

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

IN THE MATTER OF THE
PETITION FOR THE
RECOVERY OF CY 2019
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. 2021-017 RC

NATIONAL POWER
CORPORATION (NPC),
Petitioner.

Promulgated:
May 19, 2021

X-----X

ORDER

On 16 March 2021, National Power Corporation (NPC) filed a *Petition* dated 20 January 2021, seeking the Commission's approval for the recovery of Calendar Year (CY) 2019 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.

On 13 April 2021, the Commission issued an *Order and Notice of Virtual Hearing*, both dated 30 March 2021, setting the case for determination of compliance with the jurisdictional requirements and expository presentation for Luzon Stakeholders on 07 May 2021, expository Presentation for Visayas Stakeholders on 14 May 2021, expository presentation for Mindanao Stakeholders on 21 May 2021, Pre-trial Conference and presentation of evidence on 28 May 2021, and another dates for presentation of evidence on 04 June 2021 and 11 June 2021.

Subsequently, on 27 April 2021, NPC filed an *Urgent Motion to Reset* (Urgent Motion) dated 14 April 2021, praying that the scheduled hearings be reset on another dates for it to have sufficient time to comply with the jurisdictional requirements of the Commission.

On 30 April 2021, the Association of Isolated Electric Cooperatives (AIEC), and Atty. Sundy Lachica (Atty. Lachica) filed their respective *Petitions for Intervention*.

During the hearing on 07 May 2021, NPC, AIEC, Atty. Juris Ida Parojinog for Atty. Lachica, and Atty. Victorio Mario Dimagiba (Atty. Dimagiba) in his personal capacity appeared.

In the said hearing, the Commission noted the *Urgent Motion* filed by NPC on 27 April 2021, and the *Petitions for Interventions* respectively filed by AIEC and Atty. Lachica on 30 April 2021.

Thereafter, the Commission directed NPC to file its comment on the said *Petitions* of AIEC and Atty. Lachica. Further, the Commission noted Atty. Dimagiba's intention to participate as intervenor in the instant case and directed him to file his petition for intervention. However, Atty. Dimagiba manifested that he may either file an intervention or a motion to dismiss. The Commission noted the same and gave him sufficient time to file his pleadings. Thereafter, the Commission cancelled the said hearings as well as the subsequent scheduled hearings pursuant to the *Order* dated 30 March 2021.

IN VIEW OF THE FOREGOING, the Commission hereby sets another hearing for determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference and presentation of evidence on the following dates and online platforms for the conduct thereof pursuant to Resolution No. 09, Series of 2020¹ dated 24 September 2020:

Date	Platform	Activity
06 August 2021 (Friday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams	Determination of compliance with jurisdictional requirements and expository presentation for Luzon Stakeholders
13 August 2021 (Friday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams	Expository presentation for Visayas Stakeholders
20 August 2021	Microsoft Teams	Expository presentation for Mindanao Stakeholders

¹ Entitled: "A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission"

(Friday) at nine o'clock in the morning (9:00 A.M.)		
27 August 2021 (Friday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams	Pre-Trial Conference and Presentation of Evidence
03 September 2021 (Friday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams	Presentation of Evidence
10 September 2021 (Friday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams	Presentation of Evidence

RELATIVE THERETO, NPC is hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual 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 Virtual Hearing* the Offices of the Provincial Governor, 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 the consumers within the affected area, by any other means available and appropriate, of the filing of the *Petition*, its reasons therefor, and of the scheduled virtual hearing thereon;
- 4) Furnish with copies of this *Order* and the attached *Notice of Virtual 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 and attend the scheduled hearing; and

- 5) Furnish with copies of the *Petition* and its attachments, all those making requests therefor, subject to the resolution of the prayer for confidential treatment of information, if any, and reimbursement of reasonable photocopying costs.²

Within five (5) calendar days prior to the date of the virtual hearings, NPC must submit to the Commission via electronic mail (e-mail) at doCKET@erc.ph, copy furnish the Legal Service through legal@erc.ph, the scanned copies of 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 Virtual Hearing* consisting of affidavits of the Editor or Business Managers of the newspaper where the said *Notice of Virtual Hearing* was published, and the complete issue of the said newspaper;
- 2) The evidence of actual posting of this *Order* and the attached *Notice of Virtual Hearing* consisting of certifications issued to that effect, signed by the aforementioned Governor, 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 area 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 Virtual 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.

