RULES OF PRACTICE AND PROCEDURE GOVERNING HEARINGS BEFORE THE ENERGY REGULATORY BOARD

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Pursuant to Section 6 of Executive Order No. 172, the Energy Regulatory Board hereby adopts and promulgates the following rules of procedure governing inquiries, studies, hearings, investigations and proceedings conducted by and before the Board.

Rule 1
General Provisions

SECTION 1. Title — These Rules shall be known and cited as the Rules of Practice and Procedure governing hearings before the Energy Regulatory Board.

SECTION 2. Scope — These Rules shall govern pleadings, practice and procedure before the Energy Regulatory Board in all matters of inquiry, study, hearing, investigation and/or any other proceedings within the jurisdiction of the Board. However, in the broader interest of justice, the Board may, in any particular matter, except itself from these Rules and apply such suitable procedure as shall promote the objectives of the Order.

SECTION 3. Construction — These Rules shall be liberally construed to protect and promote public interest, and to attain the objectives of Executive Order No. 172.

SECTION 4. Definitions — For purposes of these Rules, the terms:

a. Order shall mean Executive Order No. 172 creating the Energy Regulatory Board.

b. Board shall refer to the Energy Regulatory Board.

c. Member shall include the Chairman and anyone of the Board members.

Rule 2
Parties

SECTION 1. Who May Be A Party — Any person or group of persons, whether natural or juridical, who may be affected by the decision, order, ruling or resolution to be rendered by the Board in a particular case may appear and participate in the manner hereinafter provided for in these Rules.

SECTION 2. Applicant — An applicant is a person who seeks a certificate of public convenience and necessity (CPCN) to operate an electric light, heat and power service or any authorization, license or permission to undertake any matter or business within the regulatory power and jurisdiction of the Board.

SECTION 3. Oppositor — Any person having a substantial and adverse interest in, or who may be affected by the application or petition, or the subject matter thereof and who interposes an objection to the approval of the application or petition is an oppositor.

SECTION 4. Complainant — A complainant is any aggrieved person or group of persons who files a complaint on matters within the jurisdiction of the Board. If the complainant desires to participate in the hearing of the matter

complained of, he must file a written complaint in accordance with these Rules.

SECTION 5. Petitioner — A petitioner is any person who seeks remedies, relief or ruling that is within the power of the Board to grant.

SECTION 6. Respondent — A respondent is any person or party to whom an order is issued by the Board to appear and show cause or otherwise summoned to answer any allegation, imputation or issue in any hearing or proceeding before the Board.

SECTION 7. Appearance by Consumers or Users — If individual users or entities opposing an application for approval of prices or rates are represented by several attorneys, the latter shall choose from among themselves not more than four (4) who shall be allowed by the Board to conduct the proceedings in behalf of all the oppositors.

Rule 3
Pleadings

SECTION 1. Pleadings Allowed — The pleadings allowed by these Rules are the application, the complaint, the petition, the opposition, the answer, the reply and such other pleadings as the Board may allow.

SECTION 2. Form and Substance — All pleadings shall be in English and/or Pilipino typewritten or printed double spaced on only one side of a legal size white bond paper, and shall be filed in six (6) copies, including the original. Every pleading shall have a caption, title, signature and address and shall contain, in logical form, a plain, concise and direct statement of the ultimate facts relied upon by the party.

SECTION 3. Verification and Supporting Papers — All pleadings shall be verified or accompanied by affidavits and by such documents as would reasonably tend to establish prima facie the truth of the factual allegations contained therein. A pleading is verified by an affidavit stating that the person verifying has read the pleading and that the allegations of fact therein made are true of his own personal knowledge.

SECTION 4. Application — By means of an application, the applicant seeks a certificate of public convenience and necessity (CPCN) to operate an electric light, heat and power service or any authorization, license or permission to undertake any matter or business within the regulatory power or jurisdiction of the Board. It shall contain a concise statement of the service proposed or authorization applied for, and the ultimate facts that would qualify or entitle the applicant to the grant of the certificate, privilege or authorization being sought.

