IN THE MATTER OF AMENDING THE GUIDELINES TO GOVERN THE IMPOSITION OF ADMINISTRATIVE SANCTIONS IN THE FORM OF FINES AND PENALTIES PURSUANT TO SECTION 46 OF REPUBLIC ACT NO. 9136

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This is to AMEND Section 5, Article III of the GUIDELINES TO GOVERN THE IMPOSITION OF ADMINISTRATIVE SANCTIONS IN THE FORM OF FINES AND PENALTIES PURSUANT TO SECTION 46 OF REPUBLIC ACT NO. 9136 ("Guidelines") approved on May 17, 2002 which reads as follows:

"ARTICLE III

ADMINISTRATIVE SANCTIONS

xxx xxx xxx.

Section 5. Non-Compliance with the Provisions of the Act and its IRR, Grid and Distribution Codes and Rules, Regulations, Orders, Resolutions and other Laws of the ERC. - A fine of One Hundred Thousand Pesos (P100,000) plus One Hundred Pesos (P100) a day for every day of violation shall be imposed upon any person who has been found to have committed a violation of any of the provisions of the Act and its IRR, the Philippine Grid and Distribution Codes and rules, regulations, orders, resolutions and other laws the implementation and enforcement of which are assigned to the ERC, including but not limited to the following:

a) Operating as a Generation Company/Facility without a valid Certificate of Compliance (COC) and appropriate clearances;

xxx xxx xxx.

The Commission, after due deliberation and in recognition of the oppressive effect of the existing penalties on entities which have limited financial and economic resources and to provide more equitable sanctions, RESOLVED as it hereby RESOLVES, to amend the above-quoted portion of the Guidelines by providing the following specific graduated penalties for the act specified in item (a) thereof, pursuant to Section 46 of the EPIRA, to wit:

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Aggregate Installed Capacity	Fines and Penalties
Below 1MW	PhP50,000.00
1MW and Above	PhP100,000.00 plus PhP100.00 for every day of non-compliance

This Resolution shall take effect fifteen (15) days after publication in two newspapers of general circulation in the country.

Adopted: 08 August 2005

(SGD.) RODOLFO B. ALBANO, JR.

Chairman

(SGD.) OLIVER B. BUTALID

(SGD.) JESUS N. ALCORDO

Commissioner

Commissioner

(SGD.) ALEJANDRO Z. BARIN

(SGD.) RAUF A. TAN (On Official Travel)

Commissioner

Commissioner

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