

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

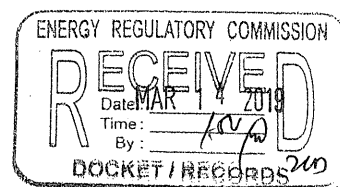
**IN THE MATTER OF THE
PETITION FOR THE
AVAILMENT OF THE
ENVIRONMENTAL
CHARGE/SHARE FROM
THE UNIVERSAL CHARGE
FOR THE
REHABILITATION AND
MANAGEMENT OF
WATERSHED AREAS
(PLAN 16),**

ERC Case No.
_____ **2019-021-PC**

**NATIONAL POWER
CORPORATION,**

Petitioner.

X-----X



PETITION

PETITIONER NATIONAL POWER CORPORATION
(NPC), by counsel, unto this Honorable Commission, most respectfully states that:

1. Petitioner is a government owned-and-controlled corporation created and existing under and by virtue of Republic Act No. 6935, as amended (**NPC Charter**), with principal office address at NPC Office Building Complex, Quezon Avenue Corner BIR Road, Diliman, Quezon City, where it may be served with notices and other processes of the Honorable Commission;

2. Under the NPC Charter, particularly Section 3, paragraph (N) thereof, Petitioner is vested with the power to exercise complete jurisdiction and control over watersheds surrounding the reservoir of plants and/or projects it constructed;

3. To further strengthen its jurisdiction and control over watersheds, Executive Order (EO) No. 224 was issued on 16 July 1987, wherein Petitioner was granted complete jurisdiction, control and rehabilitation over the following watershed areas and reservations: (1) Upper Agno Watershed Reservation as covered by Proclamation No. 548; (2) Angat Watershed Reservation as covered by Proclamation Nos. 505 and 599; (3) Caliraya-Lumot Watershed Reservation as covered by Proclamation No. 573; (4) Makiling-Banahaw Geothermal Reservations as covered by Proclamation No. 1111; (5) Buhi-Barit Watershed as covered by Proclamation No. 573; (6) Tiwi Geothermal Reservation as covered by Presidential Proclamation No. 739;

4. Accordingly, Petitioner became responsible for the management, protection, development, and rehabilitation of the aforementioned watershed areas, including but not

limited to the following: (1) Enforcement of forestry laws, rules and regulations governing the Integrated Management of Watershed Reservation under Ministry Order No. 83-01-13, Series of 1982; (2) Identification of areas which required immediate rehabilitation and development; (3) Preparation of plans and programs using the integrated multiple use concept of Watershed Management for the maximum utilization of Watershed resources; (4) Formulation and/or implementation of measures to prevent denudation of the forest cover and siltation of existing reservoirs; (5) Public education and information drive to create awareness among the populace of the importance of forest resources and watershed areas; (6) Promotion of the development and conservation of existing vegetative cover; (7) Formulation of plans and development programs for resettlement and relocation; (8) Coordination with other government agencies/instrumentalities, religious and civil groups in undertaking forest conservation measures in watershed areas; (9) Afforestation, reforestation and physical rehabilitation measures in critically denuded watershed areas; (10) Development, maintenance and management of free farms within adequately vegetative watershed for the production of transmission line poles;

5. Petitioner's jurisdiction and control over watersheds was again recognized and reiterated in Republic Act No. 9136, otherwise known as the "Electric Power Industry Reform Act of 2001" (**EPIRA**) and its Implementing Rules and Regulations (**IRR**), particularly Section 6 (c), Rule 23 of the IRR, wherein Petitioner is mandated to continue to be responsible for watershed rehabilitation and management;

6. Under the EPIRA, Petitioner is entitled to the Environmental Charge (**EC**) equivalent to one-fourth of one centavo per kilowatt-hour sales (P 0.0025/kWh), which forms part of the Universal Charge (UC). This environmental fund is intended solely for watershed rehabilitation and management and is being managed by Petitioner under existing arrangements. In order to avail said EC, Petitioner is required to submit to the Honorable Commission a petition for availment of the UC-EC in relation to the proposed watershed rehabilitation and management projects on or before March 15 every year. Hence, this petition;

7. In support of the instant Petition, Petitioner hereby submits the proposed operations plan for Calendar Year 2019 (hereinafter referred to as “**Plan 16**”) for the availment of the UC-EC for the rehabilitation and management of the watersheds. *(Attached as **Annex “A”** is the **Executive Summary** of Plan 16 which forms an integral part hereof);*

8. Plan 16 is crafted in order to intensify and strengthen Petitioner’s undertakings to address the issue on the uncontrolled deforestation especially in watershed areas. For the past 16 years (2002-2018), Petitioner has embarked on non-stop greening initiatives in its various watershed areas which have gained acceptance and cooperation by its stakeholders. In line with the Greening Program of the National Government, Petitioner’s Watershed Management Department (**WMD**) and its Watershed Area Teams (**WAT**) are committed to reforest idle/open and denuded areas and promote the use of indigenous species (Rainforestation) in its greening projects. Alongside with the greening programs, WMD intends to raise planting stocks primarily to share and disperse to qualified beneficiaries to plant trees in their respective communities;

9. Plan 16 is composed of programs and projects specified in Section 1 of Article II of the Rules and Procedure Governing the Utilization and Disbursement of UC-EC (**Rules**) with the proposed modes of procurement in implementing the same. In particular, Plan 16 involves the following programs and projects: (1) Watershed Protection and Law Enforcement; (2) Watershed Rehabilitation; (3) Watershed Resource Development; (4) Personnel and related administrative/logistical expenses; (5) Tools, materials and equipment repair, maintenance and/or acquisition; (6) Project audit and/or third-party evaluation; (7) Training/livelihood projects. These programs and projects were recommended by the concerned WAT. And the same were reviewed and evaluated by the Head Office-WMD. *(Attached as Annexes "D" to "M" are the proposed plans of the WATs assigned in Angat, Buhi-Barit, Caliraya-Lumot, Lake-Lanao Agus River, Mak-Ban, Pulangi, San Roque, Tiwi, Upper Agno and the WMD-Head Office which forms an integral part hereof);*

10. Plan 16 covers the six (6) watersheds over which Petitioner has complete jurisdiction and control by virtue

of EO 224, San Roque Watershed (Lower Agno) which is being managed by Petitioner for San Roque Multi-Purpose Project by virtue of PD 2320, and Lake Lanao-Agus River and Pulangi Watershed Area which Petitioner has a Memorandum of Agreement with the Department of Environment and Natural Resources;

11. Plan 16 still forms part of the original 10-year Integrated Watershed Master Plan (IWMP) which was approved by the National Power Board last 27 September 2018 as per Resolution No. 2018-040. Likewise, Plan 16 is crafted with reference to the previous proposed plans submitted for the approval of the Honorable Commission;

12. Aside from maintaining the objectives of the previous proposed plans submitted to the Honorable Commission, Plan 16 particularly seeks to attain the rehabilitation through vegetative measures of 3,059 hectares; reduction of sedimentation and soil erosion inside Petitioner's reforestation areas of at least 2,880 tons/year (Sapalco, S.R., 1981); increase biodiversity in terms of species richness and flora and fauna population thru conservation and ecotourism programs; Strengthening and sustaining of 9 Bantay Watershed Task