Moreover, NPC is hereby required to post on its bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publication and certifications issued by

² For the e-mail address of the Petitioner, please see page 7.

the concerned Office of the Mayors, or Provincial Governor and Local Legislative Bodies, and to submit proof of its posting thereof.

NPC and all interested parties are also required to submit via e-mail at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph, at least five (5) calendar days before the date of the scheduled virtual 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 therefor; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-trial Brief.

NPC must ensure that all the documents or exhibits proposed to be presented have already been duly submitted to the Commission at least five (5) calendar days before the date of the scheduled initial virtual hearing and Pre-trial Conference pursuant to the preceding paragraph.

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 justifications being cited in support thereof.

NPC is hereby directed to file a copy of its Expository Presentation via e-mail at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph, at least five (5) calendar days prior to the scheduled virtual hearing. NPC shall also be required, upon the

request of any stakeholder, to provide an advance copy of its expository presentation, at least five (5) calendar days prior to the scheduled virtual hearing.

Any interested stakeholder may submit its comments and/or clarifications at least one (1) calendar day prior to the scheduled virtual hearing, via e-mail at docket@erc.ph, copy furnish the Legal Service through legal@erc.ph. The Commission shall give priority to the stakeholders who have duly submitted their respective comments and/or clarifications, to discuss the same and propound questions during the course of the expository presentation.

NPC is hereby directed to submit, either through personal service, registered or ordinary mail/private courier, one (1) set of the original or certified true hard/printed copy/ies of its Jurisdictional Compliance, Expository Presentation, Pre-trial Brief, and Judicial Affidavit/s of witness/es, within five (5) working days from the date that the same were electronically submitted, as reflected in the acknowledgment receipt e-mail sent by the Commission. Similarly, all interested parties who filed their Petition for Intervention or Opposition are required to submit the hard/printed copy thereof within the same period through any of the available modes of service.

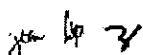
Finally, NPC, including its authorized representative/s and witness/es, are hereby directed to provide the Commission, thru legal.virtualhearings@erc.ph, with their respective e-mail addresses upon receipt of this *Order*. The Commission will send the access link/s to the aforementioned hearing platform within five (5) working days prior to the scheduled hearing.

SO ORDERED.

Pasig City, 10 May 2021.

FOR AND BY AUTHORITY
OF THE COMMISSION:


AGNES VST DEVANADERA
Chairperson and CEO


LS: JTB/LSP/MCCG

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Copy Furnished:

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4. Commission on Audit
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5. Senate Committee on Energy
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6. House Committee on Energy
Batasan Hills, Quezon City
7. Philippine Chamber of Commerce and Industry (PCCI)
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8. Office of the City Mayor
Quezon City
9. Office of the Legislative Government Unit (LGU) Legislative Body
Quezon City
10. Office of the Provincial Governor
Batanes
11. Office of the Legislative Government Unit (LGU) Legislative Body
Batanes
12. Office of the City Mayor
Basco, Batanes
13. Office of the Legislative Government Unit (LGU) Legislative Body
Basco, Batanes
14. Office of the Municipal Mayor
Itbayat, Batanes
15. Office of the Legislative Government Unit (LGU) Legislative Body
Itbayat, Batanes
16. Office of the Municipal Mayor
Sabtang, Batanes
17. Office of the Legislative Government Unit (LGU) Legislative Body
Sabtang, Batanes

