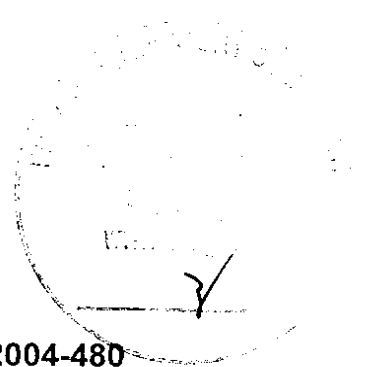


Republic of the Philippines
ENERGY REGULATORY COMMISSION
San Miguel Avenue, Pasig City



RAYMUNDO DELA FUENTE,
Complainant,

- versus -

ERC CASE NO. 2004-480

MANILA ELECTRIC COMPANY,
(MERALCO),

Respondent.

x-----x

D O C K E T E D

Date: **OCT 29 2008**

By: *[Signature]*

DECISION

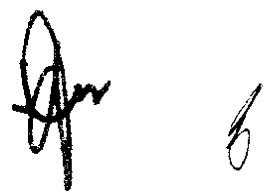
Before this Commission for resolution is the verified complaint filed by Raymundo dela Fuente on April 5, 2005 against the Manila Electric Company (MERALCO) for imposing a differential billing for his alleged use of an illegal electrical connection within his premises.

FACTS OF THE CASE

On February 9, 2004, respondent inspected the electric service of complainant registered under the name of Isabel dela Fuente and allegedly found a 'jumper' wire tapped at mid-span of the service drop leading to complainant's loads. On this basis, respondent demanded from Ms. Dela Fuente, through the complainant, the payment of One Hundred Ninety Five Thousand Four Hundred Forty Three Pesos and 80/100 (PhP195,443.80) representing the differential billing for the unregistered consumption covering the period August 10, 1999 to February 9, 2004 based on listed connected loads.

[Handwritten signatures and initials at the bottom of the page]

In his complaint, complainant alleged the following: that on February 9, 2004, four (4) men entered his premises without permission; that the men identified themselves as personnel of the respondent and started searching the premises looking for the alleged 'jumper'; that one of them went inside his house and asked for a receipt while the others were at his yard, as if looking for something; that simultaneously, his electric service went-off and two (2) men entered his house with an electric meter with broken yellow seal on hand; that they insisted that he had a 'jumper' despite his explanations to the contrary; that after about half an hour of searching his house for the alleged 'jumper', respondent's inspectors cut-off an electric wire connected to a light bulb and announced "eto ang ebidensya"; that he was made to sign a blank document under threat of disconnection; that after he signed the document, they installed back his electric meter and resealed the same; that after such inspection, his monthly electric bills increased; that on July 12, 2004, another group of three (3) men came to his place and asked for the copy of the document which he signed and which was already in the possession of his lawyer; that when he inquired why they wanted that document, they alleged that there was an error in the said document and that they wanted to calibrate his meter; that they asked him to sign another document, which he refused to do so; that due to his refusal, they took the red meter seal; that they proceeded to his lawyer in order to ask for the copy of the said signed document; that these men refused to show their identifications when his lawyer asked for one; that he went to Mr. Edwin Carioso, Head of respondent's Malolos Branch to report such incident but instead, was berated by Mr. Carioso; that he received a notice from Mr. Carioso ordering him to pay a surcharge based on the assessed differential billing; that he paid the surcharge through postal money order to prevent disconnection; and that the subject meter is located at a concrete post eight (8) meters away from his house which is made of light materials.



Respondent, by way of comment, alleged that on February 9, 2004, its field personnel, together with a police officer and after seeking permission from the complainant, conducted a routine inspection on his electrical facilities and found the aforementioned illegal electrical connection; and that complainant was present during the entire duration of said inspection and acknowledged the said findings and the amount of differential billing by affixing his signature on the Meter Facilities Inspection Report (MFIR) and Notice of Disconnection served on him by respondent's service inspectors.

Several pre-hearing conferences were conducted by the Commission to explore the possibility of an amicable settlement between the parties. However, no settlement was reached. By agreement of both parties, the Rules on Summary Procedure was applied to this case.

On various dates, the complainant and respondent filed their respective "Position Papers" with documentary evidence.

DISCUSSION

Respondent failed to present substantial evidence to prove complainant's illegal use of electricity through a 'jumper' wire.

First, other than an illustration in the MFIR (Annex "1"), no concrete proof, such as the tapping points or the wire used as a 'jumper', was presented by respondent to support the allegation of the existence of a 'jumper' at the service drop. Second, respondent claimed that the service drop or the alleged tapping point of the jumper was located between the secondary low voltage wire and before the electric meter. The pictures marked as Annexes "A" and "G"



submitted by the complainant, however, clearly contradicted such allegation. In the said pictures, the electric meter was installed at a concrete post outside complainant's house or several meters (complainant claimed it to be about eight [8] meters) away from his house. It is worthy to mention that to reach complainant's house, one has to pass through an alley (Annex "B"). These facts were not disputed by the respondent.

The Commission is not inclined to believe that the alleged 'jumper' was installed by the complainant at the place so indicated by the respondent because if this was the case, then any of its personnel should have easily detected or discovered it upon reading the complainant's monthly electrical consumption. The picture marked as Annex "B" submitted by complainant showed that the meter was installed or mounted at a height just above the eye level such that respondent's meter reader could have easily seen in plain view the alleged 'jumper' and should have immediately reported the same.

Complainant claimed that the alleged 'jumper' wire was taken by respondent's personnel and cut-off from an electric lamp located at the wall inside his house as shown in the pictures marked as Annexes "E" and "F". Again, respondent did not controvert these material facts. It is significant to mention that the lamp where the alleged 'jumper' wire was taken is located inside the house of the complainant or approximately eight (8) meters away from the meter base. By technical standards, the electricity which flows inside the wires also passes and registers in the meter. The wires, which connect the subject electric lamp, likewise, pass through the meter. Thus, there is no unregistered consumption to speak of. This is precisely the situation in the instant complaint which respondent's inspectors claimed as 'jumper'.




The statements of the complainant, which were narrated in detail and supported by evidence, are more credible as against the respondent's general averment of inconsistent facts.

WHEREFORE, the foregoing premises considered, complainant RAYMUNDO DELA FUENTE is hereby found not to have consumed illegally-drawn electricity. Thus, the differential billing of One Hundred Ninety Five Thousand Four Hundred Forty Three Pesos and 80/100 (PhP195,443.80) and the surcharge of Two Hundred Fifty One Pesos and 70/100 (PhP251.70) being imposed by respondent MANILA ELECTRIC COMPANY (MERALCO) have no sufficient basis. Relative thereto, respondent is directed to credit or deduct the PhP251.70 surcharge, which complainant paid on December 14, 2004 through Postal Money Order, from his current electric bill.

SO ORDERED.

Pasig City, August 11, 2008.

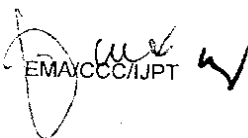

ZENNAIDA G. CRUZ-DUCUT
Chairperson


RAUF A. TAN
Commissioner


ALEJANDRO Z. BARIN
Commissioner


MARIA TERESA R. CASTAÑEDA
Commissioner


JOSE C. REYES
Commissioner


EMA/CCC/IJPT

Copy furnished:

1. Raymundo dela Fuente
Narra St., San Jose Sionson Subd.
San Vicente, Malolos, Bulacan
2. Atty. Angel Miranda
Counsel for Respondent
MERALCO Legal Department
Ortigas Ave., Pasig City