

RESOLUTION 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 Sections 4 and 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 to read as follows:

“ARTICLE III ADMINISTRATIVE SANCTIONS

Section 4. Non-Submission of Documents. – Any person who, without justifiable reason, fails to submit the documents in compliance with the ERC’s List of Reportorial Requirements or any other documents which the ERC may require from time to time, shall be subject to the following sanctions:

No. of Violation

Basic Amount of Penalty

Additional Penalty to be Imposed for the Delay in the Compliance from Notification

1[st] violation

PhP50,000.00

a. More than 1 (one) month but less than three (3) months 10% of the basic amount of penalty

2[nd] and 3[rd] violations

PhP100,000.00

b. Three (3) months to six (6) months – 50% of the basic amount of penalty.

4[th] and subsequent violations

PhP200,000.00

c. More than six (6) months-50% of the basic amount of penalty for every month of delay

If the reports/documents submitted contain fraudulent information/data, the same shall be treated as non-compliance with the preceding paragraph and shall be subject to the following sanctions:

No. of Violation

Basic Amount of Penalty

Additional Penalty

1[st] violation

PhP200,000.00

a. 50% of the basic amount of penalty if there were Financial benefits that may be derived as a result of the violation

2[nd] violation

PhP300,000.00

b.75% of the basic amount of penalty if the violation is intended to conceal illegal acts

3[rd] violation and subsequent violations

PhP500,000.00 and cancellation of the Certificate of Public Convenience and Necessity (CPCN) License and the Franchise for Consortium

c. 100% of the basic amount of penalty if the violation directly affects the consumers

The official or personnel of the juridical entity solely responsible for the submission of the fraudulent reports shall be subject to the following sanctions:

No. of Violation

Amount of Penalty

1[st] violation

PhP100,000.00

2[nd] violation

PhP200,000.00

3[rd] and subsequent violations

PhP400,000.00

For purposes of these Guidelines, the responsible officer being referred to in the preceding paragraph are those who have directly participated in, or have authorized the preparation of such reports/documents.

No compromise agreement shall be allowed in cases where the same violation was committed more than once.

SECTION 5. NON COMPLIANCE WITH THE PROVISIONS OF THE ACT AND ITS IRR, GRID AND DISTRIBUTION CODES, RULES REGULATIONS, ORDERS, RESOLUTION AND OTHER LAWS OF THE ERC. Any person who has been found to have committed a violation of any provisions of the Act and its IRR, the Philippine Grid and Distribution Codes (PGDC), rules, regulations, orders, resolutions and other laws the implementation and enforcement of which are delegated to the ERC, including but not limited to the following, shall be subject to the following sanctions:

x x x

No. of Violation

Basic Amount of Penalty

Additional Penalty shall be Imposed for Any Willful Delay in the Implementation

1[st] and 2[nd] violation

PhP100,000.00

a. 10% of the basic amount of penalty if the compliance was made after one (1) month from notice.

3[rd] and 4[th] violations

PhP300,000.00

b. 50% of the basic amount of penalty if the compliance was made after two (2) months from notice.

5[th] and subsequent violations

PhP500,000.00 and Cancellation penalty if the compliance of the Certificate of Public Convenience and Necessity (CPCN), License and the Franchise for Consortium

c. 100% of the basic amount was made after three (3) Months from notice.

No compromise agreement shall be allowed in cases where the same violation was committed more than once.

This Resolution shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation in the country.

Let copies of this Resolution be furnished the University of the Philippines Law Center-Office of the National Administrative Register (UPLC-ONAR) and all entities engaged in the generation, transmission, distribution and supply of electricity.

Adopted: 23 Feb. 2009

(SGD.) ZENAIDA G. CRUZ-DUCUT

Chairperson

(SGD.) RAUF A. TAN

Commissioner

(SGD.) ALEJANDRO Z. BARIN

Commissioner

(SGD.) MARIA TERESA A.R. CASTANEDA

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Commissioner

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