Force Group created purposely for the protection and conservation of the watershed areas; sustaining tapping more than 730 volunteers to augment the existing watershed protection personnel; employment of more or less 1,000 individuals from the local community; and, provide income through livelihood projects and produce from the established plantations;

13. Plan 16 complies with ERC Case Res. Nos. 18 Series of 2011, which requires Petitioner to conduct consultation with the Local Government Units (LGU) and LGAs where projects will be situated. Reference is made with those of the environmental projects of the LGUs and LGAs so that no duplication in the funding of projects will occur. Concerns of the stakeholders are brought to the attention of concerned WAT and this serves as the latter's guide in the packaging of Plan 16. This also ensures the support of the LGUs and the local communities for the proposed project;

14. In order to attain the objectives of Plan 16, Petitioner would need to avail and utilize the funds from the UC-EC amounting to a total of **TWO HUNDRED FORTY MILLION FOUR HUNDRED TWENTY**

FIVE THOUSAND SEVENTEEN PESOS 78/100
(Php P240,425,017.78), as shown in the Consolidated Financial Summary attached as **Annex C**. This was computed based on existing rules and regulations prescribed for government projects;

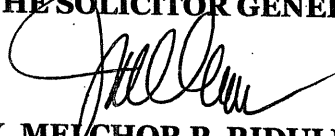
17. In compliance with Section 2 (b), Article II of the Rules, Petitioner furnished a copy of the instant petition to the Sangguniang Panlungsod and Office the City Mayor of Quezon City where Petitioner principally operates, and publish the same in a newspaper of general circulation. *(Attached as Annexes "N" and "O" are proofs of service and publication of the Petition.)*

WHEREFORE, premises considered, Petitioner prays that the instant petition be **APPROVED** by the Honorable Commission.

Petitioner prays for other just and equitable relief.

Quezon City for Pasig, 08 March 2019.

FOR THE SOLICITOR GENERAL



ATTY. MELCHOR P. RIDULME

Vice President – Legal Counsel

Special Attorney – OSG

Roll of Attorneys No. 37784

IBP Lifetime Membership No. 01748, Ilocos Sur

PTR No. 5567664/ 01.05.18/ Quezon City

MCLE Compliance No. V-0004048/ 10.07.2014/ Pasig City



DELHIN L. BUENAFE II

Department Manager – Legal Service

Special Attorney - OSG

Roll of Attorneys No. 48636

PTR No. 3865011/ 1.09.17/ Quezon City

IBP Lifetime Membership No. 012829; Quezon City

MCLE Compliance No. V-0004030/ 10.07.2014/ Pasig City



DIWA RAFAEL B. BONTUYAN

Corporate Attorney

Special Attorney - OSG

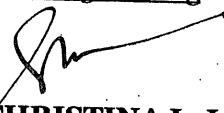
Roll of Attorneys No. 64390

PTR No. 7447994/ 1.14.19/ Quezon City

IBP Membership No. 098340/ Quezon City

MCLE Compliance No. V - 0019297

diwa.rafael@gmail.org



MARIA CHRISTINA L. LAIG

Corporate Attorney B

Special Attorney-OSG

IBP O.R. No. 1022969; Lifetime; RSM Chapter

Roll of Attorneys No. 61361

PTR No. 7447998; 01/14/2019; Quezon City

MCLE Compliance No. VI-0016765; 12/13/2018

**OFFICE OF THE GENERAL COUNSEL
NATIONAL POWER CORPORATION COMPLEX**

Quezon Avenue corner BIR Road

Diliman, Quezon City

Tel No. (02) 926-1837

Republic of the Philippines)
Quezon City) SS.

VERIFICATION AND CERTIFICATION

I, **ATTY. MELCHOR P. RIDULME**, of legal age, under oath, state that:

1. I am the Vice-President for Legal, at the same time, General Counsel of National Power Corporation, of the Petitioner;

2. Pursuant to **NPC Board Resolution No. 2001-134 (Annex "O")** I have caused the preparation of the foregoing **Petition** and have read and understood all the allegations contained therein, and the same are true and correct based on my own personal knowledge and authentic records;

3. I certify under oath that – a) the petitioner has not commenced any other action or proceeding which is pending in the Supreme Court, the Court of Appeals, or any other tribunal or agency; and b) to the best of my knowledge, no such action or proceeding is pending in the Supreme Court, the Court of Appeals, or any other tribunal or agency;

4. I likewise undertake that – a) If there is any such action or proceeding which is either pending or may have been terminated, I will state the status thereof; and b) If I should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or any other tribunal or agency, I will undertake to report that fact within five (5) days there from to the court of agency wherein the original pleading and sworn certification contemplated in Administrative Circular No. 04-94 dated February 8, 1994 has been filed.

IN WITNESS WHEREOF, I have hereunto affixed my signature this ____ day of March 2019 in Quezon City for Pasig City.

ATTY. MELCHOR P. RIDULME
Affiant

SUBSCRIBED AND SWORN to before me this ____ day of March 2019 in Quezon City. Affiant is personally known to me.

Doc. No. 389 ;
Page No. 78 ;
Book No. IV ;
Series of 2019

ATTY. RODOLFO M. BEGUE, JR.
Notary Public for Quezon City
Commission No. NP-190 (2018-2019)
Commission Expires on December 31, 2019
IBP No. 025364; 01/10/18; RSM
PTR No. 5611536; 01/09/18; Quezon City
Roll No. 44291
MCLE Compliance No. V-4035; 10/07/14; Pasig City
4th Floor NPC Office Building
Quezon Ave. cor. BIR Road
Diliman, Quezon City

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

**IN THE MATTER OF THE
PETITION FOR THE
AVAILMENT OF THE
ENVIRONMENTAL
CHARGE/SHARE FROM
THE UNIVERSAL CHARGE
FOR THE REHABILITATION
AND MANAGEMENT OF
WATERSHED AREAS
(PLAN 16)**

ERC CASE NO. 2019-021 RC

**NATIONAL POWER
CORPORATION (NPC),
Petitioner.**

X-----X

Received:
JUL 05 2019

ORDER

On 14 March 2019, Petitioner National Power Corporation (NPC), filed a *Petition* dated 08 March 2019, seeking the availment of the Environmental Charge (EC)/Share from the Universal Charge (UC) for the proposed operations plan for Calendar Year 2019, referred to as "Plan 16", for the rehabilitation and management of watershed areas.

