

Republic of the Philippines
ENERGY REGULATORY COMMISSION
San Miguel Avenue, Pasig City

**IN THE MATTER OF THE
PETITION FOR THE
RECOVERY OF CY 2018
REVENUE SHORTFALL
FROM THE UNIVERSAL
CHARGE FOR MISSIONARY
ELECTRIFICATION (UC-ME)
AND THE CORRESPONDING
ADJUSTMENT OF THE UC-
ME WITH PRAYER FOR THE
ISSUANCE OF PROVISIONAL
AUTHORITY**

ERC CASE NO. 2020-004 RC

**NATIONAL POWER
CORPORATION,
Petitioner.**

Promulgated:
July 10, 2020

X -----X

NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that on 23 January 2020, the National Power Corporation (NPC) filed a *Petition* dated 20 January 2020, seeking the Commission's approval of the recovery of its revenue shortfall for Calendar Year (CY) 2018 from the Universal Charge-Missionary Electrification (UC-ME) and the corresponding adjustment of the UC-ME, with prayer for the issuance of provisional authority.

In its *Petition*, NPC alleged the following pertinent provisions:

1. Petitioner NPC is a government owned and controlled corporation created and existing under Republic Act No. 6395 as amended ("NPC Charter"), with principal address at NPC Office Building Complex, corner Quezon Avenue and BIR Road, Diliman, Quezon City where it may be served

summons and other processes of the Honorable Commission.

2. Pursuant to Section 70 of Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act ("EPIRA"), Petitioner NPC shall remain as a National-Government Owned and Controlled Corporation to perform the Missionary Electrification function through its Small Power Utilities Group (hereafter, "NPC-SPUG") and shall be responsible for providing power generation and its associated power delivery systems in areas that are not connected to the transmission system.
3. Pursuant to Section 4 of Republic Act No. 6395, as amended, and Executive Order No. 86, issued by virtue of the authority granted to the President of the Republic of the Philippines under R. A. 7648, Petitioner NPC is duly authorized to include twelve percent (12%) return on its rate base composed of the sum of its net assets in operation plus two (2) months operating capital in the Revenue Requirement.
4. Petitioner NPC is filing this Petition in its capacity as the implementing agency for Missionary Electrification. Said function shall be funded from the revenue from sales in the missionary areas and from the Universal Charge to be collected from all electricity end-users as determined by the Energy Regulatory Commission (ERC).
5. On 22 August 2011, the Honorable Commission approved and issued Resolution No. 21 Series of 2011 entitled "*Amended Guidelines for the Setting and Approval of Electricity Generation Rates and Subsidies for Missionary Electrification Areas*" providing for the guidelines for the setting and approval of electricity generation rates and subsidies for Missionary Electrification areas, for the fixing of and availment of subsidies for Missionary Electrification areas and Cash Incentives for the Renewable Energy ("RE") Developers for Missionary Electrification from the Universal Charge for Missionary Electrification ("UC-ME").

The said resolution allows for the recovery of the NPC and NPP TCGR as approved by the ERC. In cases where the NPC and the NPP TCGR is higher than the SAGR, then NPC and the NPPs shall be allowed to recover the difference from the Missionary Electrification Subsidy. Further, in the same resolution, it is provided that if after reconciliation of all amounts received against all disbursements made and the result is NPC having surplus funds, as confirmed by this Honorable Commission, the amount corresponding to the surplus shall be deducted from the UCME under the current petition. Otherwise, NPC-SPUG shall be entitled to an increase in the UCME to cover the shortfall which may be brought about by several factors as specified therein (i.e. adjustments due to GRAM and ICERA, adjustment in the NPP TCGR and other analogous cases).

6. On 03 May 2006, the Honorable Commission likewise approved and issued Resolution No. 22 Series of 2006 entitled "*Rules for the Regulation of the Qualified Third Parties Performing Missionary Electrification in Areas Declared Unviable by the Department of Energy*". The resolution mandated NPC to file a quarterly application, if necessary with the ERC to recover any shortfall in the Missionary Electrification subsidy brought about by factors such as: collection shortfall, adjustments in the FCRR and other analogous cases. Also, it is provided therein that "NPC-SPUG shall reconcile all amounts received against all disbursement made for the previous year. If the reconciliation results in NPC having surplus funds, the amount of the ME subsidy for the year shall be adjusted accordingly. Conversely, if the reconciliation results in NPC-SPUG experiencing a deficiency, NPC-SPUG shall be entitled to file an application for an increase in the ME Subsidy to cover the shortfall."
7. NPC is filing this petition pursuant to Rule 20 (A) of the ERC Rules of Practice and Procedure as approved by the Honorable Commission on 22 June 2006 in Resolution No. 38, Series of 2006.

**ABSTRACT OF THE PROPOSED RECOVERY OF THE
SHORTFALL IN THE UC-ME**

8. Reconciliation of Actual UC-ME. The reconciliation covers all amounts received against all disbursement made in CY 2018. NPC utilizes in its calculation the following documents:
 - a. Certified CY 2018 Financial Statements;
 - b. Actual Results of Operation;
 - c. The actual disbursements of UC-ME Subsidy to NPPs and QTPs
9. Total UC-ME Shortfall. Based on the foregoing documents and as a result of the calculations made, the total shortfall that NPC proposes to recover from the UC-ME is equivalent to Five Billion Nine Hundred Eighteen Million Six Hundred Twelve Thousand Three Hundred Ninety-Nine and 05/100 Pesos (Php 5,918,612,399.05) or an equivalent of Po.0591/kWh for twelve (12) months recovery period as summarized in Table 1 below.

Table 1. Summary of Shortfall

| PARTICULARS | TOTAL [A+B+C] | NPC [A] | NPP [B] | QTP [C] |
|--|----------------------------|-------------------------|-------------------------|-----------------------|
| REVENUE REQUIREMENT | 22,293,178,582.79 | 8,571,579,890.29 | 13,484,061,191.78 | 237,537,500.72 |
| LESS: REVENUE FROM SALES | 7,986,555,159.27 | 2,108,279,378.81 | 5,777,974,501.88 | 100,301,278.58 |
| TOTAL REVENUE REQUIREMENT | 14,306,623,423.52 | 6,463,300,511.48 | 7,706,086,689.90 | 137,236,222.14 |
| LESS: ACTUAL 2018 UCME REVENUE (BASIC) | 8,388,011,024.47 | 2,626,828,014.41 | 5,635,141,347.31 | 126,041,662.75 |
| UCME SHORTFALL, PhP | 5,918,612,399.05 | 3,836,472,497.07 | 2,070,945,342.59 | 11,194,559.39 |
| RATE IMPACT, P/kWh | 0.0591 | 0.0383 | 0.0207 | 0.0001 |
| <i>Projected Energy Sales, GWH (12 months)</i> | <i>100,101.50</i> | | | |

10. In the reconciliation, the resulting shortfall in the revenue from UC-ME was calculated based on the following formula:

$$\text{UC-ME True-Up Shortfall} = \text{Total UC-ME Subsidy Requirement} - \text{Approved UC-ME}$$

$$\text{Where: Total UC-ME Subsidy Requirement} = (\text{NPC Revenue Requirement} - \text{Revenue from Sales}) + \text{Subsidy Payment to NPPs and QTPs}$$

11. The Revenue is inclusive of the revenue from sales and the UC-ME subsidy for CY 2018. Whereas the disbursement includes all expenses related to NPC-SPUG's operation and subsidy fees paid to the New Power Providers (NPPs) and Qualified Third Parties (QTPs).
12. In the calculation of the NPC Revenue Requirement, the following accounts and actual costs were considered:
- a. Actual Fuel Costs;
 - b. Other Operating Expenses which includes Personal Services and Maintenance and Other Operating Expenses;
 - c. Depreciation;
 - d. Disbursement on FOREX Fluctuation;
 - e. Rate Base as of December 2018;
 - f. Revenue from Sales
13. The amount of UC-ME Subsidy for NPPs and QTPs were based on the actual disbursements and payment made consistent with the UC-Settlement Agreement (UCSA) between NPC and respective power providers considering their respective ERC-approved Power Supply Agreement (PSA).
14. Twelve (12) months projected Philippine energy sales forecast in GWh under DOE's Power Development Plan (PDP) was used to determine the proposed UC-ME True-up rate in P/kWh.

