

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 – 373 MC
 RE: Non-inclusion of Pilferage
 Recovery in PPA Computation**

**BANTAYAN ISLAND ELECTRIC
 COOPERATIVE, INC. (BANELCO),
 Respondent.**

x ----- x

DOCKETED
 Date: **FEB 02 2009**
 By: _____

D E C I S I O N

The Commission takes note of the "Offer of Settlement" submitted by Bantayan Island Electric Cooperative, Inc. (BANELCO) on January 28, 2009, offering to pay as settlement of the case fifty percent (50%) of the total amount of the imposable penalty for the alleged violation, computed as follows:

Particulars	Amount (Php)
Non-inclusion of Pilferage Recovery in PPA Computation	
Under C.A. 146	
Php200 per day of violation (Php200.00 x 61 days)	12,200.00
Sub-total	12,200.00
Under R.A. 9136	
Initial Amount	100,000.00
Plus: Php100 a day for every day of violation (October & November 2002, January & May 2003) (Php100.00 x 123 days)	12,300.00
Sub-total	112,300.00
Total Amount of Penalty	124,500.00
Fifty Percent (50%) thereof	62,250.00

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, Bantayan Island Electric Cooperative, Inc. (BANELCO), is hereby directed to remit the total amount of **SIXTY TWO THOUSAND TWO HUNDRED FIFTY PESOS (PhP62, 250.00)** in the name of the Energy Regulatory Commission within fifteen days (15) from receipt hereof.

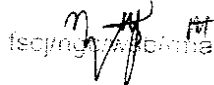
SO ORDERED.

Pasig City, January 29, 2009

FOR AND BY AUTHORITY
OF THE COMMISSION:


ALEJANDRO Z. BARIN
Commissioner *ny*

Reference No. 2009-D1-D005


Escopina, A. B. Barin

decision-50% BANELCO PILFERAGE

Copy furnished:

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2. **MR. OSCAR T. SEARES**
General Manager
Bantayan Island Electric Cooperative, Inc. (BANELCO)
Bantigue, Bantayan, Cebu 6052.