GUIDELINES ON INCENTIVE SCHEME IN FAVOR OF ANY PERSON WHO SHALL REPORT TO THE NATIONAL POWER CORPORATION (NPC) INCLUDING THE OTHER POWER UTILITIES SUCH AS PRIVATE ELECTRIC UTILI...

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Pursuant to Section 5 of Republic Act No. 7832, in relation to Section 5(d) of R.A. 7638 and Book IV, Chapter 2, Section 7(3) of the Administrative Code of 1987, the following guidelines, after consultations with the NPC, are hereby issued for the guidance of all concerned:

SECTION 1. An incentive scheme is hereby authorized by way of giving monetary reward to any person who shall report to the NPC including the other power utilities like private electric utility or rural electric cooperative, or police authorities any act which may constitute a violation of Section 3 of R.A. 7832.

SECTION 2. Definition of Terms - As used in this Department Circular, the following terms shall have the following respective meanings:

a) DOE - shall refer to the Department of Energy.

b) NPC - means the National Power Corporation.

c) PNOC - means the Philippine National Oil Company.

d) NEA - shall mean the National Electrification Administration.

e) Replacement Market Value - means the current market price of a new transmission line or material when purchased in Metro Manila.

f) Electrical Power Transmission Line/Material - refers to electric power transmission steel towers, woodpoles, cables, wires, insulators, line hardwares, electrical conductors and other related items with a minimum voltage of sixty-nine kilovolts (69 KV), such as the following:

> 1) Steel transmission line towers made of galvanized steel angular members and plates or creosoted and/or tannelized woodpoles/concrete poles and designed to carry and support the conductors;
>
> 2) Aluminum conductor steel reinforced (ACSR) in excess of one hundred (100) MCM;
>
> 3) Overhead ground wires made of 7 strands of galvanized steel wires, 3.08 millimeters in diameter and designed to protect the electrical conductors from lightning strikes;
>
> 4) Insulators made of porcelain or glass shell and designed to insulate the electrical conductors from steel towers or woodpoles; and
>
> 5) Various transmission line hardwares and materials made of aluminum alloy or malleable steel and designed to interconnect the towers, conductors, ground wires, and insulators mentioned in subparagraphs (1), (2), (3) and (4) under Section 3 of R.A. 7832, for the safe and reliable operation of the transmission lines.

g) Owner of transmission line/material - includes the NPC or its regional office concerned, or other power utilities

such as private electric utility or rural electric cooperative.

h) Act - refers to R.A. 7832, known and cited as the "Anti-Electricity and Electric Transmission Lines/Materials Pilferage Act of 1994".

SECTION 3. The amount of reward to be granted will be based on the replacement market value of the electric power transmission line/material as determined by NPC which was cut, sawed, sliced, separated, split, severed, smelted, removed, taken, carried away or transferred, stored, deposited, possessed or otherwise kept, stocked, inventoried, situated or located, loaded, shipped or moved from one place to another by the offender without the consent of the owner which may be the NPC or its regional office concerned, or other power utilities like private electric utility or rural electric cooperative, as the case may be, whether or not the act is done for profit or gain. The following amounts shall be given by the owner of the transmission lines/materials, as rewards to any person who reports to the NPC or other power utilities such as private electric utility or rural electric cooperative or police authorities any offense specified in Section 3 of R.A. 7832:

- Five percent (5%) of the replacement market value of the electric power transmission line/material if there is prima facie evidence that such line/material is the fruit of the offense defined in Section 3 of the Act;

- Seven percent (7%) of the replacement market value if the appropriate criminal charges are filed in court. If the amount of five percent (5%) had already been paid under sub-paragraph 1 hereof, the balance of two percent (2%) will be paid by the owner to make a total of seven percent (7%);

- Ten percent (10%) of the replacement market value if the criminal charges will result in conviction in court. If the amount of five percent (5%) or seven percent (7%) had already been paid under either sub-paragraph 1 or sub-paragraph 2 under this Section, the balance shall be paid to make a total of ten percent (10%).

The amount of reward, however, shall, in no case, be less than Five Thousand Pesos (P5,000.00).

SECTION 4. As provided under R.A. No. 6981, otherwise known as the "Witness Protection, Security and Benefit Act", any person who has witnessed or has knowledge of, or information on the commission of a crime and has testified or is testifying or about to testify before any judicial or quasi judicial body, or before any investigating authority, may be admitted into the Witness Protection Security and Benefit Program, subject to the terms and conditions set forth therein and its implementing rules and regulations.

SECTION 5. If the report of violation under Section 3 of the Act is received by the NPC or police authorities, as the case may be, it/they shall make an initial determination of the owner of the transmission line or material which is the subject of the offense and in appropriate cases, inform the purported owner about the reported offense. Submission of sufficient documents by the purported owner of said items under oath evidencing ownership thereof will confirm ownership of said transmission lines or materials.

The informant may submit the report directly to the owner of the subject transmission line/material which may be the other power utilities namely, private electric utility or rural electric cooperative. The owner of said transmission line/material shall confirm or deny in formal writing, under oath, ownership over said items in response to the submitted report.

SECTION 6. The reward shall be given by the owner of the transmission line/material referred to under Section 3 hereof.

Before the reward is granted to the person who reported the act, the following conditions must be complied with:

6.1

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The monetary reward shall only be granted after investigation and upon a prima facie evidence that such transmission line/material is the fruit of the offense defined in Section 3 of R.A. 7832 without prejudice to the provisions of Section 3 hereof.

As provided in Section 4(b) of R.A. 7832, the possession, control or custody of electric power transmission line/material by any person, natural or juridical, not engaged in the transformation, transmission or distribution of electric power, or in the manufacture of such electric power transmission line/material shall be prima facie evidence that such line/material is the fruit of the offense defined in Section 3 of said Act and therefore such line/material may be confiscated from the person in possession, control or custody thereof.

6.2

The information or report on any violation of Section 3 of R.A. 7832 must not have been previously known or brought earlier to the knowledge/attention of the owner of the transmission line/material.

6.3

The report or information on any violation of Section 3 of R.A. 7832 should be made under oath with supporting affidavits, confirmation and valuation reports of the owner of the transmission line/material.

SECTION 7. The following rules shall govern in case the report was made by two or more persons:

1. If the information or report of violation of Section 3 of R.A. 7832 was made by two or more persons all at the same time, then the said informants are entitled in equal share to the awards herein provided.

2. If the information or report of violation of Section 3 of R.A. 7832 was made by two or more persons at different times the award shall be given to the person who first made the report or information. In no case shall the award be given to the employees of the Department of Energy (DOE) and its attached agencies, namely, the Philippine National Oil Company (PNOC), the National Power Corporation (NPC) and the National Electrification Administration (NEA), police authorities and the security units of the owner of the transmission line/material who made a report or information that a violation of Section 3 of R.A. 7832 was committed.

SECTION 8. All disputes or disagreements arising out of or in connection with the valuation of, and related matters on, the electric power transmission line/material shall be finally settled under Republic Act 876, otherwise known as "The Arbitration Law", by one or more arbitrators in accordance with said Act.

Judgment upon the award may be entered in any court having jurisdiction or application may be made to such court for a judicial acceptance of the award and an order of enforcement, as the case may be.

SECTION 9. Effectivity - This Department Circular shall take effect thirty (30) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Adopted: 22 May 1995

(SGD.) FRANCISCO L. VIRAY
Acting Secretary

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