15. As can be gleaned from Table 1, the CY 2018 actual revenue received from the UC-ME was not sufficient to cover the total UC-ME requirement for NPC, NPPs and QTPs. As such, Petitioner NPC seeks to recover the deficiency pursuant to the rules and guidelines for the UC-ME.
16. The following documents are submitted in support of the proposed recovery of shortfall in the UC-ME:

| | |
|-------------|---|
| Annex "A" | Corporate Secretary's Certificate |
| Annex "B" | Summary of Shortfall and UC-ME True-up Adjustment Calculation |
| Annex "C" | CY 2018 Actual Results of Operations |
| Annex "D" | CY 2018 Certified Income Statement |
| Annex "D-1" | CY 2018 Certified Balance Sheet |
| Annex "E" | Discussion on Revenue Requirement and Rate Base Components |
| Annex "F" | Schedule of CY 2018 Depreciation Expense |
| Annex "G" | Schedule of CY 2018 Fuel Consumption |
| Annex "H" | Schedule of CY 2018 Other Operating Expenses |
| Annex "I" | Schedule of CY 2018 Rate Base |
| Annex "J" | Schedule of CY 2018 Construction Work in Progress |
| Annex "K" | Summary of CY 2018 UC-ME paid to NPPs and QTPs |
| Annex "L" | Projected Philippine Energy Sales |
| Annex "M" | Proof of Receipt by the Local Government Offices |

RATE IMPLICATIONS OF THE PROPOSED RECOVERY OF UCME SHORTFALL

17. Under the foregoing premises, the recovery of Five Billion Nine Hundred Eighteen Million Six Hundred Twelve Thousand Three Hundred Ninety-Nine and 05/100 Pesos (Php5,918,612,399.05) or an equivalent monthly rate impact of P0.0591/kWh is proposed to be collected from the

nationwide electricity end-consumers within a period of twelve (12) months.

18. The proposed recovery of the shortfall for twelve (12) months would be reasonable and timely for NPC to augment its financial requirements and to provide up to date recovery and adjustment of the ensuing years' subsidy requirements.
19. The implementation of the proposed recovery period is presumed to be after the all the pending True-up applications with Provisional Authority has been fully recovered.

**ALLEGATIONS IN SUPPORT OF THE PRAYER FOR
PROVISIONAL AUTHORITY**

20. Petitioner NPC repleads the foregoing allegations and further states:
21. The recovery by NPC of only a portion of its costs of generation through the Subsidized Approved Generation Rate (SAGR), is not reflective of the TCGR or the Revenue Requirement in the island grid. It is only 48% of the total fuel cost for CY 2018. Details of the difference between Petitioner NPC's actual revenue from sales against the actual fuel costs for CY 2018 is shown below in Table 2.

Table 2. Actual Fuel Costs vis-à-vis Revenue from Sales

| PARTICULARS | AMOUNT | PERCENTAGE |
|----------------------------------|-------------------------|-------------|
| Actual Fuel Cost | 4,388,500,183.47 | 100% |
| Average, P/kWh | 10.6285 | |
| Actual Revenue From Sales | 2,108,279,378.76 | 48% |
| Average, P/kWh | 5.1060 | |
| Difference | 2,280,220,804.71 | 52% |
| P/kWh | 5.5224 | |
| Actual Energy Sales, kWh | 412,900,699.94 | |

22. The amount proposed for recovery is already an incurred cost of NPC and within the reasonable cost of servicing the consumers in the missionary areas considering the nature of operation and level of demand in the off-grid areas.
23. ERC already approved the UC-ME True-up Petitions for CY 2003 to 2009, CY 2010 and CY 2011 under ERC Case Nos. 2011-074RC, 2012-046RC and 2012-085RC respectively. The shortfall for CY 2012 True-up Petition was recovered under the provisional authority granted by the Commission on ERC Case No. 2014-135RC as well as for CY 2013, CY 2014 and CY 2015 pending ERC resolution/decision of the said case.

24. NPC also filed with the Honorable Commission the excess Basic UC-ME for CY 2016 under ERC Case No. 2019-004 RC amounting to (Php1,483,845,466.76) with an equivalent rate of (Php0.0162/kwh). In the said petition, NPC proposes to offset the excess amount under the existing Provisional Authority either against the unrecovered amount of the CY 2019 Basic UCME Petition or from the CY 2012, 2013, 2014 and 2015 True-up petitions.
25. Likewise, the CY 2017 UC-ME True-up petition was also filed before the Honorable Commission on October 28, 2019 under ERC Case No. 2019-084 RC where NPC proposes the recovery of the shortfall amounting to Php849,455,932.62 or Php0.0381/kwh for three (3) months consistent with the provisionally approved rate under ERC Case No. 2014-135 RC where the CY 2010 True-up recovery of Php0.0381/kwh was extended until revoked or made permanent by the Commission.
26. Petitioner NPC will recover from the UC-ME the amount of Php5,918,612,399.05 once the proposed UC-ME adjustment rate and spreads will be immediately approved provisionally by ERC as filed.
27. An additional funding through the approval of this Petition will ensure an uninterrupted electricity supply as this would fully augment the funding requirements given the increasing demand for energy in line with the government's thrust of economic development in the off-grid areas.
28. The issuance of a provisional authority is authorized under Section 3 Rule 14 of the Rules of Practice and Procedure. Likewise, the authority of the Honorable Commission to issue a provisional authority is confirmed by the Supreme Court in the case of Freedom from Debt Coalition, et. al. vs. ERC, et. al.,¹ when it held that "the power to approve provisional rate increases is included among the powers transferred to the ERC by virtue of Section 44 since the grant of that authority is not inconsistent with the EPIRA; rather, it is in full harmony with the thrust of the law which is to strengthen the ERC as the new regulatory body."
29. Petitioner NPC is thus imploring the kind consideration of this Honorable Commission and respectfully prays for the issuance of a provisional authority under the foregoing premises.

COMPLIANCE

30. In support of this petition and in compliance with Rule 6 of the ERC Rules of Practice and Procedures under ERC Resolution No. 38, Series of 2006 as well as Section 4(e)

¹ G.R. No. 161113, 15 June 2004;

Rule 3 of the EPIRA Implementing Rules and Regulations, Petitioner NPC attaches and submits the following:

- a. Proof of service of this Petition to the Legislative Bodies of the Local Government Units where NPC principally operate, attached in the application;
- b. Affidavit of Publication attached in the application.
- c. Proof of Publication of the Petition once in a newspaper of general circulation attached in the application.

PRAYER

WHEREFORE, premises considered, Petitioner National Power Corporation respectfully prays that:

- a. Pending the hearing on the merits, an Order be issued granting PROVISIONAL APPROVAL to the proposed UC-ME True-up for CY 2018 amounting to Five Billion Nine Hundred Eighteen Million Six Hundred Twelve Thousand Three Hundred Ninety-Nine and 05/100 Pesos (PhP5,918,612,399.05) or equivalent rate of PhPo.0591/kWh.
- b. After the hearing on the merits, the instant petition be GRANTED by the Honorable Commission.

Other reliefs, just and equitable, are likewise prayed for.

