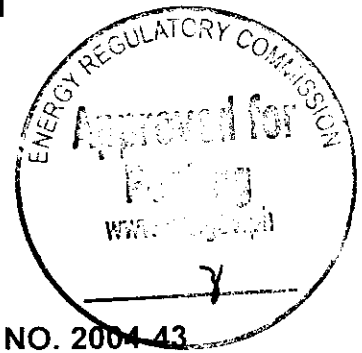


Republic of the Philippines  
**ENERGY REGULATORY COMMISSION**  
San Miguel Avenue, Pasig City



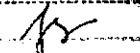
VICENTE O. GOMEZ,  
Complainant,

- versus -

ERC CASE NO. 2004-43

MISAMIS ORIENTAL II ELECTRIC  
COOPERATIVE, INC. (MORESCO II),  
Respondent.

x-----x

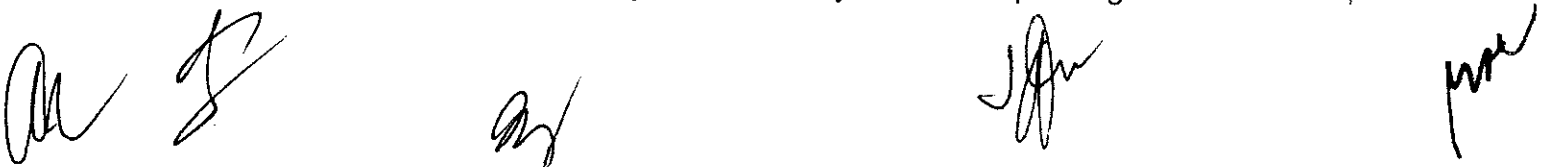
DOCKETED  
Date: JAN 21 2009  
By: 

### DECISION

Before the Commission for resolution is the complaint filed by Vicente Gomez against respondent Misamis Oriental II Electric Cooperative, Inc. (MORESCO II) on February 10, 2004 due to its alleged refusal to provide electric service to his premises.

As a background, on January 13, 2004, complainant filed an application for electric service with MORESCO II. As a manifestation of his good faith, complainant submitted all the required documents necessary for the application of a new electric service connection. However, MORESCO II denied his application allegedly because of the pending case docketed as Civil Case No. 10-13-03 for Recovery of Possession with Damages pending before the Municipal Trial Court (MTC) of Medina, Province of Misamis Oriental filed by the complainant against Mr. Amado Kee, MORESCO II's General Manager.

MORESCO II stated that there was no ill motive on its part in refusing to provide electric service to the complainant's premises and explained that while complainant was able to submit the requirements, the electrical permit issued on January 13, 2004 by the Municipal Engineer of Medina,



Misamis Oriental was revoked by the same office on January 19, 2004 due to the filing of a complaint by a certain Ms. Antipolo R. Gamale who claimed to be the owner of the subject premises.

After several conferences conducted by the Commission, the parties failed to settle amicably. Thus, during the July 8, 2005 pre-hearing conference, the parties agreed to submit this case for resolution by applying the Rules on Summary Procedure. On August 23, 2005 and October 10, 2005, MORESCO II and the complainant filed their respective position papers.

#### DISCUSSION

Section 6 of ERB Resolution No. 95-21 provides for the mandatory conditions or requirements for new service connection, as follows:

#### **ERB RESOLUTION NO. 95-21**

“Section 6. Service Connection.- It shall be mandatory for the electric utility to extend electric service after customer's full compliance with the electric utility's requirements.”

x x x

The relationship of the electric utility and the consumers shall be governed by an application/service contract containing the terms and conditions duly approved by the Board.” (Underscoring supplied.)



The aforesaid provision was reiterated in the Magna Carta for Residential Electricity Consumers, specifically, Article 6 thereof, to wit:

**MAGNA CARTA FOR RESIDENTIAL ELECTRICITY CONSUMERS**  
**CHAPTER II. CONSUMER RIGHTS**

**“Article 6. Right to Electric Service.-** A consumer has the right to be connected to a distribution utility for electric power service after the consumer’s full compliance with the distribution utility’s and local government units (LGU) requirements. (Underscoring supplied)

In addition, Article 1.2 of the Philippine Electric Code, provides that:

**ARTICLE 1.2 – PERMITS AND INSPECTION CERTIFICATES**

1.2.1 Electrical Permit

**“1.2.1 Electrical Permit Needed Before Work is Started.** Before starting any installation work, alteration, repair or extension on any electrical system, the owners, lessors, operators, occupants, or electrical practitioner shall obtain Electrical Permit for building, trailers, mobile homes, or other premises from the Office of the Local Building Official, and for watercrafts from the Maritime Industry (Marina).”

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

**“1.2.2 Certificate of Inspections.** No electrical installation, alteration, and/or addition shall be connected or reconnected to any power supply or any other source of electrical energy without a Certificate of Final Electrical Inspection/Completion (DPWH Form No. 96-006E as amended) obtained from the government authority concerned.” (Underscoring Supplied)

To facilitate the evaluation of this case, taking into consideration the aforesaid provisions of law, the Commission issued an Order directing MORESCO II to submit a sample copy of its Service Contract.

On April 23, 2008, MORESCO II furnished the Commission a copy of the list of its requirements for application for electric service which includes the following: Inspection of Location, Pre-Membership Seminar, Filled-Up Application, Membership and Notarial Fees, **Electrical Permit**, Inspection Fees and other additional requirements for industrial customers.

In this case, it was not disputed that the complainant submitted the necessary documents/requirements when he filed his application for new electric service connection on January 13, 2004. However, it was also not disputed that six (6) days subsequent to the filing of the application for electric service, the electrical permit was revoked by the Municipal Engineer of Medina, Misamis Oriental, due to the complaint filed by a certain Ms.



Antipolo R. Gamale who claimed to be the owner of the land. Such revocation renders the application by the complainant deficient.

Moreover, the allegation of the complainant that MORESCO II acted in bad faith is baseless. MORESCO II's commitment was to process the application for electric service upon compliance by the complainant with all the requirements. Since complainant failed to do so, MORESCO II had every right to deny such application.

**WHEREFORE**, the foregoing premises considered, this case is hereby dismissed for lack of merit. Complainant Vicente Gomez is advised to comply with the requirements of Misamis Oriental II Electric Cooperative, Inc. (MORESCO II) as well as the requirements provided by the Local Government Unit (LGU) under the Magna Carta for Residential Electricity Consumers in order to facilitate his application for electric service.

SO ORDERED.


Pasig City, November 17, 2008.

  
ZENAIDA G. CRUZ-DUCUT  
Chairperson

  
RAUF A. TAN  
Commissioner

  
ALEJANDRO Z. BARIN  
Commissioner

  
MARIA TERESA R. CASTANEDA  
Commissioner

  
JOSE C. REYES  
Commissioner

*cc*

Copy Furnished:

1. **Vicente Gomez**  
Lagundi, Morong, Rizal
  
2. **Misamis Oriental II Electric Cooperative, Inc.**  
(MORESCO II)  
Medina, Misamis Oriental

clsg/gomez.decision.doc

Copy Furnished:

1. **Vicente Gomez**  
Lagundi, Morong, Rizal
2. **Misamis Oriental II Electric Cooperative, Inc.**  
(MORESCO II)  
Medina, Misamis Oriental

clsg/gomez.decision.doc