When the application is predicated on a franchise, sale, lease, mortgage, or any other contract, such franchise or contract shall be impleaded in the application by alleging in substance its salient and pertinent provisions and appending to the application a copy of the franchise or contract.

SECTION 5. Complaint — The complaint is a concise statement of the ultimate facts of the matter or act complained of within the regulatory power or jurisdiction of the Board, and shall specify the principal relief sought.

SECTION 6. Petition — A petition may be filed by one who may be a party to a hearing or proceeding, or who, under the provisions of the Order, is subject to the jurisdiction of the Board concerning any matter or controversy within the regulatory power or jurisdiction of the Board.

SECTION 7. Opposition — An opposition may be filed by any person whose interest may be prejudiced by an application.

SECTION 8. Answer — The respondent to whom an order is issued by the Board to show cause, or otherwise summoned to answer, shall file an answer in compliance therewith. The answer shall admit or deny the material

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allegations of fact stated in the show cause order or in the complaint or petition. Whenever practicable, the respondent shall state the matters of fact and law relied upon and shall attach to his answer such documents and affidavits in proof of his allegations.

The respondent may, in his answer, pray for the grant of an affirmative relief.

SECTION 9. Amendments — Any modification or supplement to an application, complaint, petition or other pleading shall be deemed an amendment to the pleading, and shall comply with the requirements of this Rule relating to the pleading amended insofar as appropriate and in all other respects with the requirements of Rule 5 hereof. Amendments may be made as a matter of right at any time before hearing, and, thereafter, only with leave of the Board.

SECTION 10. Amendment to Conform to the Evidence — When, at a hearing, issues not raised by the pleadings are introduced by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. If evidence upon a new issue is objected to on the ground that the issue is not among those raised in the pleadings, the Board may allow the pleadings to be amended and such evidence received when it appears that the presentation of the merits of the proceeding will be served thereby without prejudicing the public interest or the rights of any party. The Board may grant a continuance to enable the objecting party to meet such evidence.

SECTION 11. Directed Amendments — The Board, may, upon motion of any party, direct any other party to amend his pleading in order to state his case more fully or in a more detailed manner. Such amendment shall be reduced to writing and filed within such time as may be fixed therefor, and shall comply with the requirements of this Rule pertaining to the pleading amended insofar as appropriate and in all other respects with the requirements of Rule 5 hereof.

SECTION 12. Withdrawal of Pleadings — At any time before a responsive pleading is filed, a party may withdraw his pleading by filing notice thereof with the Board. However, such withdrawal shall be subject to the approval of the Board.

SECTION 13. Defect of Form — No defect in the form of any pleading allowed to be filed under these Rules will prejudice the pleader; however, the Board may direct amendments or require the submission of additional affidavits or other supporting documents.

Rule 4
Motions

SECTION 1. Scope and Contents — Every application for any procedural or interlocutory ruling or relief may be made by a motion. Motions shall set forth the ruling or relief sought, and state the grounds therefor, and if necessary, shall be accompanied by supporting affidavits and documents. The requirements of Rule 3 shall apply to all written motions. However, every ancillary motion for provisional authorization or proposed services or rates/prices shall be governed by Section 2 of Rule 13.

SECTION 2. Form — Unless made in the course of a hearing, all motions shall be in writing and copies thereof shall be served upon all parties at least three (3) working days before the hearing thereof. Motions made during hearings may be stated orally upon the record unless the Board or Hearing Member or Officer requires that such motions be reduced to writing and filed separately.

SECTION 3. Notice — Written motions shall contain a notice setting the hearing thereof at a specified date and time. However, for good cause shown, the Board may hear a motion on shorter notice.

SECTION 4. Proof of Service — The Board shall not act upon any motion without proof of service of notice thereof on all parties, except when the Board is satisfied that the rights of the adverse party or parties are not affected.

SECTION 5. Ex parte Motions — Ex parte motions shall be acted upon by the Board only upon showing of urgent necessity therefor.