In the *Order* dated 03 February 2020, the Commission has set the instant *Petition* for the determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on the following dates:

| Date and Time | Venue | Hearing Coverage |
|---|---|--|
| 15 April 2020 (Wednesday), at two o'clock in the afternoon (2:00 PM) | ERC Hearing Room 15 th Floor, Pacific Center Bldg. San Miguel Ave. Pasig City | Jurisdictional and Expository Presentation for Luzon Stakeholders |
| 23 April 2020 (Thursday), at nine o'clock in the morning (9:00 AM) | ERC Visayas Area Division (VAOD) St. Mary's Drive Banilad, Cebu City | Expository Presentation for Visayas Stakeholders |
| 30 April 2020 (Thursday), | ERC Mindanao Area Operations | Expository Presentation for |

| Date and Time | Venue | Hearing Coverage |
|--|---|---|
| at nine o'clock in the morning (9:00 AM) | Division (MAOD) Mintrade Bldg. Monteverde Ave. cor. Sales St. Davao City | Mindanao Stakeholders |
| 06 May 2020 (Wednesday), at ten o'clock in the morning (10:00 AM) | ERC Hearing Room 15 th Floor, Pacific Center Bldg. San Miguel Ave. Pasig City | Pre-trial Conference and Presentation of Evidence |

However, due to the extension of the Enhanced Community Quarantine (ECQ) over the entire Luzon², where a strict work from home arrangement is being implemented in the Executive Branch³, all hearings scheduled during the ECQ period have been cancelled.

IN VIEW OF THE FOREGOING, the series of hearings for the instant *Petition* pursuant to the *Order* dated 03 February 2020 were **CANCELLED**.

RELATIVE THERETO, the Commission hereby reset the hearing of the instant *Petition* on the following dates for the determination of compliance with the jurisdictional requirements, expository presentation, pre-trial conference, and presentation of evidence:

| Date and Time | Venue | Hearing Coverage |
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| 30 September 2020 (Wednesday), at nine o'clock in the morning (9:00 AM) | ERC Hearing Room 15th Floor, Pacific Center Bldg. San Miguel Ave. Pasig City | Jurisdictional and Expository Presentation for Luzon Stakeholders |
| 08 October 2020 (Thursday), at two o'clock in the afternoon (2:00 PM) | ERC Visayas Area Operations Division (VAOD) St. Mary's Drive Banilad, Cebu City | Expository Presentation for Visayas Stakeholders |

² Memorandum from the Executive Secretary dated 07 April 2020 (Extension of the Enhanced Community Quarantine Over the Entire Luzon until 30 April 2020).

³ Memorandum from the Executive Secretary dated 16 March 2020 (Community Quarantine Over the Entire Luzon).

| Date and Time | Venue | Hearing Coverage |
|---|--|--|
| 15 October 2020 (Thursday), at two o'clock in the afternoon (2:00 PM) | ERC Mindanao Area Operations Division (MAOD) Mintrade Bldg. Monteverde Ave. cor. Sales St. Davao City | Expository Presentation for Mindanao Stakeholders |
| 21 October 2020 (Wednesday), at two o'clock in the afternoon (2:00 PM) | ERC Hearing Room 15th Floor, Pacific Center Bldg. San Miguel Ave. Pasig City | Pre-trial Conference and Presentation of Evidence |

All persons who have an interest in the subject matter of the instant case may become a party by filing with the Commission a verified Petition to Intervene at least five (5) days prior to the initial hearing and subject to the requirements under Rule 9 of the 2006 ERC Rules of Practice and Procedure, indicating therein the docket number and title of the case and stating the following:

- 1) The petitioner's name and address;
- 2) The nature of petitioner's interest in the subject matter of the proceeding and the way and manner in which such interest is affected by the issues involved in the proceeding; and
- 3) A statement of the relief desired.

All other persons who may want their views known to the Commission with respect to the subject matter of the case may file their Opposition or Comment thereon at any stage of the proceeding before Petitioner rests its case, subject to the requirements under Rule 9 of the 2006 ERC Rules of Practice and Procedure. No particular form of Opposition or Comment is required, but the document, letter, or writing should contain the following:

- 1) The name and address of such person;
- 2) A concise statement of the Opposition or Comment; and

3) The grounds relied upon.

All such persons who wish to have a copy of the *Petition* may request from the Petitioner that they be furnished with the same, prior to the date of the initial hearing. Petitioner is hereby directed to furnish all those making such request with copies of the *Petition* and its attachments, subject to the reimbursement of reasonable photocopying costs. Any such person may likewise examine the *Petition* and other pertinent records filed with the Commission during the standard office hours.

Finally, to contain the spread and transmission of the coronavirus disease 2019 (COVID-19), NPC is directed to implement the health protocols and community quarantine guidelines required to be observed. Moreover, NPC and all those who have signified their intention to appear as Oppositor or Intervenor, are highly encouraged to send only one (1) authorized representative each.

WITNESS, the Honorable Commissioners **ALEXIS M. LUMBATAN**, **CATHERINE P. MACEDA**, and **PAUL CHRISTIAN M. CERVANTES** Energy Regulatory Commission, this 3rd day of July 2020 in Pasig City.


AGNES YST DEVANADERA
Chairperson and CEO



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CRC/LSP/MCCG nph.2020-004 RC NPC UCME-sf

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ENERGY REGULATORY COMMISSION
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ERC CASE NO. 2020-004 RC

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Promulgated:
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ORDER

On 23 January 2020, the National Power Corporation (NPC) filed a *Petition* dated 20 January 2020, seeking the Commission's approval of the recovery of its revenue shortfall for Calendar Year (CY) 2018 from the Universal Charge-Missionary Electrification (UC-ME) and the corresponding adjustment of the UC-ME, with prayer for the issuance of provisional authority.

In the *Order* dated 03 February 2020, the Commission has set the instant *Petition* for the determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on the following dates:

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However, due to the Enhanced Community Quarantine (ECQ) over the entire Luzon¹ where a strict work from home arrangement is being implemented in the Executive Branch², all hearings scheduled during the ECQ period have been cancelled.

IN VIEW OF THE FOREGOING, the series of hearings for the instant *Petition* pursuant to the *Order* dated 03 February 2020 were **CANCELLED**.

RELATIVE THERETO, the Commission hereby reset the hearing of the instant *Petition* on the following dates for the determination of compliance with the jurisdictional requirements, expository presentation, pre-trial conference, and presentation of evidence:

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¹ Memorandum from the Executive Secretary dated 07 April 2020 (Extension of the Enhanced Community Quarantine Over the Entire Luzon until 30 April 2020).

² Memorandum from the Executive Secretary dated 16 March 2020 (Community Quarantine Over the Entire Luzon).

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| 21 October 2020 (Wednesday), at two o'clock in the afternoon (2:00 PM) | ERC Hearing Room 15 th Floor, Pacific Center Bldg. San Miguel Ave. Pasig City | Pre-trial Conference and Presentation of Evidence |

In the event that the NPC has already completed the publication and posting of notice requirements pursuant to the *Order* dated 03 February 2020, it is hereby **DIRECTED** to submit, **within ten (10) days** from receipt of this *Order*, its *Compliance*, subject to the Commission's verification. Relative to the new scheduled hearing of instant *Petition*, NPC is hereby **DIRECTED** to serve, by any mode of delivery, the copies of this *Order* and the attached *Notice of Public Hearing*, to the following offices in order that they may be informed of the new scheduled hearing:

- 1) Offices of the Provincial Governors, the City and Municipal Mayors, and the Local Government Unit (LGU) legislative bodies covered by the franchise area of the distribution utilities where the National Power Corporation-Small Power Utilities Group (NPC-SPUG) operates; and

- 2) Office of the Solicitor General (OSG), the Commission on Audit (COA), and the Committees on Energy of both Houses of Congress.