The pertinent allegations of the said *Petition* are hereunder quoted as follows:

1. Petitioner is a government owned-and-controlled corporation created and existing under and by virtue of Republic Act No. 6935, as amended (**NPC Charter**), with principal office address at NPC Office Building Complex, Quezon Avenue Corner BIR Road, Diliman, Quezon City, where it may be served with notices and other processes of the Honorable Commission;
2. Under the NPC Charter, particularly Section 3, paragraph (N) thereof, Petitioner is vested with the power to exercise complete jurisdiction and control over watersheds surrounding the reservoir of plants and/or projects it constructed;

3. To further strengthen its jurisdiction and control over watersheds, Executive Order (EO) No. 224 was issued on 16 July 1987, wherein Petitioner was granted complete jurisdiction, control and rehabilitation over the following watershed areas and reservations: (1) Upper Agno Watershed Reservation as covered by Proclamation No. 548; (2) Angat Watershed Reservation as covered by Proclamation Nos. 505 and 599; (3) Caliraya-Lumot Watershed Reservation as covered by Proclamation No. 573; (4) Makiling-Banahaw Geothermal Reservations as covered by Proclamation No. 1111; (5) Buhi-Barit Watershed as covered by Proclamation No. 573; (6) Tiwi Geothermal Reservation as covered by Presidential Proclamation No. 739;
4. Accordingly, Petitioner became responsible for the management, protection, development, and rehabilitation of the aforementioned watershed areas, including but not limited to the following: (1) Enforcement of forestry laws, rules and regulations governing the Integrated Management of Watershed Reservation under Ministry Order No. 83-01-13, Series of 1982; (2) Identification of areas which required immediate rehabilitation and development; (3) Preparation of plans and programs using the integrated multiple use concept of Watershed Management for the maximum utilization of Watershed resources; (4) Formulation and/or implementation of measures to prevent denudation of the forest cover and siltation of existing reservoirs; (5) Public education and information drive to create awareness among the populace of the importance of forest resources and watershed areas; (6) Promotion of the development and conservation of existing vegetative cover; (7) Formulation of plans and development programs for resettlement and relocation; (8) Coordination with other government agencies/instrumentalities, religious and civil groups in undertaking forest conservation measures in watershed areas; (9) Afforestation, reforestation and physical rehabilitation measures in critically denuded watershed areas; (10) Development, maintenance and management of free farms within adequately vegetative watershed for the production of transmission line poles;
5. Petitioner's jurisdiction and control over watersheds was again recognized and reiterated in Republic Act No. 9136, otherwise known as the "Electric Power Industry Reform Act of 2001" (**EPIRA**) and its Implementing Rules and Regulations (**IRR**), particularly Section 6 (c), Rule 23 of the IRR, wherein Petitioner is mandated to continue to be responsible for watershed rehabilitation and management;
6. Under the EPIRA, Petitioner is entitled to the Environmental Charge (**EC**) equivalent to one-fourth of one centavo per kilowatt-hour sales (P 0.0025/kWh), which forms part of the Universal Charge (UC). This environmental fund is intended solely for watershed rehabilitation and management and is

being managed by Petitioner under existing arrangements. In order to avail said EC, Petitioner is required to submit to the Honorable Commission a petition for availment of the UC-EC in relation to the proposed watershed rehabilitation and management projects on or before March 15 every year. Hence, this petition;

7. In support of the instant Petition, Petitioner hereby submits the proposed operations plan for Calendar Year 2019 (hereinafter referred to as "**Plan 16**") for the availment of the UC-EC for the rehabilitation and management of the watersheds. *(Attached as **Annex "A"** is the **Executive Summary** of Plan 16 which forms an integral part hereof);*
8. Plan 16 is crafted in order to intensify and strengthen Petitioner's undertakings to address the issue on the uncontrolled deforestation especially in watershed areas. For the past 16 years (2002-2018), Petitioner has embarked on non-stop greening initiatives in its various watershed areas which have gained acceptance and cooperation by its stakeholders. In line with the Greening Program of the National Government, Petitioner's Watershed Management Department (**WMD**) and its Watershed Area Teams (**WAT**) are committed to reforest idle/open and denuded areas and promote the use of indigenous species (Rainforestation) in its greening projects. Alongside with the greening programs, WMD intends to raise planting stocks primarily to share and disperse to qualified beneficiaries to plant trees in their respective communities;
9. Plan 16 is composed of programs and projects specified in Section 1 of Article II of the Rules and Procedure Governing the Utilization and Disbursement of UC-EC (**Rules**) with the proposed modes of procurement in implementing the same. In particular, Plan 16 involves the following programs and projects: (1) Watershed Protection and Law Enforcement; (2) Watershed Rehabilitation; (3) Watershed Resource Development; (4) Personnel and related administrative/logistical expenses; (5) Tools, materials and equipment repair, maintenance and/or acquisition; (6) Project audit and/or third-party evaluation; (7) Training/livelihood projects. These programs and projects were recommended by the concerned WAT. And the same were reviewed and evaluated by the Head Office-WMD. *(Attached as **Annexes "D" to "M"** are the proposed plans of the WATs assigned in Angat, Buhi-Barit, Caliraya-Lumot, Lake-Lanao Agus River, Mak-Ban, Pulangi, San Roque, Tiwi, Upper Agno and the WMD-Head Office which forms an integral part hereof);*
10. Plan 16 covers the six (6) watersheds over which Petitioner has complete jurisdiction and control by virtue of EO 224, San Roque Watershed (Lower Agno) which is being managed by Petitioner for San Roque Multi-Purpose Project by virtue of PD 2320, and Lake Lanao-Agus River and Pulangi

Watershed Area which Petitioner has a Memorandum of Agreement with the Department of Environment and Natural Resources;

11. Plan 16 still forms part of the original 10-year Integrated Watershed Master Plan (IWMP) which was approved by the National Power Board last 27 September 2018 as per Resolution No. 2018-040. Likewise, Plan 16 is crafted with reference to the previous proposed plans submitted for the approval of the Honorable Commission;
12. Aside from maintaining the objectives of the previous proposed plans submitted to the Honorable Commission, Plan 16 particularly seeks to attain the rehabilitation through vegetative measures of 3,059 hectares; reduction of sedimentation and soil erosion inside Petitioner's reforestation areas of at least 2,880 tons/year (Sapalco, S.R., 1981); increase biodiversity in terms of species richness and flora and fauna population thru conservation and ecotourism programs; Strengthening and sustaining of 9 Bantay Watershed Task Force Group created purposely for the protection and conservation of the watershed areas; sustaining tapping more than 730 volunteers to augment the existing watershed protection personnel; employment of more or less 1,000 individuals from the local community; and, provide income through livelihood projects and produce from the established plantations;
13. Plan 16 complies with ERC Case Res. Nos. 18 Series of 2011, which requires Petitioner to conduct consultation with the Local Government Units (LGU) and LGAs where projects will be situated. Reference is made with those of the environmental projects of the LGUs and LGAs so that no duplication in the funding of projects will occur. Concerns of the stakeholders are brought to the attention of concerned WAT and this serves as the latter's guide in the packaging of Plan 16. This also ensures the support of the LGUs and the local communities for the proposed project;
14. In order to attain the objectives of Plan 16, Petitioner would need to avail and utilize the funds from the UC-EC amounting to a total of **TWO HUNDRED FORTY MILLION FOUR HUNDRED TWENTY FIVE THOUSAND SEVENTEEN PESOS 78/100 (Php P240,425,017.78)**, as shown in the Consolidated Financial Summary attached as **Annex C**. This was computed based on existing rules and regulations prescribed for government projects;
17. In compliance with Section 2 (b), Article II of the Rules, Petitioner furnished a copy of the instant petition to the Sangguniang Panlungsod and Office the City Mayor of Quezon City where Petitioner principally operates, and publish the same in a newspaper of general circulation.