SECTION 6. Evidence on Motion — Allegations of fact in a motion or in an opposition thereto not appearing of record may be proved by affidavits or sworn documents, but the Board may require that the matter be heard wholly or partly on oral testimony.

Rule 5
Filing and Service of Papers

SECTION 1. Filing — All pleadings, motions, documents and other papers required or allowed to be filed under these Rules shall be filed with the Executive Director of the Board.

SECTION 2. Number of Copies — Unless the Board shall require otherwise, every party filing a pleading, motion, document or other papers shall file an original and five (5) conformed copies thereof.

SECTION 3. Acceptance for Filing — Only pleadings, motions, documents and other papers which conform to the formal requirements of these Rules shall be accepted for filing. Those unacceptable for filing shall be returned by the Executive Director with an indication of the deficiencies thereof and the reasons for nonacceptance and return. Acceptance for filing shall not waive any failure to comply with the Rules and such failure may be cause for striking all or any part of such paper filed.

SECTION 4. Service Upon Parties — All pleadings, documents and other papers tendered to the Executive Director for filing shall show proof of service thereof upon all parties to the proceeding. Such service shall be made by personal delivery or by registered mail, properly addressed, with postage prepaid, of one (1) conformed copy to each party, together with all annexes attached thereto.

SECTION 5. Service Upon Parties Represented by Attorneys — When any party has appeared by attorney, service upon him shall be made upon his attorney or anyone of his attorneys of record.

SECTION 6. Service of Orders — All decisions, orders and resolutions of the Board shall be served upon all parties who have entered their appearance, either by personal delivery to such party or his attorney of record, or by mailing copies thereof to said party or attorney.

SECTION 7. Extension of Time — Whenever by any decision or order of the Board, a pleading, motion or document is required to be filed within a fixed time or period, the Board, for good cause shown, may extend the period upon motion made before the expiration of the period fixed. The Board may, upon such terms as may be just, also allow or admit any pleading to be filed after the time fixed by these Rules.

Rule 6
Show Cause Order

SECTION 1. Hearing or Inquiry of the Board — The Board may motu propio initiate an action or inquiry against any person or entity when so required by law, national or public interest, and/or in its exercise of any of the powers and functions vested upon it by the Order or any other law enforced and administered by it. In the exercise of this prerogative, the Board may commence such hearing or inquiry by an order to show cause, setting forth the grounds for such order. The order shall state with definiteness and clarity, the facts constituting the violation and also the range or extent of the sanction or penalty that may be imposed should the violation be substantiated.

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SECTION 2. Other Instance When a Show Cause Order is Issued — If the Board finds a complaint or otherwise sufficient in form and substance to warrant a hearing, it shall issue a show cause order.

SECTION 3. Sufficiency of Complaint — A complaint is sufficient if it contains the name of the complainant or offended party; the name of the respondent; a reference, whenever practicable, to the provisions of the law, certificate, order, decision or regulation violated; the acts or omissions complained of as constituting the offense; and the date, hour and place of the commission of the offense.

SECTION 4. Contents of the Order — The show cause order shall contain a statement of the matters concerning which the Board proposes a hearing or inquiry and the names and addresses of all parties required to file an answer thereto, and shall direct the persons named therein to show cause why the Board should not proceed with the hearing or inquiry and exercise the powers vested upon it. The Board's statement of the matters of inquiry shall be for the purpose of framing initially the questions for consideration by the Board in the proceeding.

SECTION 5. Answer — Within a period of five (5) days from receipt of a show cause order or a copy of the complaint or petition, unless a different period is fixed, the respondent shall file an answer either admitting, denying, or setting forth the reason why respondent cannot admit or deny the statements of fact set forth in said order, complaint or petition and stating the matters of fact and law upon which he relies for his defense.

SECTION 6. Disposition — If the Board finds the answer sufficient in form and substance to warrant termination of the hearing or inquiry, it shall issue an order to that effect; otherwise, it shall proceed to conduct the hearing or inquiry.