Likewise, NPC is hereby directed to inform the consumers within the affected areas, by any other means available and appropriate, of the new scheduled hearing of instant *Petition*.

Thereafter, on the date of the scheduled hearing, NPC must submit to the Commission its written compliance of the aforementioned directives by attaching therewith methodically arranged and duly marked the following:

- 1) Proof of service of the *Order* and the attached *Notice of Public Hearing* to the aforementioned Governors, Mayors, and LGU legislative bodies;
- 2) Proof of service of the copies of this *Order* and the attached *Notice of Public Hearing* to the OSG, COA, and the Committees on Energy of both Houses of Congress; and
- 3) The evidence of other means employed by NPC to inform the consumers within the affected areas of the new scheduled hearing of the instant *Petition*.

In the event that NPC has not completed the publication and posting of notice requirements pursuant to the *Order* dated 03 February 2020, NPC is hereby directed anew to:

- 1) Cause the publication of the attached *Notice of Public Hearing* in two (2) newspapers of nationwide circulation in the Philippines at its own expense, twice (2x) within two (2) successive weeks, the dates of publication not being less than seven (7) days apart and the date of the last publication to be made not later than ten (10) days before the date of the new scheduled hearing;
- 2) Furnish with copies of this *Order* and the attached *Notice of Public Hearing*, the Offices of the Provincial Governors, the City and Municipal Mayors, and the Local Government Unit (LGU) legislative bodies covered by the franchise area of the distribution utilities where the National Power Corporation-Small Power Utilities Group

(NPC-SPUG) operates for the appropriate posting thereof on their respective bulletin boards;

- 3) Inform of the filing of the *Petition*, its reasons therefor, and of the new scheduled hearing thereon, the consumers within the affected franchise area, by any other means available and appropriate;
- 4) Furnish with copies of this *Order* and the attached *Notice of Public Hearing*, the OSG, the COA, and the Committees on Energy of both Houses of Congress. They are hereby requested, if they so desire to send their duly authorized representatives at the scheduled hearings; and
- 5) Furnish with copies of the *Petition* and its attachments all those making requests therefor, subject to reimbursement of reasonable photocopying costs.

On the date of the new scheduled hearing, NPC must submit to the Commission its written compliance with the aforementioned jurisdictional requirements attaching therewith, methodically arranged and duly marked the following:

- 1) The evidence of publication of the attached *Notice of Public Hearing* consisting of affidavits of the Editors or Business Managers of the newspapers where the said *Notice of Public Hearing* was published, and the complete issues of the said newspapers;
- 2) The evidence of actual posting of this *Order* and the attached *Notice of Public Hearing* consisting of certifications issued to that effect, signed by the aforementioned Governors, Mayors, and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by NPC to inform of the filing of the *Petition*, its reasons therefore, and of the new scheduled hearings thereon, the consumers within the affected areas;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Public Hearing* by the OSG, COA, and the Committees on Energy of both Houses of Congress;

- 5) The evidence of receipt of copies of the *Petition* and its attachments by all those making requests therefor, if any; and
- 6) Such other proofs of compliance with the requirements of the Commission.

NPC and all interested parties are also required to submit, at least five (5) days before the date of initial hearing and Pre-Trial Conference, their respective Pre-Trial Briefs containing, among others:

- 1) A summary of admitted facts and proposed stipulation of facts;
- 2) The issues to be tried or resolved;
- 3) The documents or exhibits to be presented, stating the purposes and proposed markings therefore; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-trial Brief.

Failure of NPC to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearing, and the resetting of which shall be six (6) months from the said date of cancellation.


NPC must also be prepared to make an expository presentation of the instant *Petition*, aided by whatever communication medium that it may deem appropriate for the purpose, in order to put in plain words and explain, for the benefit of the consumers and other concerned parties, the nature of the *Petition* with relevant information and pertinent details substantiating the reasons and justification being cited in support thereof.


Finally, to contain the spread and transmission of the coronavirus disease 2019 (COVID-19), NPC is directed to implement the health protocols and community quarantine guidelines required to be observed. Moreover, NPC and all those who have signified their intention to appear as Oppositor or Intervenor, are highly encouraged to send only one (1) authorized representative each.

SO ORDERED.

Pasig City, 03 July 2020.

FOR AND BY AUTHORITY
OF THE COMMISSION:


AGNES VST DEVANADERA
Chairperson and CEO


CRC/LSP/MCCG nph.2020-04 RC NPC shortfall UCME



ERC CASE NO. 2020-004 RC
ORDER/03 July 2020
PAGE 8 OF 29

Copy Furnished:

1. National Power Corporation
Office of the General Counsel, National Power Corporation
BIR Road cor. Quezon Avenue
Diliman, Quezon City
2. Atty. Melchor P. Ridulme, Atty. Delfin L. Buenafe II,
Atty. May Rose C. Pintor, Atty. Diwa Rafael B. Bontuyan
Counsels for National Power Corporation
Office of the General Counsel, National Power Corporation
BIR Road cor. Quezon Avenue
Diliman, Quezon City
Tel. No. 02-921-9670
3. Office of the Solicitor General (OSG)
134 Amorsolo Street, Legaspi Village
Makati City, Metro Manila
4. Commission on Audit (COA)
Commonwealth Avenue
Quezon City, Metro Manila
5. Senate Committee on Energy
GSIS Bldg. Roxas Blvd., Pasay City
Metro Manila
6. House of Representatives Committee on Energy
Batasan Hills, Quezon City, Metro Manila
7. Philippine Chamber of Commerce and Industry (PCCI)
3rd Floor, Chamber and Industry Plaza (CIP)1030 Campus Avenue
corner Park Avenue, McKinley Town Center, Fort Bonifacio, Taguig City
8. Regulatory Operation Service
17 Floor Pacific Center Bldg.
San Miguel Avenue, Pasig City
9. Office of the City Mayor
Quezon City
10. National Electrification Administration
NEA Building, NIA Road, Government Center,
Diliman, Quezon City, Philippines 1001
11. All Electric Cooperatives
12. All Private Distribution Utilities
13. Sangguniang Panlungsod ng Quezon
Quezon City
14. Provincial Governor
Bulacan
15. Sangguniang Panlalawigan ng Bulacan
Bulacan
16. Office of the City Mayor
Cebu City
17. Sangguniang Panlungsod ng Cebu
Cebu City
18. Office of the City Mayor
Davao City

ERC CASE NO. 2020-004 RC
ORDER/03 July 2020
PAGE 9 OF 29

19. Sangguniang Panlungsod ng Davao
Davao City
20. Office of the City Mayor
Zamboanga City
21. Sangguniang Panlungsod ng Zamboanga
Zamboanga City
22. Provincial Governor
Batanes
23. Sangguniang Panlalawigan ng Batanes
Batanes
24. Office of the Municipal Mayor
Basco, Batanes
25. Sangguniang Bayan ng Basco
Basco, Batanes
26. Office of the Municipal Mayor
Itbayat, Batanes
27. Sangguniang Bayan ng Itbayat
Itbayat, Batanes
28. Office of the Municipal Mayor
Sabtang, Batanes
29. Sangguniang Bayan ng Sabtang
Sabtang, Batanes
30. Office of the Municipal Mayor
Mahatao, Batanes
31. Sangguniang Bayan ng Mahatao
Mahatao, Batanes
32. Office of the Municipal Mayor
Ivana, Batanes
33. Office of the Municipal Mayor
Uyugan, Batanes
34. Sangguniang Bayan ng Ivana
Ivana, Batanes
35. Provincial Governor
Cagayan
36. Sangguniang Panlalawigan ng Cagayan
Cagayan
37. Office of the Municipal Mayor
Calayan, Cagayan
38. Sangguniang Bayan ng Calayan
Calayan, Cagayan
39. Provincial Governor
Apayao
40. Sangguniang Panlalawigan ng Apayao
Apayao