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19. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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20. Office of the Municipal Mayor
Uyugan, Batanes
21. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
Uyugan, Batanes
22. Office of the Municipal Mayor
Ivana, Batanes
23. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
Ivana, Batanes
24. General Manager
Batanes Electric Cooperative, Inc. (BATANELCO)
25. Office of the Provincial Governor
Cagayan
26. Office of the Legislative Government Unit (LGU) Legislative Body
Cagayan
27. Office of the Municipal Mayor
Calayan, Cagayan
28. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
Calayan, Cagayan
29. General Manager
Cagayan II Electric Cooperative, Inc. (CAGELCO II)
30. Office of the Provincial Governor
Apayao
31. Office of the Legislative Government Unit (LGU) Legislative Body
Apayao
32. Office of the Municipal Mayor
Kabugao, Apayao
33. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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34. Office of the Provincial Governor
Kalinga
35. Office of the Legislative Government Unit (LGU) Legislative Body
Kalinga
36. Office of the Municipal Mayor
Lubuagan, Kalinga
37. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
Lubuagan, Kalinga
38. General Manager
Kalinga-Apayao Electric Cooperative, Inc. (KAELCO)
39. Office of the Provincial Governor
Isabela

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41. Office of the Municipal Mayor
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43. Office of the Municipal Mayor
Maconacon, Isabela
44. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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45. Office of the Municipal Mayor
Dinapigue, Isabela
46. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
Dinapigue, Isabela
47. General Manager
Isabela II Electric Cooperative, Inc. (ISELCO II)
48. Office of the Provincial Governor
Aurora
49. Office of the Legislative Government Unit (LGU) Legislative Body
Aurora
50. Office of the Municipal Mayor
Casiguran, Aurora
51. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
Casiguran, Aurora
52. Office of the Municipal Mayor
Dingalan, Aurora
53. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
Dingalan, Aurora
54. Office of the Municipal Mayor
Dilasag, Aurora
55. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
Dilasag, Aurora
56. Office of the Municipal Mayor
Dinalungan, Aurora
57. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
Dinalungan, Aurora
58. General Manager
Aurora Electric Cooperative, Inc. (AURELCO)
59. Office of the Provincial Governor
Quezon
60. Office of the Legislative Government Unit (LGU) Legislative Body
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61. Office of the Municipal Mayor
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63. Office of the Municipal Mayor
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64. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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65. Office of the Municipal Mayor
Polilio, Quezon
66. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
Polilio, Quezon
67. General Manager
Quezon II Electric Cooperative, Inc. (QUEZELCO II)
68. Office of the Provincial Governor
Batangas
69. Office of the Legislative Government Unit (LGU) Legislative Body
Batangas
70. Office of the Municipal Mayor
Tingloy, Batangas
71. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
Tingloy, Batangas
72. General Manager
Batangas II Electric Cooperative, Inc. (BATELEC II)
73. Office of the Provincial Governor
Marinduque
74. Office of the Legislative Government Unit (LGU) Legislative Body
Marinduque
75. Office of the Municipal Mayor
Boac, Marinduque
76. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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77. Office of the Municipal Mayor
Mogpog, Marinduque
78. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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79. Office of the Municipal Mayor
Santa Cruz, Marinduque
80. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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81. Office of the Municipal Mayor
Torrijos, Marinduque
82. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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83. Office of the Municipal Mayor
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85. Office of the Municipal Mayor
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86. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
Gasán, Marinduque
87. General Manager
Marinduque Electric Cooperative, Inc. (MARELCO)
88. Office of the Provincial Governor
Occidental Mindoro
89. Office of the Legislative Government Unit (LGU) Legislative Body
Occidental Mindoro
90. Office of the City Mayor
Lubang, Occidental Mindoro
91. Office of the Legislative Government Unit (LGU) Legislative Body
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92. Office of the Municipal Mayor
Mamburao, Occidental Mindoro
93. Office of the Legislative Government Unit (LGU) Legislative Body
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94. Office of the Municipal Mayor
Paluan, Occidental Mindoro
95. Office of the Legislative Government Unit (LGU) Legislative Body
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96. Office of the Municipal Mayor
San Jose, Occidental Mindoro
97. Office of the Legislative Government Unit (LGU) Legislative Body
San Jose, Occidental Mindoro
98. Office of the Municipal Mayor
Abra de Ilog, Occidental Mindoro
99. Office of the Legislative Government Unit (LGU) Legislative Body
Abra de Ilog, Occidental Mindoro
100. Office of the Municipal Mayor
Calintaan, Occidental Mindoro
101. Office of the Legislative Government Unit (LGU) Legislative Body
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102. Office of the Municipal Mayor
Looc, Occidental Mindoro
103. Office of the Legislative Government Unit (LGU) Legislative Body
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104. Office of the Municipal Mayor
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105. Office of the Legislative Government Unit (LGU) Legislative Body
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108. Office of the Municipal Mayor
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110. Office of the Municipal Mayor
Sta. Cruz, Occidental Mindoro
111. Office of the Legislative Government Unit (LGU) Legislative Body
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112. General Manager
Occidental Mindoro Electric Cooperative, Inc. (OMECCO)
113. General Manager
Lubang Island Electric Cooperative (LUBELCO)
114. Office of the Provincial Governor
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132. Office of the Municipal Mayor
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136. Office of the Municipal Mayor
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140. Office of the Municipal Mayor
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142. Office of the Municipal Mayor
Mansalay, Oriental Mindoro
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144. Office of the Municipal Mayor
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145. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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146. General Manager
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147. Office of the Provincial Governor
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148. Office of the Legislative Government Unit (LGU) Legislative Body
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149. Office of the City Mayor
