

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. 2009 - 40 MC
RE: Implementing Capital
Projects without Prior
Approval from the
Commission**

**DAVAO LIGHT AND POWER CO., INC.
(DLPC),**

Respondent.

X ----- X

D O C K E T E D
Date: **JAN 19 2010**
By: _____

DECISION

On May 5, 2009, the Commission issued a Show Cause Order under ERC Case No. 2009-40 MC directing Davao Light and Power Co., Inc. (DLPC) to explain why no administrative penalty should be imposed upon it, and/or criminal action instituted against its directors and officers for implementing capital projects without prior approval from the Commission.

On May 26, 2009, DLPC submitted its "Compliance" stating that: 1) the projects were initially classified as minor projects thus, they do not require application for approval by the Commission; 2) the Commission re-classified them as major capital projects on June 23, 2008 and DLPC was advised to file formal application for approval of the Commission; 3) the re-classified major capital projects were included in the 2008 major capital projects in ERC Case No. 2008-115MC (*In the Matter of the Application for Authority to Implement 2008 Major Electrical and*

Non-Electrical Capital Projects, with prayer for Provisional Authority); and 3) the subject capital projects were eventually approved by the Commission on May 4, 2009.

Finding its explanation impressed with merit and considering that the said projects were eventually approved by the Commission, in the interest of justice the Commission deems it proper, at this time, to simply issue a reprimand to DLPC for implementing capital projects without prior approval from the Commission.

WHEREFORE, the foregoing premises considered, respondent DAVAO LIGHT AND POWER CO., INC. (DLPC) is hereby **REPRIMANDED** and **WARNED** that a similar offense in the future shall be dealt with more severely.

SO ORDERED.

Pasig City, December 18, 2009.

FOR AND BY AUTHORITY
OF THE COMMISSION:


ALEJANDRO Z. BARIN
Commissioner

Copy furnished:

1. **MR. JUAN ANTONIO E. BERNAD**
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