41. Office of the Municipal Mayor
Kabugao, Apayao
42. Sangguniang Bayan ng Kabugao
Kabugao, Apayao
43. Provincial Governor
Kalinga
44. Sangguniang Panlalawigan ng Kalinga
Kalinga
45. Office of the Municipal Mayor
Lubuagan, Kalinga
46. Sangguniang Bayan, Lubuagan
Lubuagan, Kalinga
47. Provincial Governor
Isabela
48. Sangguniang Panlalawigan ng Isabela
Isabela
49. Office of the Municipal Mayor
Palanan, Isabela
50. Sangguniang Bayan, Palanan
Palanan, Isabela
51. Office of the Municipal Mayor
Maconacon, Isabela
52. Sangguniang Bayan, Maconacon
Maconacon, Isabela
53. Office of the Municipal Mayor
Dinapigue, Isabela
54. Sangguniang Bayan, Dinapigue
Dinapigue, Isabela
55. Provincial Governor
Aurora
56. Sangguniang Panlalawigan ng Aurora
Aurora
57. Office of the Municipal Mayor
Casiguran, Aurora
58. Sangguniang Bayan Casiguran
Casiguran, Aurora
59. Office of the Municipal Mayor
Dingalan, Aurora
60. Sangguniang Bayan Dingalan
Dingalan, Aurora
61. Office of the Municipal Mayor
Dilasag, Aurora
62. Sangguniang Bayan Dilasag
Dilasag, Aurora

63. Office of the Municipal Mayor
Dinalungan, Aurora
64. Sangguniang Bayan Dinalungan
Dinalungan, Aurora
65. Provincial Governor
Quezon
66. Sangguniang Panlalawigan ng Quezon
Quezon
67. Office of the Municipal Mayor
Jomalig, Quezon
68. Sangguniang Bayan Jomalig
Jomalig, Quezon
69. Office of the Municipal Mayor
Patnanungan, Quezon
70. Sangguniang Bayan Patnanungan
Patnanungan, Quezon
71. Office of the Municipal Mayor
Polilio, Quezon
72. Sangguniang Bayan Polilo
Polilio, Quezon
73. Provincial Governor
Batangas
74. Sangguniang Panlalwigan ng Batangas
Batangas
75. Office of the Municipal Mayor
Tingloy, Batangas
76. Sangguniang Bayan Tingloy
Tingloy, Batangas
77. Provincial Governor
Marinduque
78. Sangguniang Panlalwigan ng Marinduque
Marinduque
79. Office of the Municipal Mayor
Boac, Marinduque
80. Sangguniang Bayan Boac
Boac, Marinduque
81. Office of the Municipal Mayor
Mogpog, Marinduque
82. Sangguniang Bayan Mogpog
Mogpog, Marinduque
83. Office of the Municipal Mayor
Santa Cruz, Marinduque
84. Sangguniang Bayan Santa Cruz
Santa Cruz, Marinduque

85. Office of the Municipal Mayor
Torrijos, Marinduque
86. Sangguniang Bayan Torrijos
Torrijos, Marinduque
87. Office of the Municipal Mayor
Buenavista, Marinduque
88. Sangguniang Bayan Buenavista
Buenavista, Marinduque
89. Office of the Municipal Mayor
Gasan, Marinduque
90. Sangguniang Bayan Gasan
Gasan, Marinduque
91. Provincial Governor
Occidental Mindoro
92. Sangguniang Panlalawigan ng Occidental Mindoro
Occidental Mindoro
93. Office of the City Mayor
Lubang City, Occidental Mindoro
94. Sangguniang Panlungsod Lubang
Lubang City, Occidental Mindoro
95. Office of the Municipal Mayor
Mamburao, Occidental Mindoro
96. Sangguniang Bayan Mamburao
Mamburao, Occidental Mindoro
97. Office of the Municipal Mayor
Paluan, Occidental Mindoro
98. Sangguniang Bayan Paluan
Paluan, Occidental Mindoro
99. Office of the Municipal Mayor
San Jose, Occidental Mindoro
100. Sangguniang Bayan San Jose
San Jose, Occidental Mindoro
101. Office of the Municipal Mayor
Abra de Ilog, Occidental Mindoro
102. Sangguniang Bayan Abra de Ilog
Abra de Ilog, Occidental Mindoro
103. Office of the Municipal Mayor
Calintaan, Occidental Mindoro
104. Sangguniang Bayan Calintaan
Calintaan, Occidental Mindoro
105. Office of the Municipal Mayor
Looc, Occidental Mindoro
106. Sangguniang Bayan Looc
Looc, Occidental Mindoro

107. Office of the Municipal Mayor
Magsaysay, Occidental Mindoro
108. Sangguniang Bayan Magsaysay
Magsaysay, Occidental Mindoro
109. Office of the Municipal Mayor
Rizal, Occidental Mindoro
110. Sangguniang Bayan Rizal
Rizal, Occidental Mindoro
111. Office of the Municipal Mayor
Sablayan, Occidental Mindoro
112. Sangguniang Bayan Sablayan
Sablayan, Occidental Mindoro
113. Office of the Municipal Mayor
Sta. Cruz, Occidental Mindoro
114. Sangguniang Bayan Sta. Cruz
Sta. Cruz, Occidental Mindoro
115. Provincial Governor
Oriental Mindoro
116. Sangguniang Panlalawigan ng Oriental Mindoro
Oriental Mindoro
117. Office of the City Mayor
Calapan City, Oriental Mindoro
118. Sangguniang Panlungsod Calapan
Calapan City, Oriental Mindoro
119. Office of the Municipal Mayor
Baco, Oriental Mindoro
120. Sangguniang Bayan Baco
Baco, Oriental Mindoro
121. Office of the Municipal Mayor
San Teodoro, Oriental Mindoro
122. Sangguniang Bayan San Teodoro
San Teodoro, Oriental Mindoro
123. Office of the Municipal Mayor
Puerto Galera, Oriental Mindoro
124. Sangguniang Bayan Puerto Galera
Puerto Galera, Oriental Mindoro
125. Office of the Municipal Mayor
Naujan, Oriental Mindoro
126. Sangguniang Bayan Naujan
Naujan, Oriental Mindoro
127. Office of the Municipal Mayor
Victoria, Oriental Mindoro
128. Sangguniang Bayan Victoria
Victoria, Oriental Mindoro

ERC CASE NO. 2020-004 RC
ORDER/03 July 2020
PAGE 14 OF 29

129. Office of the Municipal Mayor
Socorro, Oriental Mindoro
130. Sangguniang Bayan Socorro
Socorro, Oriental Mindoro
131. Office of the Municipal Mayor
Pola, Oriental Mindoro
132. Sangguniang Bayan Pola
Pola, Oriental Mindoro
133. Office of the Municipal Mayor
Pinamalayan, Oriental Mindoro
134. Sangguniang Bayan Pinamalayan
Pinamalayan, Oriental Mindoro
135. Office of the Municipal Mayor
Gloria, Oriental Mindoro
136. Sangguniang Bayan Gloria
Gloria, Oriental Mindoro
137. Office of the Municipal Mayor
Bansud, Oriental Mindoro
138. Sangguniang Bayan Bansud
Bansud, Oriental Mindoro
139. Office of the Municipal Mayor
Bongabong, Oriental Mindoro
140. Sangguniang Bayan Bongabong
Bongabong, Oriental Mindoro
141. Office of the Municipal Mayor
Roxas, Oriental Mindoro
142. Sangguniang Bayan Roxas
Roxas, Oriental Mindoro
143. Office of the Municipal Mayor
Mansalay, Oriental Mindoro
144. Sangguniang Bayan Mansalay
Mansalay, Oriental Mindoro
145. Office of the Municipal Mayor
Bulalacao, Oriental Mindoro
146. Sangguniang Bayan Bulalacao
Bulalacao, Oriental Mindoro
147. Provincial Governor
Palawan
148. Sangguniang Panlalawigan ng Palawan
Palawan
149. Office of the City Mayor
Puerto Prinsesa City, Palawan
150. Sangguniang Panlungsod ng Puerto Prinsesa
Puerto Prinsesa City, Palawan