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153. Office of the Municipal Mayor
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155. Office of the Municipal Mayor
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157. Office of the Municipal Mayor
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159. Office of the Municipal Mayor
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160. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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161. Office of the Municipal Mayor
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163. Office of the Municipal Mayor
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165. Office of the Municipal Mayor
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166. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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167. Office of the Municipal Mayor
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168. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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169. Office of the Municipal Mayor
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170. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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171. Office of the Municipal Mayor
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175. Office of the Municipal Mayor
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176. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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177. Office of the Municipal Mayor
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185. Office of the Municipal Mayor
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187. Office of the Municipal Mayor
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188. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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Quezon, Palawan
190. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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191. Office of the Municipal Mayor
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192. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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193. Office of the Municipal Mayor
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194. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
Dumaran, Palawan
195. General Manager
Main Office
Palawan Electric Cooperative, Inc. (PALECO)
196. General Manager
Sub-Office
Palawan Electric Cooperative, Inc. (PALECO)
197. General Manager
Busuanga Island Electric Cooperative, Inc. (BISELCO)
198. Office of the Provincial Governor
Romblon
199. Office of the Legislative Government Unit (LGU) Legislative Body
Romblon
200. Office of the City Mayor
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201. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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202. Office of the Municipal Mayor
Banton, Romblon
203. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
Banton, Romblon
204. Office of the Municipal Mayor
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205. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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206. Office of the Municipal Mayor
Corcuera, Romblon
207. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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208. Office of the Municipal Mayor
Odiongan, Romblon
209. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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210. Office of the Municipal Mayor
San Fernando, Romblon
211. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
San Fernando, Romblon
212. Office of the Municipal Mayor
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213. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
San Jose, Romblon
214. Office of the Municipal Mayor
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215. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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218. Office of the Municipal Mayor
Ferrol, Romblon
219. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
Ferrol, Romblon
220. Office of the Municipal Mayor
Looc, Romblon
221. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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222. Office of the Municipal Mayor
San Agustin, Romblon
223. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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224. Office of the Municipal Mayor
San Andres, Romblon
225. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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Santa Fe, Romblon
227. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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228. Office of the Municipal Mayor
Sta. Maria (Imelda), Romblon
229. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
Sta. Maria (Imelda), Romblon
230. Office of the Municipal Mayor
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234. General Manager
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235. General Manager
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236. Provincial Governor
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237. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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243. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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244. General Manager
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245. Provincial Governor
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246. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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269. General Manager
First Catanduanes Electric Cooperative, Inc. (FICELCO)
270. Provincial Governor
Albay
271. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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272. Office of the Municipal Mayor
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273. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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274. General Manager
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275. Provincial Governor
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277. Office of the City Mayor
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345. General Manager
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376. General Manager
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405. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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409. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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424. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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425. General Manager
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426. Office of the Provincial Governor
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428. Office of the City Mayor
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440. Office of the Municipal Mayor
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455. Office of the Legislative Government Unit (LGU) Legislative Body Legislative Body
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471. General Manager
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- 483. General Manager
Surigao del Norte Electric Cooperative, Inc. (SURNECO)
- 484. Regulatory Operations Service (ROS)
17th Floor, Pacific Center Building
San Miguel Avenue, Pasig City