(Attached as **Annexes “N” and “O”** are proofs of service and publication of the Petition.)

WHEREFORE, premises considered, Petitioner prays that the instant petition be **APPROVED** by the Honorable Commission.

Petitioner prays for other just and equitable relief.

Finding the said *Petition* to be sufficient in form and substance, the Commission issued an *Order and Notice of Public Hearing*, both dated 22 April 2019, setting the case for the determination of compliance with the jurisdictional requirements, expository presentations, pre-trial conference, and presentation of evidence on the following dates and venues:

Date	Venue	Activity
13 June 2019 (Thursday) Two ‘o clock in the afternoon (2:00 P.M.)	ERC Main Office 15 th Floor, Pacific Center Building, San Miguel Avenue, Pasig City	Jurisdictional and Expository Presentation
20 June 2019 (Thursday) Ten ‘o clock in the morning (10:00 A.M.)	Gladiola Hall Benguet State University, La Trinidad, Benguet	Expository Presentation
27 June 2019 (Thursday) Ten ‘o clock in the morning (10:00 A.M.)	Drillon Hall Southeast Asian Regional Center for Graduate Study and Research (SEARCA) College, Los Baños, Laguna	Expository Presentation
09 July 2019 (Tuesday) Nine ‘o clock in the morning (9:00 A.M.)	College of Education Ampi-theater Mindanao State University - Iligan Institute of Technology (MSU-IIT), Tibanga, Iligan City	Expository Presentation
18 July 2019 (Thursday) Ten ‘o clock in the morning (10:00 A.M.)	ERC Main Office 15 th Floor, Pacific Center Building, San Miguel Avenue, Pasig City	Pre-Trial Conference and Evidentiary Hearing

On 11 June 2019, NPC filed its *Compliance with Jurisdictional Requirements* and submitted various documents as proof of its compliance with the directives of the Commission as set forth in its *Order* dated 22 April 2019. However, upon examination of The Philippine Star and The Manila Times newspapers submitted by NPC, it was determined that NPC failed to comply with the Commission's publication requirement since the publication dates for the said newspapers were 02 June 2019 and 09 June 2019. The last publication date was only four (4) days before the scheduled initial hearing, which was not in accordance with the required 10-day period. In order to satisfy the publication requirement as contained in the *Order*, NPC, at the latest, should have published the *Notice of Public Hearing* on 27 May 2019 and 03 June 2019, respectively.

Thus, during the initial hearing on 13 June 2019, the Commission declared that it cannot acquire jurisdiction over the instant case. In view thereof, the Commission was constrained to cancel the succeeding hearings.

Consequently, on 17 June 2019, NPC filed a *Motion for Reconsideration*, praying that it be declared to have substantially complied with the publication requirement as well as for the continuance of the originally scheduled hearings.

Relative thereto, through an *Order (resolving the Motion for Reconsideration)* dated 25 June 2019, denied the *Motion* filed by NPC for lack of merit.

ACCORDINGLY, the instant *Petition* is hereby set anew for the determination of compliance with the jurisdictional requirements, expository presentations, pre-trial conference, and presentation of evidence on the following dates and venues:

Date	Venue	Activity
29 August 2019 (Thursday) Two 'o clock in the afternoon (2:00 P.M.)	ERC Main Office 15 th Floor, Pacific Center Building, San Miguel Avenue, Pasig City	Jurisdictional and Expository Presentation
05 September 2019 (Thursday) Nine 'o clock in the morning (9:00 A.M.)	Gladiola Hall Benguet State University, La Trinidad, Benguet	Expository Presentation

Date	Venue	Activity
12 September 2019 (Thursday) Ten 'o clock in the morning (10:00 A.M.)	Drillon Hall Southeast Asian Regional Center for Graduate Study and Research (SEARCA) College, Los Baños, Laguna	Expository Presentation
26 September 2019 (Thursday) Ten 'o clock in the morning (10:00 A.M.)	College of Education Ampi-theater Mindanao State University - Iligan Institute of Technology (MSU-IIT), Tibanga, Iligan City	Expository Presentation
03 October 2019 (Thursday) Nine 'o clock in the morning (9:00 A.M.)	ERC Main Office 15 th Floor, Pacific Center Building, San Miguel Avenue, Pasig City	Pre-Trial Conference and Evidentiary Hearing

Accordingly, NPC is hereby directed 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 scheduled initial 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 within the affected areas for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform of the filing of the *Petition*, the reasons therefor, and of the scheduled hearings thereon the consumers within the affected areas, by any other means available and appropriate;

- 4) Furnish with copies of this *Order* and the attached *Notice of Public Hearing*, the Office of the Solicitor General (OSG), the Commission on Audit (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 hearing; 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 initial 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* were 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 Provincial 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 the consumers within the affected areas of the filing of the *Petition*, its reasons therefor, and of the scheduled hearings thereon;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Public Hearing* by the OSG, the 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.

Petitioner 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 Petitioner 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 justifications being cited in support thereof.

SO ORDERED.

Pasig City, 03 July 2019.

FOR AND BY AUTHORITY
OF THE COMMISSION:


JOSEFINA PATRICIA A. MAGPALE-ASIRIT
Oversight Commissioner for Legal Service

LS: RSPV/ARG/GAO

ROS: AMDB/AJMD/FGBD

ERC CASE NO. 2019-021 RC
ORDER/03 JULY 2019
PAGE 10 OF 20

COPY FURNISHED:

1. Attys. Melchor P. Ridulme, Delfin L. Buenafe II, Diwa Rafael B. Bontuyan and Maria Christina L. Laig
Counsels for Petitioner NPC
Office of the General Counsel
National Power Corporation Complex
Quezon Avenue corner BIR Road, Diliman, Quezon City
2. National Power Corporation (NPC)
Petitioner
NPC Office Building Complex
Quezon Avenue corner BIR Road, Diliman, Quezon City
3. Office of the Solicitor General (OSG)
134 Amorsolo Street, Legaspi Village, Makati City
4. Commission on Audit (COA)
Commonwealth Avenue, Quezon City 1121
5. Senate Committee on Energy
GSIS Building, Roxas Boulevard, Pasay City 1307
6. House Committee on Energy
Batasan Hills, Quezon City 1126
7. Mr. Edgardo R. Masongsong
Administrator
National Electrification Administration (NEA)
57 NEA Building, NIA Road, Government Center
Diliman, Quezon City
8. The General Manager
Philippine Rural Electric Cooperatives Association (PHILRECA)
4th Floor, Casman Building, 372 Quezon Avenue, Quezon City
9. Atty. Ranulfo M. Ocampo
Private Electric Power Operators Association (PEPOA)
7th Floor, Strata 100 Building, F. Ortigas Jr. Road
Ortigas Center, Pasig City
10. The President
Power Sector Assets & Liabilities Management Corporation (PSALM)
24th Floor Vertis North Corporate Center 1, Astra corner Lux Drives
North Avenue, Quezon City 1105
11. Department of Environment and Natural Resources (DENR)
Visayas Avenue, Diliman, Quezon City
12. All Distribution Utilities
13. Office of the Mayor
Quezon City
14. Office of the Local Government (LGU) legislative body
Quezon City
15. Office of the Governor
Bulacan
16. Office of the Local Government (LGU) legislative body
Bulacan
17. Office of the Mayor
San Jose Del Monte, Bulacan
18. Office of the Local Government (LGU) legislative body
San Jose Del Monte, Bulacan
19. Office of the Mayor
Norzagaray, Bulacan