151. Office of the Municipal Mayor
Agulaya, Palawan
152. Sangguniang Bayan Agulaya
Agulaya, Palawan
153. Office of the Municipal Mayor
Araceli, Palawan
154. Sangguniang Bayan Araceli
Araceli, Palawan
155. Office of the Municipal Mayor
Batabac, Palawan
156. Sangguniang Bayan Batabac
Batabac, Palawan
157. Office of the Municipal Mayor
Busuanga, Palawan
158. Sangguniang Bayan Busuanga
Busuanga, Palawan
159. Office of the Municipal Mayor
Coron, Palawan
160. Sangguniang Bayan Coron
Coron, Palawan
161. Office of the Municipal Mayor
Cagayancillo, Palawan
162. Sangguniang Bayan Cagayancillo
Cagayancillo, Palawan
163. Office of the Municipal Mayor
Cullion, Palawan
164. Sangguniang Bayan Cullion
Cullion, Palawan
165. Office of the Municipal Mayor
Cuyo, Palawan
166. Sangguniang Bayan Cuyo
Cuyo, Palawan
167. Office of the Municipal Mayor
El Nido, Palawan
168. Sangguniang Bayan El Nido
El Nido, Palawan
169. Office of the Municipal Mayor
Linapacan, Palawan
170. Sangguniang Bayan Linapacan
Linapacan, Palawan
171. Office of the Municipal Mayor
Magsaysay, Palawan
172. Sangguniang Bayan Magsaysay
Magsaysay, Palawan

ERC CASE NO. 2020-004 RC
ORDER/03 July 2020
PAGE 16 OF 29

173. Office of the Municipal Mayor
Narra, Palawan
174. Sangguniang Bayan Narra
Narra, Palawan
175. Office of the Municipal Mayor
Rizal, Palawan
176. Sangguniang Bayan Rizal
Rizal, Palawan
177. Office of the Municipal Mayor
Roxas, Palawan
178. Sangguniang Bayan Roxas
Roxas, Palawan
179. Office of the Municipal Mayor
San Vicente, Palawan
180. Sangguniang Bayan San Vicente
San Vicente, Palawan
181. Office of the Municipal Mayor
Taytay, Palawan
182. Sangguniang Bayan Taytay
Taytay, Palawan
183. Office of the Municipal Mayor
Aborlan, Palawan
184. Sangguniang Bayan Aborlan
Aborlan, Palawan
185. Office of the Municipal Mayor
Brooke's Point, Palawan
186. Sangguniang Bayan Brooke's Point
Brooke's Point, Palawan
187. Office of the Municipal Mayor
Española, Palawan
188. Sangguniang Bayan Española
Española, Palawan
189. Office of the Municipal Mayor
Quezon, Palawan
190. Sangguniang Bayan Quezon
Quezon, Palawan
191. Office of the Municipal Mayor
Bataraza, Palawan
192. Sangguniang Bayan Bataraza
Bataraza, Palawan
193. Office of the Municipal Mayor
Dumaran, Palawan
194. Sangguniang Bayan Dumaran
Dumaran, Palawan

195. Provincial Governor
Romblon
196. Sangguniang Panlalawigan ng Romblon
Romblon
197. Office of the Municipal Mayor
Banton, Romblon
198. Sangguniang Bayan ng Banton
Banton, Romblon
199. Office of the Municipal Mayor
Concepcion, Romblon
200. Sangguniang Bayan ng Concepcion
Concepcion, Romblon
201. Office of the Municipal Mayor
Corcuera, Romblon
202. Sangguniang Bayan ng Corcuera
Corcuera, Romblon
203. Office of the Municipal Mayor
Odiongan, Romblon
204. Sangguniang Bayan ng Odiongan
Odiongan, Romblon
205. Office of the City Mayor
Romblon City, Romblon
206. Sangguniang Panlungsod ng Romblon
Romblon City, Romblon
207. Office of the Municipal Mayor
San Fernando, Romblon
208. Sangguniang Bayan ng San Fernando
San Fernando, Romblon
209. Office of the Municipal Mayor
San Jose, Romblon
210. Sangguniang Bayan ng San Jose
San Jose, Romblon
211. Office of the Municipal Mayor
Alcantara, Romblon
212. Sangguniang Bayan ng Alcantara
Alcantara, Romblon
213. Office of the Municipal Mayor
Calatrava, Romblon
214. Sangguniang Bayan ng Calatrava
Calatrava, Romblon
215. Office of the Municipal Mayor
Ferrol, Romblon
216. Sangguniang Bayan ng Ferrol
Ferrol, Romblon
217. Office of the Municipal Mayor
Looc, Romblon

218. Sangguniang Bayan ng Looc
Looc, Romblon
219. Office of the Municipal Mayor
San Agustin, Romblon
220. Sangguniang Bayan ng San Agustin
San Agustin, Romblon
221. Office of the Municipal Mayor
San Andres, Romblon
222. Sangguniang Bayan ng San Andres
San Andres, Romblon
223. Office of the Municipal Mayor
Santa Fe, Romblon
224. Sangguniang Bayan ng Santa Fe
Santa Fe, Romblon
225. Office of the Municipal Mayor
Sta. Maria (Imelda), Romblon
226. Sangguniang Bayan ng Sta. Maria (Imelda)
Sta. Maria (Imelda), Romblon
227. Office of the Municipal Mayor
Magdiwang, Romblon
228. Sangguniang Bayan ng Magdiwang
Magdiwang, Romblon
229. Office of the Municipal Mayor
Cadidiocan, Romblon
230. Sangguniang Bayan ng Cadidiocan
Cadidiocan, Romblon
231. Provincial Governor
Camarines Sur
232. Sangguniang Panlalawigan ng Camarines Sur
Camarines Sur
233. Office of the Municipal Mayor
Caramoan, Camarines Sur
234. Sangguniang Bayan ng Caramoan
Caramoan, Camarines Sur
235. Office of the Municipal Mayor
Garchitorena, Camarines Sur
236. Sangguniang Bayan ng Garchitorena
Garchitorena, Camarines Sur
237. Office of the Municipal Mayor
Sagnay, Camarines Sur
238. Sangguniang Bayan ng Sagnay
Sagnay, Camarines Sur
239. Provincial Governor
Catanduanes