Rule 7
Publication of Application

SECTION 1. Duty of the Executive Director — When an application is filed pursuant to Rule 3, Section 4 hereof and the required fees paid therefor, the Executive Director shall promptly cause the same to be docketed, issue the notice of hearing and forward it to the appropriate unit of the Board.

SECTION 2. Publication and Other Requirements — The notice of hearing covering applications for approval of prices or rates shall be published by the applicant, at his/its own expense, twice in two (2) newspapers of general circulation, the last day of publication not to be later than five (5) days before the scheduled hearing; Provided: However, That if the notice of hearing pertains to an application for approval of electric power rates, one of the two (2) newspapers in which the same shall be published, shall be of general circulation in the locality or localities where the applicant operates his/its business, if there be any such local newspaper. In all other applications, the publication shall be once in one (1) newspaper of general circulation at least five (5) days before the date of hearing; Provided: Further, That the Board may impose upon the applicant such other requirements as may be deemed necessary to the end that persons who may be affected by the application shall be apprised thereof and have opportunity to comment on and/or submit their opposition to the application.

SECTION 3. Opposition — Within the time stated in the notice of hearing or within a reasonable time thereafter, in the discretion of the Board, a written opposition, not a motion to dismiss, may be filed against an application with a copy served upon the applicant, in which the oppositor shall state concisely his right or interest affected by the application and the ultimate facts constituting all his grounds of opposition, including all grounds for a motion to dismiss.

Rule 8
Pre-Hearing Conference

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SECTION 1. Purpose — Whenever the Board finds that a formal hearing should be held on any matter in dispute within the jurisdiction of the Board, it shall set a pre-hearing conference between the parties together with their attorneys and the Board or the Hearing Member or Officer designated to preside therein at such time as the nature of the proceeding and the public interest may permit, for the purpose of seeking agreement on ways or means of expediting the proceeding.

SECTION 2. Scope — All parties and their respective attorneys are obliged to attend a scheduled pre-hearing conference to consider, among other things, the following:

a. The possibility and advisability of a consented decree, voluntary compliance or desistance on certain terms and conditions;

b. The simplification of the issues;

c. The exchange and acceptance of service of exhibits to be offered in evidence;

d. The obtaining of admission as to, or stipulation of, facts not remaining in dispute, or the authenticity of documents which might properly shorten the hearing;

e. The limitation of the number of witnesses;

f. Admissibility and competence of evidence proposed to be submitted by a party; and

g. Means of ensuring the orderly and efficient conduct of the proceeding.

All the parties and their attorneys shall attend the pre-hearing conference with full authority to enter into agreements on any or all of the above matters. The parties shall inform each other of the nature and character of the evidence they propose to offer, indicating the purpose of each item of evidence.

SECTION 3. Offers of Settlement — Any party to a proceeding may, at any time, make an offer to the Board conditionally or otherwise for a consented decree, voluntary compliance or desistance and other settlement of the controversy. The offer and any or all of the ultimate facts upon which the offer is based are for settlement purposes only, and cannot be used as evidence against any party for any other purpose and shall not constitute an admission by the party making the offer of any violation of the Order, any other law, or any decision, order, rule or regulation of the Board.

Rule 9
Hearing

SECTION 1. Notice — Hearing shall be conducted with notice to all parties of record of the time and place of the hearing. Any party who fails to attend the initial and the subsequent hearing of the case, may be deemed to have waived his presence and the party present shall be allowed to present evidence ex parte.

SECTION 2. Waiver of Hearing — The parties may waive formal hearing for the reception of evidence. In such case, the Board may forthwith dispose of the matter on the basis of the pleadings, together with the supporting affidavits and documents attached thereto, and the studies and recommendations, if any, of the staff of the Board.

SECTION 3. Uncontested Proceedings — In any proceeding required to be set for hearing, the Board, when it appears to be in the public interest to grant the relief or authority requested in the initial pleading and there is no opposition or contest, shall forthwith dispose of the proceeding upon consideration of the pleadings and the supporting affidavits and documents attached thereto.

SECTION 4. Consolidation — The Board may, motu propio or on motion of any party, consolidate or hold a joint

hearing or proceeding on matters or cases involving common questions of law or fact. However, upon motion of an interested party, a separate hearing may be held on issues peculiar only to the movant.

