

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

Pursuant to the provisions of Section 41 of Republic Act No. 9136, otherwise known as the Electric Power Industry Reform Act, the Energy Regulatory Commission hereby promulgates these amendments to the Rules of Procedure Governing Complaints Filed Before the Consumer Affairs Service, Energy Regulatory Commission.

**AMENDMENTS TO THE RULES OF PROCEDURE
GOVERNING COMPLAINTS FILED BEFORE
THE CONSUMER AFFAIRS SERVICE,
ENERGY REGULATORY COMMISSION.**

Article 1. Title. – This document shall be known as the amendments to the Rules of Procedure Governing Complaints Filed Before the Consumer Affairs Service, Energy Regulatory Commission.

Article 2. Rule II, Section 3 is hereby amended to read as follows:

“Section 3. Nature of Proceedings. – **Until the termination of the pre-hearing conferences and its elevation to the hearing process**, the proceedings conducted before the Consumer Affairs Service (CAS) shall be non-litigious and conciliatory in nature.”

Article 3. Rule IV, Section 10 is hereby amended to read as follows:

“Section 10. Termination of Pre-Hearing Conferences.
– x x x

However, when it becomes apparent that no amicable settlement can be reached, the CAS Hearing Officer shall terminate the proceedings and endorse the same **[to the Legal Service]** for Hearing. **[The CAS Hearing Officer shall then forward all the records of the proceedings, including the minutes of the pre-hearing conferences and evidences submitted.]**”

Article 4. Rule V, Section 3 is hereby amended to read as follows:

“Section 3. Violation of Terms and Conditions of Amicable Settlement. – Whenever a party fails to observe the terms and conditions of amicable settlement, the aggrieved

party may file a complaint for violation thereof before the [Legal Service of the] ERC."

Article 5. New Rules VI and VII are hereby inserted read as follows:

"RULE VI. SUMMARY PROCEDURE

Section 1. Coverage. - This Rule may, upon the discretion of the Commission, apply to hearings of consumer complaints involving the following:

- (a) The amount claimed is not more than two hundred thousand pesos (P200,000.00);
- (b) Billing Adjustments;
- (c) Other cases where appropriate as determined by the Commission.

However, nothing shall preclude the Commission from conducting a formal hearing on complaints previously declared as subject to summary procedures.

Section 2. Determination of Applicability. - Upon the endorsement of the case for hearing, the Commission shall issue an order declaring whether or not the case shall be governed by this Rule.

Section 3. Duty of the Commission. - After the Commission determines that the case falls under summary procedure, it may, from an examination of the allegations therein and such evidence as may be attached thereto, dismiss the case outright on the grounds apparent therefrom for the dismissal of administrative action.

If no ground for dismissal is found, it shall forthwith issue an order which shall state that the summary procedure under this Rule shall apply.

Section 4. Submission of affidavits and position papers. - Within twenty (20) days from receipt of the order mentioned in the next preceding section, the parties shall submit affidavits of their witnesses and other evidence on the factual issues defined in the order, together with their position papers setting forth the law and the facts relied upon by them.

Section 5. Affidavits. – The affidavits required to be submitted under this Rule shall state only facts of direct personal knowledge of the affiants which are admissible in evidence, and shall show their competence to testify to the matters stated therein.

A violation of this requirement may subject the party or the counsel who submits the same to disciplinary action, and shall be cause to expunge the inadmissible affidavit or portion thereof from the record.

Section 6. Prohibited Pleadings and Motions. – The following pleadings, motions and orders shall not be allowed in the cases covered by this Rule:

- (a) Motion to dismiss the complaint except on the ground of lack of jurisdiction over the subject matter;
- (b) Motion for a bill of particulars
- (c) Motion for extension to file pleadings, affidavits or any other paper;
- (d) Memoranda;
- (e) Motion to declare the respondent in default;
- (f) Dilatory motions for postponements;
- (g) Reply;
- (h) Third-party complaints;
- (i) Interventions.

Section 7. Rendition of Judgment. – Within forty-five (45) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the Commission shall render judgment.

However, should the Commission find it necessary to clarify certain material facts, it may, during the said period issue an order specifying the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within twenty (20) days from receipt of said order. Judgment shall be rendered within thirty (30) days after the receipt of the last clarificatory affidavits, or

the expiration of the original forty-five (45) day period, whichever comes later.

RULE VII. HEARINGS

Section 1. Coverage. – This Rule shall apply to all hearings of consumer complaints not covered by Rule VI hereof.

Section 2. Applicability of the Rules of Practice. – The Rules of Practice and Procedure Governing Hearings Before the Energy Regulatory Board shall govern pleadings, practice and procedure in all hearings of consumer complaints not covered by Rule VI hereof.

Article 6. Subsequent Rules of the Rules of Procedure Governing Complaints are hereby renumbered accordingly.

Article 7. Separability Clause. – If any provision of these amendments is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in force and effect.

Article 8. Effectivity. – These Guidelines shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

SO ORDERED.

Pasig City, _____.

RODOLFO B. ALBANO, JR.
Chairman

OLIVER B. BUTALID
Commissioner

JESUS N. ALCORDO
Commissioner

RAUF A. TAN
Commissioner

ALEJANDRO Z. BARIN
Commissioner

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