ERC CASE NO. 2019-021 RC
ORDER/03 JULY 2019
PAGE 11 OF 20

20. Office of the Local Government (LGU) legislative body
Norzagaray, Bulacan
21. Office of the Mayor
Doña Remedios Trinidad, Bulacan
22. Office of the Local Government (LGU) legislative body
Doña Remedios Trinidad, Bulacan
23. Office of the Governor
Pangasinan
24. Office of the Local Government (LGU) legislative body
Pangasinan
25. Office of the Mayor
San Nicolas, Pangasinan
26. Office of the Local Government (LGU) legislative body
San Nicolas, Pangasinan
27. Office of the Mayor
San Manuel, Pangasinan
28. Office of the Local Government (LGU) legislative body
San Manuel, Pangasinan
29. Office of the Governor
Nueva Ecija
30. Office of the Local Government (LGU) legislative body
Nueva Ecija
31. Office of the Mayor
Pantabangan, Nueva Ecija
32. Office of the Local Government (LGU) legislative body
Pantabangan, Nueva Ecija
33. Office of the Mayor
Carranglan, Nueva Ecija
34. Office of the Local Government (LGU) legislative body
Carranglan, Nueva Ecija
35. Office of the Governor
Benguet
36. Office of the Local Government (LGU) legislative body
Benguet
37. Office of the Mayor
Atok, Benguet
38. Office of the Local Government (LGU) legislative body
Atok, Benguet
39. Office of the Mayor
Bakun, Benguet
40. Office of the Local Government (LGU) legislative body
Bakun, Benguet
41. Office of the Mayor
Bokod, Benguet
42. Office of the Local Government (LGU) legislative body
Bokod, Benguet

ERC CASE NO. 2019-021 RC
ORDER/03 JULY 2019
PAGE 12 OF 20

43. Office of the Mayor
Buguias, Benguet
44. Office of the Local Government (LGU) legislative body
Buguias, Benguet
45. Office of the Mayor
Itogon, Benguet
46. Office of the Local Government (LGU) legislative body
Itogon, Benguet
47. Office of the Mayor
Kabayan, Benguet
48. Office of the Local Government (LGU) legislative body
Kabayan, Benguet
49. Office of the Mayor
Kibungan, Benguet
50. Office of the Local Government (LGU) legislative body
Kibungan, Benguet
51. Office of the Mayor
La Trinidad, Benguet
52. Office of the Local Government (LGU) legislative body
La Trinidad, Benguet
53. Office of the Mayor
Tublay, Benguet
54. Office of the Local Government (LGU) legislative body
Tublay, Benguet
55. Office of the Mayor
Hungduan, Ifugao
56. Office of the Local Government (LGU) legislative body
Hungduan, Ifugao
57. Office of the Mayor
Tinoc, Ifugao
58. Office of the Local Government (LGU) legislative body
Tinoc, Ifugao
59. Office of the Mayor
Bauko, Mt. Province
60. Office of the Local Government (LGU) legislative body
Bauko, Mt. Province
61. Office of the Governor
Camarines Sur
62. Office of the Local Government (LGU) legislative body
Camarines Sur
63. Office of the Mayor
Buhi, Camarines Sur
64. Office of the Local Government (LGU) legislative body
Buhi, Camarines Sur
65. Office of the Governor
Laguna

ERC CASE NO. 2019-021 RC
ORDER/03 JULY 2019
PAGE 13 OF 20

66. Office of the Local Government (LGU) legislative body
Laguna
67. Office of the Mayor
Cavinti, Laguna
68. Office of the Local Government (LGU) legislative body
Cavinti, Laguna
69. Office of the Mayor
Lumban, Laguna
70. Office of the Local Government (LGU) legislative body
Lumban, Laguna
71. Office of the Mayor
Kalayaan, Laguna
72. Office of the Local Government (LGU) legislative body
Kalayaan, Laguna
73. Office of the Mayor
Alaminos, Laguna
74. Office of the Local Government (LGU) legislative body
Alaminos, Laguna
75. Office of the Mayor
Bay, Laguna
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Bay, Laguna
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Calauan, Laguna
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Calauan, Laguna
79. Office of the Mayor
Liliw, Laguna
80. Office of the Local Government (LGU) legislative body
Liliw, Laguna
81. Office of the Mayor
Los Banos, Laguna
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Los Banos, Laguna
83. Office of the Mayor
Luisiana, Laguna
84. Office of the Local Government (LGU) legislative body
Luisiana, Laguna
85. Office of the Mayor
Magdalena, Laguna
86. Office of the Local Government (LGU) legislative body
Magdalena, Laguna
87. Office of the Mayor
Majayjay, Laguna
88. Office of the Local Government (LGU) legislative body
Majayjay, Laguna

89. Office of the Mayor
Nagcarlan, Laguna
90. Office of the Local Government (LGU) legislative body
Nagcarlan, Laguna
91. Office of the Mayor
Pagsanjan, Laguna
92. Office of the Local Government (LGU) legislative body
Pagsanjan, Laguna
93. Office of the Mayor
Pila, Laguna
94. Office of the Local Government (LGU) legislative body
Pila, Laguna
95. Office of the Mayor
Rizal, Laguna
96. Office of the Local Government (LGU) legislative body
Rizal, Laguna
97. Office of the Mayor
Sta. Cruz, Laguna
98. Office of the Local Government (LGU) legislative body
Sta. Cruz, Laguna
99. Office of the Mayor
Victoria, Laguna
100. Office of the Local Government (LGU) legislative body
Victoria, Laguna
101. Office of the Mayor
San Pablo City, Laguna
102. Office of the Local Government (LGU) legislative body
San Pablo City, Laguna
103. Office of the Mayor
Calamba City, Laguna
104. Office of the Local Government (LGU) legislative body
Calamba City, Laguna
105. Office of the Governor
Batangas
106. Office of the Local Government (LGU) legislative body
Batangas
107. Office of the Mayor
Balete, Batangas
108. Office of the Local Government (LGU) legislative body
Balete, Batangas
109. Office of the Mayor
Cuenca, Batangas
110. Office of the Local Government (LGU) legislative body
Cuenca, Batangas
111. Office of the Mayor
Malvar, Batangas