SECTION 5. Appearance — Any party to a hearing may appear in person or by an attorney admitted to the practice of law in the Philippines. No attorney shall appear on behalf of a party without first serving and filing a notice of appearance unless such attorney signed the initial pleading of the party he represents.

SECTION 6. Conciseness of Presentation — All parties appearing before the Board shall endeavor to present their cases in concise form, avoiding cumulative and repetitious evidence and arguments to avoid unnecessary and prejudicial delay.

SECTION 7. Order or Procedure — As far as practicable, the following order shall be followed in the presentation of evidence:

a. The presentation of evidence shall commence with the party initiating the proceeding presenting his evidence by offering the affidavits and supporting documents attached to his pleading, and such additional evidence as he may wish to present. In consolidated proceedings, all parties initiating the consolidated proceedings shall first present their evidence;

b. The party or parties opposing the grant of the relief sought shall then present evidence; and

c. Presentation of rebuttal or surrebuttal evidence may be allowed in the discretion of the Board.

d. When the presentation of evidence is concluded, the parties may be required or allowed to submit their respective memoranda in support of their causes.

At all hearings, every party shall have the right to conduct such cross-examination of witnesses as may be necessary subject to the materiality/relevancy of the evidence as well as the competence of the witness to answer the query. The Board or Hearing Member or Officer may, from time to time, propound such questions as will elicit the full and true disclosure of the facts of the case or clarify certain points at issue. The Board or Hearing Member or Officer must at all times act with justice and fairness without being bound by technical rules of evidence.

SECTION 8. Transcript and Records — Hearings shall be stenographically recorded by the official stenographer of the Board, and the transcript of stenographic notes shall be part of the records and the sole official transcript of the proceedings. Parties desiring copies of such transcript may obtain the same from the official stenographer upon payment of the fees prescribed therefor.

Rule 10
Hearing Member or Officer

SECTION 1. Designation of Hearing Member or Officer — The Board may, in its discretion, receive en banc, or designate any of its lawyer Members, or lawyer members of its staff, or any of the attorneys of the legal branch/department or branch chiefs/department heads, if they be lawyers, to receive evidence upon any issue or issues raised in any hearing. The Board Member or official so designated shall be known as Hearing Member of Officer.

SECTION 2. Powers of Hearing Member or Officer — A Hearing Member or Officer shall have the power to rule on the admissibility, relevance, materiality or competence of any proferred evidence. The ruling of the Hearing Member or Officer on that regard may be appealed to the Board en banc within a period of two (2) working days provided that the party offering the evidence shall have stated into the records the nature and purpose thereof with sufficient clarity as to enable the Board to determine the admissibility, relevance, materiality, or competence of

the proffered evidence.

Rule 11
Subpoena

SECTION 1. Issuance — At the request of a party to a pending proceeding, or on its own initiative, the Board may cause the issuance of a subpoena to any person within the Philippines to testify or to produce relevant books, records, papers, or other things found or kept within the Philippines. The request for issuance of subpoena shall be in writing and shall describe such books, records, papers, or other things to be produced with sufficient particularity as to enable the Board to determine the relevance of the facts intended to be proven thereby, and the person to whom the subpoena is addressed to identify the documents sought to be produced.

SECTION 2. Quashal of Subpoena — Upon motion of a party or the person to whom the subpoena is directed, a subpoena may be quashed if shown to be unreasonable, oppressive or capricious.

Rule 12
Evidence

SECTION 1. Requirements — If a proceeding is contested, the affidavits and supporting documents attached to a pleading shall constitute direct evidence of the factual allegations of the pleader. If a proceeding is non-contested, or only issues of law are tendered by the pleadings, the Board shall, without further proceedings, on the basis of the pleadings, the affidavits and supporting documents filed, render a decision on the matter before it; Provided: That, if in the opinion of the Board, the pleadings, affidavits and documents are not sufficient to sustain or grant the relief or reliefs prayed for, the Board may require the submission of additional affidavits, documents or other evidence.

