



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

**IN THE MATTER OF VIOLATION OF  
ERC ORDERS, RULES AND  
REGULATIONS**

**ERC CASE NO. 2007- 349 MC  
RE: Non-Inclusion of Pilferage  
Recoveries in PPA Computation**

**PENINSULA ELECTRIC COOPERATIVE,  
INC. (PENELCO),**

**Respondent.**

x ----- x

**D O C K E T E D**

Date: FEB 02 2010

By: \_\_\_\_\_

**D E C I S I O N**

The Commission takes note of the letter sent by Peninsula Electric Cooperative, Inc. (PENELCO) on March 5, 2009, offering to pay PhP315,200.00 for the settlement of this case. The said amount represents fifty percent (50%) of the impossible penalty for the alleged violation, computed as follows:

<b>Particulars</b>	<b>Amount (PhP)</b>
<b>For Non-Inclusion of Pilferage Recoveries in PPA Computation</b>	
Under C.A. 146 up to June 17, 2002 (PhP200 a day for every day of violation) (February 1996 to June 17, 2002) (PhP200 x 2,296 days)	459,200.00
Under R.A. 9136 Initial Amount	100,000.00
Plus PhP100 a day for every day of violation (June 18, 2002 to May 2004) (PhP100 x 712 days)	71,200.00
<b>TOTAL</b>	<b>630,400.00</b>
<b>Fifty Percent (50%) thereof</b>	<b>315,200.00</b>

Finding the said offer to be just and reasonable, and in accordance with 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", the same is hereby **ACCEPTED** and **APPROVED**. Accordingly, Peninsula Electric Cooperative, Inc. (PENELCO) is hereby directed to remit the total amount of **THREE HUNDRED FIFTEEN THOUSAND TWO HUNDRED PESOS (PhP315,200.00)** in the name of the Energy Regulatory Commission within fifteen days (15) from receipt hereof.

**SO ORDERED.**

Pasig City, January 22, 2010.

FOR AND BY AUTHORITY OF  
THE COMMISSION:

  
**ALEJANDRO Z. BARIN**  
Commissioner

Reference: No. 2010-D1-D03

NGC/PPG / LTR / 50% pilferage Penelco

**Copy furnished:**

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President  
Philippine Rural Electric Cooperative Association (PHILRECA)  
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1198 Quezon Avenue, Quezon City
- 2. ENGR. LORETO A. MARCELINO**  
General Manager  
Peninsula Electric Cooperative, Inc. (PENELCO)  
Balanga City, Bataan