ERC CASE NO. 2020-004 RC
ORDER/03 July 2020
PAGE 19 OF 29

240. Sangguniang Panlalawigan ng Catanduanes
Catanduanes
241. Office of the Municipal Mayor
Bato, Catanduanes
242. Sangguniang Bayan ng Bato
Bato, Catanduanes
243. Office of the Municipal Mayor
Caramoran, Catanduanes
244. Sangguniang Bayan ng Caramoran
Caramoran, Catanduanes
245. Office of the Municipal Mayor
Viga, Catanduanes
246. Sangguniang Bayan ng Viga
Viga, Catanduanes
247. Office of the Municipal Mayor
Pandan, Catanduanes
248. Sangguniang Bayan ng Pandan
Pandan, Catanduanes
249. Office of the Municipal Mayor
Bagamanoc, Catanduanes
250. Sangguniang Bayan ng Bagamanoc
Bagamanoc, Catanduanes
251. Office of the Municipal Mayor
Panganiban (Payo), Catanduanes
252. Sangguniang Bayan ng Panganiban (Payo)
Panganiban (Payo), Catanduanes
253. Office of the Municipal Mayor
Gigmoto, Catanduanes
254. Sangguniang Bayan ng Gigmoto
Gigmoto, Catanduanes
255. Office of the Municipal Mayor
San Miguel, Catanduanes
256. Sangguniang Bayan ng San Miguel
San Miguel, Catanduanes
257. Office of the Municipal Mayor
San Miguel, Catanduanes
258. Sangguniang Bayan ng San Miguel
San Miguel, Catanduanes
259. Office of the Municipal Mayor
San Andres, Catanduanes
260. Sangguniang Bayan ng San Andres
San Andres, Catanduanes
261. Office of the Municipal Mayor
Virac, Catanduanes

ERC CASE NO. 2020-004 RC
ORDER/03 July 2020
PAGE 20 OF 29

262. Sangguniang Bayan ng Virac
Virac, Catanduanes
263. Office of the Municipal Mayor
Baras, Catanduanes
264. Sangguniang Bayan ng Baras
Baras, Catanduanes
265. Provincial Governor
Albay
266. Sangguniang Panlalawigan ng Albay
Albay
267. Office of the Municipal Mayor
Rapu-rapu, Albay
268. Sangguniang Bayan ng Rapu-rapu
Rapu-rapu, Albay
269. Provincial Governor
Masbate
270. Sangguniang Panlalawigan ng Masbate
Masbate
271. Office of the Municipal Mayor
Aroroy, Masbate
272. Sangguniang Bayan ng Aroroy
Aroroy, Masbate
273. Office of the Municipal Mayor
Baleno, Masbate
274. Sangguniang Bayan ng Baleno
Baleno, Masbate
275. Office of the Municipal Mayor
Balud, Masbate
276. Sangguniang Bayan ng Balud
Balud, Masbate
277. Office of the Municipal Mayor
Batuan, Masbate
278. Sangguniang Bayan ng Batuan
Batuan, Masbate
279. Office of the Municipal Mayor
Cataingan, Masbate
280. Sangguniang Bayan ng Cataingan
Cataingan, Masbate
281. Office of the Municipal Mayor
Cawayan, Masbate
282. Sangguniang Bayan ng Cawayan
Cawayan, Masbate
283. Office of the Municipal Mayor
Dimasalang, Masbate

284. Sangguniang Bayan ng Dimasalang
Dimasalang, Masbate
285. Office of the Municipal Mayor
Esperanza, Masbate
286. Sangguniang Bayan ng Esperanza
Esperanza, Masbate
287. Office of the Municipal Mayor
Mandaon, Masbate
288. Sangguniang Bayan ng Mandaon
Mandaon, Masbate
289. Office of the Municipal Mayor
Milagros, Masbate
290. Sangguniang Bayan ng Milagros
Milagros, Masbate
291. Office of the Municipal Mayor
Mobo, Masbate
292. Sangguniang Bayan ng Mobo
Mobo, Masbate
293. Office of the Municipal Mayor
Monreal, Masbate
294. Sangguniang Bayan ng Monreal
Monreal, Masbate
295. Office of the Municipal Mayor
Palanas, Masbate
296. Sangguniang Bayan ng Palanas
Palanas, Masbate
297. Office of the Municipal Mayor
Pio V. Corpuz, Masbate
298. Sangguniang Bayan ng Pio V. Corpuz
Pio V. Corpuz, Masbate
299. Office of the Municipal Mayor
Placer, Masbate
300. Sangguniang Bayan ng Placer
Placer, Masbate
301. Office of the Municipal Mayor
San Fernando, Masbate
302. Sangguniang Bayan ng San Fernando
San Fernando, Masbate
303. Office of the Municipal Mayor
San Jacinto, Masbate
304. Sangguniang Bayan ng San Jacinto
San Jacinto, Masbate
305. Office of the Municipal Mayor
San Pascual, Masbate

306. Sangguniang Bayan ng San Pascual
San Pascual, Masbate
307. Office of the Municipal Mayor
Uson, Masbate
308. Sangguniang Bayan ng Uson
Uson, Masbate
309. Office of the City Mayor
Masbate City, Masbate
310. Sangguniang Panlungsod ng Masbate
Masbate City, Masbate
311. Provincial Governor
Iloilo
312. Sangguniang Panlalawigan ng Iloilo
Iloilo
313. Office of the Municipal Mayor
Carles, Iloilo
314. Sangguniang Bayan ng Carles
Carles, Iloilo
315. Provincial Governor
Guimaras
316. Sangguniang Panlalawigan ng Guimaras
Guimaras
317. Office of the Municipal Mayor
Nueva Valencia, Guimaras
318. Sangguniang Bayan ng Nueva Valencia
Nueva Valencia, Guimaras
319. Provincial Governor
Antique
320. Sangguniang Panlalawigan ng Antique
Antique
321. Office of the Municipal Mayor
Caluya, Antique
322. Sangguniang Bayan ng Caluya
Caluya, Antique
323. Office of the Municipal Mayor
Culasi, Antique
324. Sangguniang Bayan ng Culasi
Culasi, Antique
325. Provincial Governor
Cebu
326. Sangguniang Panlalawigan ng Cebu
Cebu
327. Office of the Municipal Mayor
Bantayan, Cebu

328. Sangguniang Bayan ng Bantayan
Bantayan, Cebu
329. Office of the Municipal Mayor
Pilar, Cebu
330. Sangguniang Bayan ng Pilar
Pilar, Cebu
331. Office of the Municipal Mayor
Poro, Cebu
332. Sangguniang Bayan ng Poro
Poro, Cebu
333. Office of the Municipal Mayor
Santa Fe, Cebu
334. Sangguniang Bayan ng Santa Fe
Santa Fe, Cebu
335. Provincial Governor
Siquijor
336. Sangguniang Panlalawigan ng Siquijor
Siquijor
337. Office of the Municipal Mayor
Larena, Siquijor
338. Sangguniang Bayan ng Larena
Larena, Siquijor
339. Office of the Municipal Mayor
Lazi, Siquijor
340. Sangguniang Bayan ng Lazi
Lazi, Siquijor
341. Office of the Municipal Mayor
Siquijor, Siquijor
342. Sangguniang Bayan ng Siquijor
Siquijor, Siquijor
343. Provincial Governor
Biliran
344. Sangguniang Panlalawigan ng Biliran
Biliran
345. Office of the Municipal Mayor
Maripipi, Biliran
346. Sangguniang Bayan ng Maripipi
Maripipi, Biliran
347. General Manger
Maripipi Multi-Purpose Cooperative, Inc. (MMPC)
348. Provincial Governor
Southern Leyte
349. Sangguniang Panlalawigan ng Southern Leyte
Southern Leyte

350. Office of the Municipal Mayor
Limasawa, Southern Leyte
351. Sangguniang Bayan ng Limasawa
Limasawa, Southern Leyte
352. Provincial Governor
Samar
353. Sangguniang Panlalawigan ng Samar
Samar
354. Office of the Municipal Mayor
Almagro, Samar
355. Sangguniang Bayan ng Almagro
Almagro, Samar
356. Office of the Municipal Mayor
Santo Niño, Samar
357. Sangguniang Bayan ng Santo Niño
Santo Niño, Samar
358. Office of the Municipal Mayor
Tagapul-an, Samar
359. Sangguniang Bayan ng Tagapul-an
Tagapul-an, Samar
360. Office of the Municipal Mayor
Zumarraga, Samar
361. Sangguniang Bayan ng Zumarraga
Zumarraga, Samar
362. General Manager
Samar II Electric Cooperative, Inc. (SAMECO II)
363. Provincial Governor
Northern Samar
364. Sangguniang Panlalawigan ng Northern Samar
Northern Samar
365. Office of the Municipal Mayor
Biri, Northern Samar
366. Sangguniang Bayan ng Biri
Biri, Northern Samar
367. Office of the Municipal Mayor
Capul, Northern Samar
368. Sangguniang Bayan ng Capul
Capul, Northern Samar
369. Office of the Municipal Mayor
San Antonio, Northern Samar
370. Sangguniang Bayan ng San Antonio
San Antonio, Northern Samar
371. Office of the Municipal Mayor
San Vicente, Northern Samar