SECTION 2. Official Documents — In case any matter contained in any report or document on file with the Board is offered in evidence, such report or document need not be produced, but may be offered in evidence by specifying the report, document or file containing the matter so offered. The personnel/employee of the Board who has custody of such report, document or record may, however, be required to produce the same when necessary.

The Board may, in the disposition of cases before it, take judicial notice of any data or information existing in its official records, that may be relevant, pertinent or material to the issues involved.

SECTION 3. Admissibility of Evidence — Only relevant and material evidence shall be admissible. For this purpose, the party offering the evidence must show the purpose for the presentation and offer thereof to give the other party a chance to object to or rebut it.

SECTION 4. Witnesses — A witness shall be examined orally unless his testimony is submitted in prepared written form as hereinunder provided or the facts to which he will testify are admitted or stipulated on. A witness whose testimony is to be taken shall be sworn or shall affirm concerning the matter about which he shall testify, before his testimony may be taken in evidence.

SECTION 5. Prepared Testimony — The written testimony of any witness may be offered as direct evidence and shall be admitted as an exhibit, provided that the same has been sworn to before an officer authorized to administer oath, and copies thereof have been furnished to all parties.

Upon submission of such prepared direct testimony, the adverse party may move to strike out any irrelevant and immaterial statements, and cross-examine the witness on the relevant statements contained therein.

SECTION 6. Deposition — Where the witnesses reside in places distant from the office of the Board and it would

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be inconvenient and expensive for them to appear personally before the Board, upon the written request of any party, the Board may authorize a clerk of court of the Regional Trial Court or a Metropolitan, City or Municipal Trial Court judge to take the depositions of witnesses in any case pending before the Board, substantially in accordance with the provisions of Rule 14 of the New Rules of Court.

Unless the Board orders otherwise, cases in which depositions are taken according to the procedure stated above, shall be considered submitted for decision on the basis of such depositions after the completion of their filing with the Board.

SECTION 7. Ocular Inspection or Investigation — Upon its own initiative or upon motion of a party, the Board and the parties may view any object or inspect any property which has a relation to a fact in issue as to afford reasonable grounds of belief respecting the latter.

The Board may also, on its own initiative or upon motion of a party, conduct such investigation or studies on any matter pertinent, related or material to the issues involved in a case the results of which may be used by the Board as bases for the proper evaluation of the said issues.

Rule 13
Decisions and Orders

SECTION 1. Form and Contents — All orders, rulings, decisions and resolutions determining the merits of matters within the jurisdiction of the Board shall be in writing, stating clearly and distinctly the facts and the law on which they are based, the conclusions on which shall be reached by the Board after deliberation and consultation en banc, and assigned to a Member for the writing of the opinion of the Board and the concurrence of the other Members. Any Member dissenting from the order, ruling, decision or resolution shall state the reasons for his dissent. After the decision and dissenting opinions, if any, are signed by the Board Member, they shall be filed with the Executive Director of the Board, who shall cause true copies thereof to be served upon the parties or their counsel.

SECTION 2. Provisional Relief — Upon the filing of an application, petition or complaint, or at any stage thereafter, the Board may grant on motion of the pleader or on its initiative, the relief prayed for without prejudice to a final decision after completion of the hearing should the Board find that the pleading, together with the affidavits and supporting documents attached thereto and such additional evidence as may have been presented, substantially support the provisional order; Provided: That the Board may, motu propio, continue to issue orders or grant relief in the exercise of its powers of general supervision under existing laws.

SECTION 3. Final Decisions — The Board shall render a final decision, order, ruling, or resolution:

a. In a non-contested proceeding. When the Board is satisfied that the pleading, together with the supporting affidavits and documents, establishes the right of the party to the relief prayed for, and there is no opposition thereto or the parties waived formal hearing, the Board may render a final decision, order, ruling or resolution without further proceedings.

b. In a contested proceeding. The Board shall render a final decision, order, ruling or resolution after submission by the parties of the case or controversy for decision on the merits.

c. In all final decisions, orders, rulings or resolutions, whether in contested or non-contested proceedings, the Board may grant such other relief or impose such conditions or fix such terms as it may deem necessary in order to promote public interest.

