a) Duly registered association with the Securities and Exchange Commission;
- (b) The articles of incorporation cites a purpose that shows support and engagement to the LPG industry - related activities stated in the LPG Industry Regulation Act;
- (c) The association is able to show the presence of its active members and fully functioning executive officers; and
- (d) The association commits to support the Election Committee and all the election-related activities.

Section 8. Recognition Process.

The DOE-OIMB shall be responsible in the receipt of applications, and the review and issuance of the official list of recognized LPG association that will form part of the Election Committee. The recognition process shall be as follows:

- (a) Submit to DOE-OIMB an application letter attached with complete documentary requirements prescribed by Section 9 hereof within a non-extendible period of thirty (30) calendar days set by the DOE-OIMB;
- (b) The DOE-OIMB may require a clarificatory meeting with the applicant;
- (c) The DOE-OIMB shall inform the applicant of the result of evaluation; and
- (d) Any denial of application maybe appealed to the DOE-OIMB. After the appeal, the decision of the DOE-OIMB shall be final and incontestable.

Section 9. Documentary Requirements.

- (a) Application letter signed by the head of the LPG association;
- (b) Executive briefer about the LPG association containing, among others, information about its creation, purpose related to the LPG industry, its membership and the composition of its executive officers;
- (c) Latest certified true copy of articles of incorporation; and
- (d) Latest General Information Sheet (GIS).

Section 10. Finalization of the List of Recognized LPG Association and Nominations of Official Representatives to the Election Committee.

10.1. Within fifteen (15) calendar days from end of submission period referred to in Sec. 8(a) hereof, the DOE-OIMB shall evaluate and notify the recognized LPG associations to submit their nominated representatives to the Election Committee.

10.2. Within fifteen (15) calendar days after the DOE-OIMB notifications, the recognized LPG associations shall submit to DOE-OIMB their designated official representatives to the Election Committee. The designation shall be composed of a main representative and two (2) alternates.

Section 11. Convening of the Election Committee.

Within fifteen (15) calendar days from end of submission period referred to in Section 10.2 hereof, the DOE-OIMB shall convene the Election Committee to facilitate the election of the chair and vice-chair. After the selection, the chair and vice-chair shall take over the conduct of the Election Committee and the DOE and DTI representatives shall participate as observers.

Rule IV. Voters Qualifications, Responsibilities and Voting

Section 12. Qualifications.

12.1. 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, a Sector shall refer to any of the different type of business activities in the LPG industry enumerated in Section 3.2 hereof, and 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.

12.2. 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.

Section 13. Responsibilities.

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

- (a) The actual voting person shall be the owner or his duly authorized representative. During the actual voting, the owner shall be required to present a photocopy of a government issued identification card and in the case of a duly authorized representative shall further present a notarized Special Power of Attorney to vote for in behalf of the owner. The actual voter shall comply with the other verification requirement that may be required by the Election Committee;
- (b) Vote during election day; and

- (c) Participate in all activities related to the selection process and comply with the orders or instructions of the Election Committee.

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 14. Manner of Voting.

A Sectoral member shall be the registered voter who shall be entitled:

- (a) For DOE-regulated LPG industry participants - 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 at any or all Administrative Regions where he/she is actually engaged and operating consistent with the official list of voters; and

For DTI-regulated LPG industry participants - One (1) vote for each accreditation or certification issued in any or all sectors at any or all Administrative Regions where he/she is actually engaged and operating consistent with the official list of voters.

Section 15. 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.

Section 16. Official List of Voters.

Within thirty (30) calendar days from date of convening the Election Committee, the DOE and DTI shall submit to the Election Committee the list of registered voters. The Election Committee shall in turn disseminate the official list of voters on the period set by the Election Committee in the calendar of activities for the information of all LPG industry participants. The said list will consist of DOE-regulated 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 submitted by the DOE and DTI-regulated LPG industry participants issued with an accreditation or certification submitted by the DTI on a per Sector and per Administrative Region basis.

Rule V. Selection of Sectoral Representatives

Section 17. Qualifications.

Any interested registered voter may file a candidacy for Sectoral chair.

Section 18. Composition, Term and Selection.

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. The Sectoral chair shall be selected via casting of votes or endorsements through the conduct of an official selection process;
- (b) The Sectoral chair 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 chair shall be eligible for multiple terms;
- (c) A registered voter shall be allowed to run and represent only one of the Sectors despite being a member of several Sectors in one (1) Administrative Region, however it may run likewise as a candidate in other Administrative Regions where it is actually engaged and operating consistent with its Sectoral registration in the official list of voters;
- (d) In case there is no candidate in a particular Sector, the Election Committee shall resort to the selection, via majority of votes, among the nominated candidates of the LPG associations that are part of the Election Committee. Each LPG association shall be entitled to one (1) vote. If there is a tie, the winner shall be determined through the toss of a coin; and
- (e) The Sectoral chair shall have the authority to appoint/designate his/her two (2) alternates. In all cases, an appointment/designation notification letter shall be submitted within ten (10) calendar days after date of appointment to the chair of the RPITF for dissemination to the RPITF members. No official assumption of the alternates shall be recognized by the RPITF members without compliance to the submission of the notification letter.

Section 19. Filing of Candidacy and List of Official Candidates.

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) An interested registered voter represented by its owner or duly authorized representative shall file the certificate of candidacy addressed to the Election Committee chair attention to the chair of the voters and candidates registration affairs group. The owner shall be required to submit a photocopy of a government issued identification card and in the case of a duly authorized representative shall further submit a notarized Special Power of Attorney to file for in behalf of the owner. The interested candidate shall comply with the other verification requirement that may be required by the Election Committee;
- (b) Three (3) copies of certificate of candidacy must be filed, with at least one (1) original copy;
- (c) The filing of certificate of candidacy shall be done within a non-extendible period of twenty (20) calendar days set by the Election Committee in the calendar of activities; and
- (d) Within twenty (20) calendar days from the last day of filing of candidacy, the Election Committee shall finalize the official list of candidates per Sector and per Administrative Region and disseminate the same for the information of all LPG industry participants.

Section 20. Disqualification.

- (a) If a candidate fails to meet the qualifications prescribed in Section 17;
- (b) If a candidate fails to submit the complete documentary requirements prescribed in Section 19; and
- (c) If a candidate fails to file the certificate of candidacy within the period prescribed in Section 19.

Section 21. Printing of Ballots.

The ballot shall contain the list of business company names of all qualified candidates as determined by the Election Committee. Draft ballots shall be provided to all qualified candidates for comments for a period of ten (10) calendar days. Thereafter, the final ballot shall be finalized, and all the required number of ballots shall be fully printed thirty (30) calendar days before the election day. The Election Committee shall ensure that the printed ballots are already delivered, stored, and accounted for at the designated voting venue two (2) calendar days before the election day.

Section 22. Sectoral Chair Vacancy.

22.1. An alternate shall succeed in case of a vacancy in the Sectoral chair position to serve the remaining term. The new Sectoral chair shall be authorized to fill up the vacant alternate position who shall likewise serve the remaining term.

22.2. In case however of a vote of no confidence or disqualification, the RPITF shall conduct first a full investigation of such cause and decide whether the removal is warranted. Upon removal of the setting Sectoral chair, the RPITF shall conduct consultation and appoint the new Sectoral chair from the endorsed candidates of the LPG associations related to the sector.