ERC CASE NO. 2019-021 RC
ORDER/03 JULY 2019
PAGE 15 OF 20

112. Office of the Local Government (LGU) legislative body
Malvar, Batangas
113. Office of the Mayor
Mataas na Kahoy, Batangas
114. Office of the Local Government (LGU) legislative body
Mataas na Kahoy, Batangas
115. Office of the Mayor
San Jose, Batangas
116. Office of the Local Government (LGU) legislative body
San Jose, Batangas
117. Office of the Mayor
Sto. Tomas, Batangas
118. Office of the Local Government (LGU) legislative body
Sto. Tomas, Batangas
119. Office of the Mayor
Lipa City, Batangas
120. Office of the Local Government (LGU) legislative body
Lipa City, Batangas
121. Office of the Mayor
Tanauan City, Batangas
122. Office of the Local Government (LGU) legislative body
Tanauan City, Batangas
123. Office of the Governor
Quezon
124. Office of the Local Government (LGU) legislative body
Quezon
125. Office of the Mayor
Candelaria, Quezon
126. Office of the Local Government (LGU) legislative body
Candelaria, Quezon
127. Office of the Mayor
Dolores, Quezon
128. Office of the Local Government (LGU) legislative body
Dolores, Quezon
129. Office of the Mayor
San Antonio, Quezon
130. Office of the Local Government (LGU) legislative body
San Antonio, Quezon
131. Office of the Mayor
Sariaya, Quezon
132. Office of the Local Government (LGU) legislative body
Sariaya, Quezon
133. Office of the Mayor
Tiaong, Quezon
134. Office of the Local Government (LGU) legislative body
Tiaong, Quezon

ERC CASE NO. 2019-021 RC
ORDER/03 JULY 2019
PAGE 16 OF 20

135. Office of the Governor
Albay
136. Office of the Local Government (LGU) legislative body
Albay
137. Office of the Mayor
Tiwi, Albay
138. Office of the Local Government (LGU) legislative body
Tiwi, Albay
139. Office of the Mayor
Malinao, Albay
140. Office of the Local Government (LGU) legislative body
Malinao, Albay
141. Office of the Governor
Lanao del Sur
142. Office of the Local Government (LGU) legislative body
Lanao del Sur
143. Office of the Mayor
Marawi City, Lanao del Sur
144. Office of the Local Government (LGU) legislative body
Marawi City, Lanao del Sur
145. Office of the Mayor
Ditsaan-Ramain, Lanao del Sur
146. Office of the Local Government (LGU) legislative body
Ditsaan-Ramain, Lanao del Sur
147. Office of the Mayor
Bubong, Lanao del Sur
148. Office of the Local Government (LGU) legislative body
Bubong, Lanao del Sur
149. Office of the Mayor
Buadiposo Buntong, Lanao del Sur
150. Office of the Local Government (LGU) legislative body
Buadiposo Buntong, Lanao del Sur
151. Office of the Mayor
Maguing, Lanao del Sur
152. Office of the Local Government (LGU) legislative body
Maguing, Lanao del Sur
153. Office of the Mayor
Mulondo, Lanao del Sur
154. Office of the Local Government (LGU) legislative body
Mulondo, Lanao del Sur
155. Office of the Mayor
Taraka, Lanao del Sur
156. Office of the Local Government (LGU) legislative body
Taraka, Lanao del Sur
157. Office of the Mayor
Tamparan, Lanao del Sur

ERC CASE NO. 2019-021 RC
ORDER/03 JULY 2019
PAGE 17 OF 20

158. Office of the Local Government (LGU) legislative body
Tamparan, Lanao del Sur
159. Office of the Mayor
Bayabao, Lanao del Sur
160. Office of the Local Government (LGU) legislative body
Bayabao, Lanao del Sur
161. Office of the Mayor
Poonabayabao, Lanao del Sur
162. Office of the Local Government (LGU) legislative body
Poonabayabao, Lanao del Sur
163. Office of the Mayor
Lumbayanague, Lanao del Sur
164. Office of the Local Government (LGU) legislative body
Lumbayanague, Lanao del Sur
165. Office of the Mayor
Lumbatan, Lanao del Sur
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Lumbatan, Lanao del Sur
167. Office of the Mayor
Saguiran, Lanao del Sur
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Saguiran, Lanao del Sur
169. Office of the Mayor
Piagapo, Lanao del Sur
170. Office of the Local Government (LGU) legislative body
Piagapo, Lanao del Sur
171. Office of the Mayor
Marantao, Lanao del Sur
172. Office of the Local Government (LGU) legislative body
Marantao, Lanao del Sur
173. Office of the Mayor
Balindong, Lanao del Sur
174. Office of the Local Government (LGU) legislative body
Balindong, Lanao del Sur
175. Office of the Mayor
Tugaya, Lanao del Sur
176. Office of the Local Government (LGU) legislative body
Tugaya, Lanao del Sur
177. Office of the Mayor
Bacolod Kalawi, Lanao del Sur
178. Office of the Local Government (LGU) legislative body
Bacolod Kalawi, Lanao del Sur
179. Office of the Mayor
Madalum, Lanao del Sur
180. Office of the Local Government (LGU) legislative body
Madalum, Lanao del Sur

181. Office of the Mayor
Madamba, Lanao del Sur
182. Office of the Local Government (LGU) legislative body
Madamba, Lanao del Sur
183. Office of the Mayor
Ganassi, Lanao del Sur
184. Office of the Local Government (LGU) legislative body
Ganassi, Lanao del Sur
185. Office of the Mayor
Pagayawan, Lanao del Sur
186. Office of the Local Government (LGU) legislative body
Pagayawan, Lanao del Sur
187. Office of the Mayor
Pualas, Lanao del Sur
188. Office of the Local Government (LGU) legislative body
Pualas, Lanao del Sur
189. Office of the Mayor
Binidayan, Lanao del Sur
190. Office of the Local Government (LGU) legislative body
Binidayan, Lanao del Sur
191. Office of the Mayor
Bayang, Lanao del Sur
192. Office of the Local Government (LGU) legislative body
Bayang, Lanao del Sur
193. Office of the Mayor
Butig, Lanao del Sur
194. Office of the Local Government (LGU) legislative body
Butig, Lanao del Sur
195. Office of the Governor
Lanao del Norte
196. Office of the Local Government (LGU) legislative body
Lanao del Norte
197. Office of the Mayor
Pantar, Lanao del Norte
198. Office of the Local Government (LGU) legislative body
Pantar, Lanao del Norte
199. Office of the Mayor
Balo-i, Lanao del Norte
200. Office of the Local Government (LGU) legislative body
Balo-i, Lanao del Norte
201. Office of the Mayor
Pantao Ragat, Lanao del Norte
202. Office of the Local Government (LGU) legislative body
Pantao Ragat, Lanao del Norte
203. Office of the Mayor
Matungao, Lanao del Norte