SECTION 4. Compilation and Publication of Decisions — The Executive Director of the Board shall compile the

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final decisions, orders, rulings and resolutions of the Board, including final decisions of the Supreme Court on appeal or review by certiorari, if any, and shall cause them to be printed by the Bureau of Printing in bound and numbered volumes.

Rule 14
Motion for Reopening or
Reconsideration

SECTION 1. Motion for Reopening — Any party may file a motion for reopening of the proceeding at any time after the presentation of evidence has been completed but before promulgation of a final decision, order, ruling or resolution, if during that period there should occur or arise transactions, events, or matters, whether factual or legal resulting in a changed situation of the parties.

SECTION 2. Motion for Reconsideration — A party adversely affected by a final decision, order, ruling or resolution may move for a reconsideration thereof within thirty (30) days from notice. No more than one (1) motion for reconsideration by such party will be entertained unless otherwise permitted by the Board.

SECTION 3. Service and Hearing — The motion allowed under this Rule shall be served upon all parties of record and shall be set for hearing not less than three (3) days from service thereof.

SECTION 4. Opposition — Any party to the proceeding may file an opposition to a motion allowed by this Rule accompanied by supporting affidavits and documents, serving a copy thereof upon the movant.

Rule 15
Appeal

SECTION 1. Mode and Period — A party adversely affected by any decision, order, ruling or resolution of the Board may, within a period of thirty (30) days from notice thereof or within fifteen (15) days following the denial of a motion for reconsideration filed within the period to appeal, petition the Supreme Court to review said decision, order, ruling or resolution under Rule 44 of the Rules of Court. In proper cases, the aggrieved party may avail himself of the petition for certiorari under Rule 65 of the Rules of Court.

SECTION 2. Effect of Appeal or Petition for Certiorari — Unless the Supreme Court directs otherwise, an appeal or petition for certiorari shall not stay the execution of the decision, order, ruling or resolution.

SECTION 3. Execution of Decision, Order, Ruling or Resolution — The decision, order, ruling or resolution of the Board to continue an existing service or determining, fixing and prescribing rates or prices to be charged shall take effect immediately unless an appeal or petition for certiorari has been filed with the Supreme Court and the latter has stayed the execution of the said decision, order, ruling or resolution; all other decisions, orders, rulings or resolutions shall become effective upon the dates specified therein; Provided: However, That decisions, orders, rulings or resolutions of the Board in controverted matters and not pertaining to the continuance of an existing service or determining, fixing and prescribing rates or prices to be charged, shall, unless otherwise provided by the Board, be final and executory upon the expiration of thirty (30) days from notice thereof to all parties.

SECTION 4. Procedure for Appeal — Until the Supreme Court provides otherwise, the procedure provided for in Rule 44 of the Rules of Court shall be followed.

Rule 16
Applicability of the Rules of Court

SECTION 1. Rules of Court — The provisions of the Rules of Court applicable to proceedings before the Regional Trial Court, which are not inconsistent with these Rules, shall apply in an analogous and suppletory character,

whenever practicable and convenient.

Rule 17
Amendments

SECTION 1. Amendment of Rules — These Rules may be amended by a vote of three (3) Members of the Board at regular or special meeting called for the purpose.

SECTION 2. Effectivity of Amendment — Any amendment to these Rules shall be effective fifteen (15) days after publication in the Official Gazette or any newspaper of general circulation.

Rule 18
Effectivity

SECTION 1. Effectivity — These Rules shall take effect after fifteen (15) days following their publication in the Official Gazette or any newspaper of general circulation.

Adopted: 20 Nov. 1987

(SGD.) PONCIANO G.A. MATHAY
Chairman

(SGD.) J. MARIO LAQUI
Member

(SGD.) ALEJANDRO B. AFURONG
Member

Re-issued: 19 Mar. 1990

By: Energy Regulatory Board

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