ERC CASE NO. 2020-004 RC
ORDER/03 July 2020
PAGE 25 OF 29

- 372. Sangguniang Bayan ng San Vicente
San Vicente, Northern Samar
- 373. Provincial Governor
Bohol
- 374. Sangguniang Panlalawigan ng Bohol
Bohol
- 375. Office of the Municipal Mayor
Baclayon, Bohol
- 376. Sangguniang Bayan ng Baclayon
Baclayon, Bohol
- 377. Office of the Municipal Mayor
Calape, Bohol
- 378. Sangguniang Bayan ng Calape
Calape, Bohol
- 379. Office of the Municipal Mayor
Inabanga, Bohol
- 380. Sangguniang Bayan ng Inabanga
Inabanga, Bohol
- 381. Office of the Municipal Mayor
Loon, Bohol
- 382. Sangguniang Bayan ng Loon
Loon, Bohol
- 383. Office of the Municipal Mayor
Panglao, Bohol
- 384. Sangguniang Bayan ng Panglao
Panglao, Bohol
- 385. Office of the Municipal Mayor
Tubigon, Bohol
- 386. Sangguniang Bayan ng Tubigon
Tubigon, Bohol
- 387. Provincial Governor
Zamboanga Del Sur
- 388. Sanggunianang Panlalawigan ng Zamboanga Del Sur
Zamboanga Del Sur
- 389. Provincial Governor
Davao Del Sur
- 390. Sanggunianang Panlalawigan ng Davao Del Sur
Davao Del Sur
- 391. Office of the Municipal Mayor
Jose Abad Santos, Davao Del Sur
- 392. Sangguniang Bayan ng Jose Abad Santos
Jose Abad Santos, Davao Del Sur
- 393. Office of the Municipal Mayor
Sarangani, Davao Del Sur

ERC CASE NO. 2020-004 RC
ORDER/03 July 2020
PAGE 26 OF 29

394. Sangguniang Bayan ng Sarangani
Sarangani, Davao Del Sur
395. Provincial Governor
Davao Del Norte
396. Sanggunianang Panlalawigan ng Davao Del Norte
Davao Del Norte
397. Office of the City Mayor
Samal City, Davao Del Norte
398. Sangguniang Panlunsod ng Samal
Samal City, Davao Del Norte
399. Provincial Governor
Sultan Kudarat
400. Sangguniang Panlalawigan ng Sultan Kudarat
Sultan Kudarat
401. Office of the Municipal Mayor
Kalamansig, Sultan Kudarat
402. Sangguniang Bayan ng Kalamansig
Kalamansig, Sultan Kudarat
403. Office of the Municipal Mayor
Lebak, Sultan Kudarat
404. Sangguniang Bayan ng Lebak
Lebak, Sultan Kudarat
405. Office of the Municipal Mayor
Palimbang, Sultan Kudarat
406. Sangguniang Bayan ng Palimbang
Palimbang, Sultan Kudarat
407. Office of the Municipal Mayor
Sen. Ninoy Aquino, Sultan Kudarat
408. Sangguniang Bayan ng Sen. Ninoy Aquino
Sen. Ninoy Aquino, Sultan Kudarat
409. Provincial Governor
Basilan
410. Sangguniang Panlalawigan ng Basilan
Basilan
411. Office of the City Mayor
Isabela City, Basilan
412. Sangguniang Panlunsod ng Isabela
Isabela City, Basilan
413. Provincial Governor
Sulu
414. Sangguniang Panlalawigan ng Sulu
Sulu
415. Office of the Municipal Mayor
Jolo, Sulu

416. Sangguniang Bayan ng Jolo
Jolo, Sulu
417. Office of the Municipal Mayor
Luuk, Sulu
418. Sangguniang Bayan ng Luuk
Luuk, Sulu
419. Office of the Municipal Mayor
Siasi, Sulu
420. Sangguniang Bayan ng Siasi
Siasi, Sulu
421. Office of the Municipal Mayor
Bangulngi (Tongkil), Sulu
422. Sangguniang Bayan ng Bangulngi (Tongkil)
Bangulngi (Tongkil), Sulu
423. Office of the Municipal Mayor
Hadji Pangalima Tahil (Marungas), Sulu
424. Sangguniang Bayan ng Hadji Pangalima Tahil (Marungas)
Hadji Pangalima Tahil (Marungas), Sulu
425. Office of the Municipal Mayor
Lugus, Sulu
426. Sangguniang Bayan ng Lugus
Lugus, Sulu
427. Office of the Municipal Mayor
Pangutaran, Sulu
428. Sangguniang Bayan ng Pangutaran
Pangutaran, Sulu
429. Office of the Municipal Mayor
Pata, Sulu
430. Sangguniang Bayan ng Pata
Pata, Sulu
431. Office of the Municipal Mayor
Tapul, Sulu
432. Sangguniang Bayan ng Tapul
Tapul, Sulu
433. Provincial Governor
Tawi-tawi
434. Sangguniang Panlalawigan ng Tawi-tawi
Tawi-tawi
435. Office of the Municipal Mayor
Bongao, Tawi-tawi
436. Sangguniang Bayan ng Bongao
Bongao, Tawi-tawi
437. Office of the Municipal Mayor
Mapun, Tawi-tawi

438. Sangguniang Bayan ng Mapun
Mapun, Tawi-tawi
439. Office of the Municipal Mayor
Pangalima Sugala, Tawi-tawi
440. Sangguniang Bayan ng Pangalima Sugala
Pangalima Sugala, Tawi-tawi
441. Office of the Municipal Mayor
Simunul, Tawi-tawi
442. Sangguniang Bayan ng Simunul
Simunul, Tawi-tawi
443. Office of the Municipal Mayor
Sitangkai, Tawi-tawi
444. Sangguniang Bayan ng Sitangkai
Sitangkai, Tawi-tawi
445. Office of the Municipal Mayor
Tandubas, Tawi-tawi
446. Sangguniang Bayan ng Tandubas
Tandubas, Tawi-tawi
447. Office of the Municipal Mayor
Sapa-sapa, Tawi-tawi
448. Sangguniang Bayan ng Sapa-sapa
Sapa-sapa, Tawi-tawi
449. Office of the Municipal Mayor
South Ubian, Tawi-tawi
450. Sangguniang Bayan ng South Ubian
South Ubian, Tawi-tawi
451. Provincial Governor
Dinagat Islands
452. Sangguniang Panlalawigan ng Dinagat Islands
Dinagat Islands
453. Office of the Municipal Mayor
San Jose, Dinagat Islands
454. Sangguniang Bayan ng San Jose
San Jose, Dinagat Islands
455. Office of the Municipal Mayor
Loreto, Dinagat Islands
456. Sangguniang Bayan ng Loreto
Loreto, Dinagat Islands
457. Provincial Governor
Surigao Del Norte
458. Sangguniang Panlalawigan ng Surigao Del Norte
Surigao Del Norte
459. Office of the City Mayor
Surigao City, Surigao Del Norte

460. Sangguniang Panlungsod ng Surigao
Surigao City, Surigao Del Norte