ERC CASE NO. 2019-021 RC
ORDER/03 JULY 2019
PAGE 19 OF 20

- 204. Office of the Local Government (LGU) legislative body
Matungao, Lanao del Norte
- 205. Office of the Mayor
Iligan City, Lanao Del Norte
- 206. Office of the Local Government (LGU) legislative body
Iligan City, Lanao Del Norte
- 207. Office of the Governor
Bukidnon
- 208. Office of the Local Government (LGU) legislative body
Bukidnon
- 216. Office of the Mayor
Malaybalay, Bukidnon
- 217. Office of the Local Government (LGU) legislative body
Malaybalay, Bukidnon
- 218. Office of the Mayor
Maramag, Bukidnon
- 219. Office of the Local Government (LGU) legislative body
Maramag, Bukidnon
- 220. Office of the Mayor
San Fernando, Bukidnon
- 221. Office of the Local Government (LGU) legislative body
San Fernando, Bukidnon
- 222. Office of the Mayor
Lantapan, Bukidnon
- 223. Office of the Local Government (LGU) legislative body
Lantapan, Bukidnon
- 224. Office of the Mayor
Valencia City, Bukidnon
- 225. Office of the Local Government (LGU) legislative body
Valencia City, Bukidnon
- 226. Office of the Mayor
Cabanglasan, Lanao del Norte
- 227. Office of the Local Government (LGU) legislative body
Cabanglasan, Lanao del Norte
- 228. Office of the Governor
Rizal
- 229. Office of the Local Government (LGU) legislative body
Rizal
- 230. Atty. Leonor T. Oralde-Quintayo
Chairperson
National Commission on Indigenous Peoples (NCIP)
N. dela Merced Building, corner West and
Quezon Avenues, Quezon City
- 231. Foundation for Philippine Environment (FPE)
Atty. Maria Vicenta P. de Guzman
77 Matahimik Street, Teachers' Village
Diliman, Quezon City

ERC CASE NO. 2019-021 RC
ORDER/03 JULY 2019
PAGE 20 OF 20

- 232. Bukidnon Higaonon Tribal Association (BUHITA)
Dampog Residence Sta. Cruz St. Sumpong
Malaybalay City, Bukidnon
- 233. Tanggapang Panligal ng Katutubong Pilipino (PANLIPI)
No. 30 JGS Building, Scout Tuason cor. Dr. Lazcano Sts.
Quezon City
- 233. Regulatory Operations Service (ROS)
Energy Regulatory Commission
17th Floor, Pacific Center, San Miguel Avenue, Pasig City

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

**IN THE MATTER OF THE
PETITION FOR THE
AVAILMENT OF THE
ENVIRONMENTAL
CHARGE/SHARE FROM
THE UNIVERSAL CHARGE
FOR THE REHABILITATION
AND MANAGEMENT OF
WATERSHED AREAS
(PLAN 16)**

ERC CASE NO. 2019-021 RC

**NATIONAL POWER
CORPORATION (NPC),
Petitioner.**

X-----X

RECORDED
JUL 05 2019

NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that on 14 March 2019, Petitioner National Power Corporation (NPC), filed a *Petition* dated 08 March 2019, seeking the availment of the Environmental Charge (EC)/Share from the Universal Charge (UC) for the proposed operations plan for Calendar Year 2019, referred to as "Plan 16", for the rehabilitation and management of watershed areas.

The pertinent allegations of the said *Petition* are hereunder quoted as follows:

1. Petitioner is a government owned-and-controlled corporation created and existing under and by virtue of Republic Act No. 6935, as amended (**NPC Charter**), with principal office address at NPC Office Building Complex, Quezon Avenue Corner BIR Road, Diliman, Quezon City, where it may be served with notices and other processes of the Honorable Commission;
2. Under the NPC Charter, particularly Section 3, paragraph (N) thereof, Petitioner is vested with the power to exercise complete jurisdiction and control over watersheds

ERC CASE NO. 2019-021 RC
NOTICE OF PUBLIC HEARING/ 03 JULY 2019
PAGE 2 OF 7

surrounding the reservoir of plants and/or projects it constructed;

3. To further strengthen its jurisdiction and control over watersheds, Executive Order (EO) No. 224 was issued on 16 July 1987, wherein Petitioner was granted complete jurisdiction, control and rehabilitation over the following watershed areas and reservations: (1) Upper Agno Watershed Reservation as covered by Proclamation No. 548; (2) Angat Watershed Reservation as covered by Proclamation Nos. 505 and 599; (3) Caliraya-Lumot Watershed Reservation as covered by Proclamation No. 573; (4) Makiling-Banahaw Geothermal Reservations as covered by Proclamation No. 1111; (5) Buhi-Barit Watershed as covered by Proclamation No. 573; (6) Tiwi Geothermal Reservation as covered by Presidential Proclamation No. 739;
4. Accordingly, Petitioner became responsible for the management, protection, development, and rehabilitation of the aforementioned watershed areas, including but not limited to the following: (1) Enforcement of forestry laws, rules and regulations governing the Integrated Management of Watershed Reservation under Ministry Order No. 83-01-13, Series of 1982; (2) Identification of areas which required immediate rehabilitation and development; (3) Preparation of plans and programs using the integrated multiple use concept of Watershed Management for the maximum utilization of Watershed resources; (4) Formulation and/or implementation of measures to prevent denudation of the forest cover and siltation of existing reservoirs; (5) Public education and information drive to create awareness among the populace of the importance of forest resources and watershed areas; (6) Promotion of the development and conservation of existing vegetative cover; (7) Formulation of plans and development programs for resettlement and relocation; (8) Coordination with other government agencies/instrumentalities, religious and civil groups in undertaking forest conservation measures in watershed areas; (9) Afforestation, reforestation and physical rehabilitation measures in critically denuded watershed areas; (10) Development, maintenance and management of free farms within adequately vegetative watershed for the production of transmission line poles;
5. Petitioner's jurisdiction and control over watersheds was again recognized and reiterated in Republic Act No. 9136, otherwise known as the "Electric Power Industry Reform Act of 2001" (**EPIRA**) and its Implementing Rules and Regulations (**IRR**), particularly Section 6 (c), Rule 23 of the IRR, wherein Petitioner is mandated to continue to be responsible for watershed rehabilitation and management;
6. Under the EPIRA, Petitioner is entitled to the Environmental Charge (**EC**) equivalent to one-fourth of one centavo per

ERC CASE NO. 2019-021 RC
NOTICE OF PUBLIC HEARING/ 03 JULY 2019
PAGE 3 OF 7

kilowatt-hour sales (P 0.0025/kWh), which forms part of the Universal Charge (UC). This environmental fund is intended solely for watershed rehabilitation and management and is being managed by Petitioner under existing arrangements. In order to avail said EC, Petitioner is required to submit to the Honorable Commission a petition for availment of the UC-EC in relation to the proposed watershed rehabilitation and management projects on or before March 15 every year. Hence, this petition;

7. In support of the instant Petition, Petitioner hereby submits the proposed operations plan for Calendar Year 2019 (hereinafter referred to as "**Plan 16**") for the availment of the UC-EC for the rehabilitation and management of the watersheds. *(Attached as **Annex "A"** is the **Executive Summary** of Plan 16 which forms an integral part hereof);*
8. Plan 16 is crafted in order to intensify and strengthen Petitioner's undertakings to address the issue on the uncontrolled deforestation especially in watershed areas. For the past 16 years (2002-2018), Petitioner has embarked on non-stop greening initiatives in its various watershed areas which have gained acceptance and cooperation by its stakeholders. In line with the Greening Program of the National Government, Petitioner's Watershed Management Department (**WMD**) and its Watershed Area Teams (**WAT**) are committed to reforest idle/open and denuded areas and promote the use of indigenous species (Rainforestation) in its greening projects. Alongside with the greening programs, WMD intends to raise planting stocks primarily to share and disperse to qualified beneficiaries to plant trees in their respective communities;
9. Plan 16 is composed of programs and projects specified in Section 1 of Article II of the Rules and Procedure Governing the Utilization and Disbursement of UC-EC (**Rules**) with the proposed modes of procurement in implementing the same. In particular, Plan 16 involves the following programs and projects: (1) Watershed Protection and Law Enforcement; (2) Watershed Rehabilitation; (3) Watershed Resource Development; (4) Personnel and related administrative/logistical expenses; (5) Tools, materials and equipment repair, maintenance and/or acquisition; (6) Project audit and/or third-party evaluation; (7) Training/livelihood projects. These programs and projects were recommended by the concerned WAT. And the same were reviewed and evaluated by the Head Office-WMD. *(Attached as **Annexes "D" to "M"** are the proposed plans of the WATs assigned in Angat, Buhi-Barit, Caliraya-Lumot, Lake-Lanao Agus River, Mak-Ban, Pulangi, San Roque, Tiwi, Upper Agno and the WMD-Head Office which forms an integral part hereof);*
10. Plan 16 covers the six (6) watersheds over which Petitioner has complete jurisdiction and control by virtue of EO 224,

ERC CASE NO. 2019-021 RC
NOTICE OF PUBLIC HEARING/ 03 JULY 2019
PAGE 4 OF 7

San Roque Watershed (Lower Agno) which is being managed by Petitioner for San Roque Multi-Purpose Project by virtue of PD 2320, and Lake Lanao-Agus River and Pulangi Watershed Area which Petitioner has a Memorandum of Agreement with the Department of Environment and Natural Resources;

11. Plan 16 still forms part of the original 10-year Integrated Watershed Master Plan (IWMP) which was approved by the National Power Board last 27 September 2018 as per Resolution No. 2018-040. Likewise, Plan 16 is crafted with reference to the previous proposed plans submitted for the approval of the Honorable Commission;
12. Aside from maintaining the objectives of the previous proposed plans submitted to the Honorable Commission, Plan 16 particularly seeks to attain the rehabilitation through vegetative measures of 3,059 hectares; reduction of sedimentation and soil erosion inside Petitioner's reforestation areas of at least 2,880 tons/year (Sapalco, S.R., 1981); increase biodiversity in terms of species richness and flora and fauna population thru conservation and ecotourism programs; Strengthening and sustaining of 9 Bantay Watershed Task Force Group created purposely for the protection and conservation of the watershed areas; sustaining tapping more than 730 volunteers to augment the existing watershed protection personnel; employment of more or less 1,000 individuals from the local community; and, provide income through livelihood projects and produce from the established plantations;
13. Plan 16 complies with ERC Case Res. Nos. 18 Series of 2011, which requires Petitioner to conduct consultation with the Local Government Units (LGU) and LGAs where projects will be situated. Reference is made with those of the environmental projects of the LGUs and LGAs so that no duplication in the funding of projects will occur. Concerns of the stakeholders are brought to the attention of concerned WAT and this serves as the latter's guide in the packaging of Plan 16. This also ensures the support of the LGUs and the local communities for the proposed project;
14. In order to attain the objectives of Plan 16, Petitioner would need to avail and utilize the funds from the UC-EC amounting to a total of **TWO HUNDRED FORTY MILLION FOUR HUNDRED TWENTY FIVE THOUSAND SEVENTEEN PESOS 78/100 (Php P240,425,017.78)**, as shown in the Consolidated Financial Summary attached as **Annex C**. This was computed based on existing rules and regulations prescribed for government projects;
17. In compliance with Section 2 (b), Article II of the Rules, Petitioner furnished a copy of the instant petition to the Sangguniang Panlungsod and Office the City Mayor of

ERC CASE NO. 2019-021 RC
NOTICE OF PUBLIC HEARING/ 03 JULY 2019
PAGE 5 OF 7

Quezon City where Petitioner principally operates, and publish the same in a newspaper of general circulation. (Attached as **Annexes "N" and "O"** are proofs of service and publication of the Petition.)

WHEREFORE, premises considered, Petitioner prays that the instant petition be **APPROVED** by the Honorable Commission.

Petitioner prays for other just and equitable relief.

Finding the instant *Petition* to be sufficient in form and substance with the required fees having been paid, the Commission hereby sets the determination of compliance with the jurisdictional requirements, expository presentations, pre-trial conference, and presentation of evidence on the following dates and venues:

Date	Venue	Activity
29 August 2019 (Thursday) Two 'o clock in the afternoon (2:00 P.M.)	ERC Main Office 15 th Floor, Pacific Center Building, San Miguel Avenue, Pasig City	Jurisdictional and Expository Presentation
05 September 2019 (Thursday) Nine 'o clock in the morning (9:00 A.M.)	Gladiola Hall Benguet State University, La Trinidad, Benguet	Expository Presentation
12 September 2019 (Thursday) Ten 'o clock in the morning (10:00 A.M.)	Drillon Hall Southeast Asian Regional Center for Graduate Study and Research (SEARCA) College, Los Baños, Laguna	Expository Presentation
26 September 2019 (Thursday) Ten 'o clock in the morning (10:00 A.M.)	College of Education Ampi-theater Mindanao State University - Iligan Institute of Technology (MSU-IIT), Tibanga, Iligan City	Expository Presentation
03 October 2019 (Thursday) Nine 'o clock in the morning (9:00 A.M.)	ERC Main Office 15 th Floor, Pacific Center Building, San Miguel Avenue, Pasig City	Pre-Trial Conference and Evidentiary Hearing

ERC CASE NO. 2019-021 RC
NOTICE OF PUBLIC HEARING/ 03 JULY 2019
PAGE 6 OF 7

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 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 Rules of Practice and Procedure. No particular form of Opposition or Comment is required, but the document, letter, or writing should contain the following:

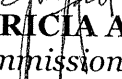
- 1) The name and address of such person;
- 2) A concise statement of the Opposition or Comment; and
- 3) The grounds relied upon.

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ERC CASE NO. 2019-021 RC
NOTICE OF PUBLIC HEARING/ 03 JULY 2019
PAGE 7 OF 7

All such persons who wish to have a copy of the *Petition* may request from 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.

WITNESS, the Honorable Chairperson and CEO **AGNES VST DEVANADERA** and the Honorable Commissioners **ALEXIS M. LUMBATAN** and **PAUL CHRISTIAN M. CERVANTES**, Energy Regulatory Commission, this 3rd day of July 2019 in Pasig City.


JOSEFINA PATRICIA A. MAGPALE-ASIRIT
Oversight Commissioner for Legal Service

LS: RSPV/ARG/CMO

ROS: AMDB/AJMO/FGBD