

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



**IN THE MATTER OF THE
PETITION FOR THE
RECOVERY OF CY 2018
REVENUE SHORTFALL
FROM THE UNIVERSAL
CHARGE FOR MISSIONARY
ELECTRIFICATION (UC-ME)
AND THE CORRESPONDING
ADJUSTMENT OF THE UC-
ME WITH PRAYER FOR THE
ISSUANCE OF PROVISIONAL
AUTHORITY**

ERC CASE NO. 2020-004 RC

**NATIONAL POWER
CORPORATION (NPC),
Petitioner.**

Promulgated:
September 1, 2020

X _____ X

ORDER

On 23 January 2020, the National Power Corporation (NPC) filed a *Petition* dated 20 January 2020, seeking the Commission's approval of the recovery of its revenue shortfall for Calendar Year (CY) 2018 from the Universal Charge-Missionary Electrification (UC-ME) and the corresponding adjustment of the UC-ME, with prayer for the issuance of provisional authority.

In the *Order* dated 03 February 2020, the Commission has set the instant *Petition* for the determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on the following dates:

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Date and Time	Venue	Hearing Coverage
15 April 2020 (Wednesday), at two o'clock in the afternoon (2:00 PM)	ERC Hearing Room 15 th Floor, Pacific Center Bldg. San Miguel Ave. Pasig City	Jurisdictional and Expository Presentation for Luzon Stakeholders
23 April 2020 (Thursday), at nine o'clock in the morning (9:00 AM)	ERC Visayas Area Division (VAOD) St. Mary's Drive Banilad, Cebu City	Expository Presentation for Visayas Stakeholders
30 April 2020 (Thursday), at nine o'clock in the morning (9:00 AM)	ERC Mindanao Area Operations Division (MAOD) Mintrade Bldg. Monteverde Ave. cor. Sales St. Davao City	Expository Presentation for Mindanao Stakeholders
06 May 2020 (Wednesday), at ten o'clock in the morning (10:00 AM)	ERC Hearing Room 15 th Floor, Pacific Center Bldg. San Miguel Ave. Pasig City	Pre-trial Conference and Presentation of Evidence

However, due to the extension of the Enhanced Community Quarantine (ECQ) over the entire Luzon until 30 April 2020¹ WHERE a strict work from home arrangement is being implemented in the Executive Branch², all hearings scheduled during the extended ECQ period have been cancelled.

In view of the foregoing, the Commission cancelled the series of scheduled hearings for the instant *Petition* pursuant to the *Order* dated 03 February 2020.

Subsequently, in the *Order* dated 03 July 2020, the Commission has set the hearing of the instant *Petition* for the determination of compliance with the jurisdictional requirements, expository presentation, pre-trial conference and presentation of evidence on the following dates:

Date and Time	Venue	Hearing Coverage
30 September 2020 (Wednesday), at nine o'clock in the morning (9:00 AM)	ERC Hearing Room 15 th Floor, Pacific Center Bldg. San Miguel Ave. Pasig City	Jurisdictional and Expository Presentation for Luzon Stakeholders
08 October 2020 (Thursday), at two o'clock in the afternoon (2:00 PM)	ERC Visayas Area Division (VAOD) St. Mary's Drive Banilad, Cebu City	Expository Presentation for Visayas Stakeholders

¹ Memorandum from the Executive Secretary dated 07 April 2020 (Extension of the Enhanced Community Quarantine Over the Entire Luzon until 30 April 2020).

² Memorandum from the Executive Secretary dated 16 March 2020 (Community Quarantine Over the Entire Luzon).

Date and Time	Venue	Hearing Coverage
15 October 2020 (Thursday), at two o'clock in the afternoon (2:00 PM)	ERC Mindanao Area Operations Division (MAOD) Mintrade Bldg. Monteverde Ave. cor. Sales St. Davao City	Expository Presentation for Mindanao Stakeholders
21 October 2020 (Wednesday), at two o'clock in the afternoon (2:00 PM)	ERC Hearing Room 15 th Floor, Pacific Center Bldg. San Miguel Ave. Pasig City	Pre-trial Conference and Presentation of Evidence

However, due to the continuous threat to public health and safety brought about by the coronavirus disease 2019 (COVID-19), the Commission deemed it necessary to conduct all previously scheduled physical hearings through virtual hearings.

IN VIEW OF THE FOREGOING, the Commission shall convene the virtual hearing through video conferencing, subject to certain limitations as set forth herein.

ACCORDINGLY, the Commission hereby sets the instant *Petition* for the determination of compliance with the jurisdictional requirements, expository presentation, pre-trial conference, and presentation of evidence through a virtual hearing using the **Zoom Application** as the online platform for the conduct thereof, on the following dates:

- a) **30 September 2020** (Wednesday), at nine o'clock in the morning (9:00 A.M.) for determination of jurisdictional compliance and expository presentation for Luzon stakeholders;
- b) **08 October 2020** (Thursday), at two o'clock in the afternoon (2:00 P.M.) for expository presentation for Visayas stakeholders;
- c) **15 October 2020** (Thursday), at two o'clock in the afternoon (2:00 P.M.) for expository presentation for Mindanao stakeholders; and
- d) **21 October 2020** (Wednesday), at two o'clock in the afternoon (2:00 P.M.) for Pre-trial Conference and presentation of evidence.

RELATIVE THERETO, NPC is hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual Hearing* in two (2) newspapers of nationwide circulation in the Philippines at its own expense, twice (2x) within two (2) successive weeks, the dates of publication not being less than seven (7) days apart and the date of the last publication to be made not later than ten (10) days before the date of the scheduled initial virtual hearing;
- 2) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing*, the Offices of the Provincial Governors, the City and Municipal Mayors, and the Local Government Unit (LGU) legislative bodies covered by the franchise area of the Distribution Utilities (DUs) where the National Power Corporation-Small Power Utilities Group (NPC-SPUG) operates for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform of the filing of the *Petition*, its reasons therefor, and of the scheduled initial virtual hearing thereon, the consumers within the affected franchise area, by any other means available and appropriate;
- 4) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing*, the Office of the Solicitor General (OSG), the Commission on Audit (COA), and the Committees on Energy of both Houses of Congress. They are hereby requested, if they so desire to send their duly authorized representatives at the scheduled virtual hearings; and
- 5) Furnish with copies of the *Petition* and its attachments all those making requests therefor, subject to reimbursement of reasonable photocopying costs.

Within five (5) calendar days prior to the date of the virtual hearing, NPC must submit to the Commission via electronic mail (e-mail) at records@erc.gov.ph and records.erc.gov.ph@gmail.com, copy furnish the Legal Service through legal.erc.gov.ph@gmail.com, the scanned copies of their written compliance with the aforementioned jurisdictional requirements attaching therewith, methodically arranged and duly marked the following:

- 1) The evidence of publication of the attached *Notice of Virtual Hearing* consisting of affidavits of the Editors or Business Managers of the newspapers where the said *Notice of Virtual Hearing* was published, and the complete issues of the said newspapers;
- 2) The evidence of actual posting of this *Order* and the attached *Notice of Virtual Hearing* consisting of certifications issued to that effect, signed by the aforementioned Governors, Mayors, and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by NPC to inform the consumers affected of the filing of the *Petition*, its reasons therefor, and of the scheduled hearings thereon;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Virtual Hearing* by the OSG, COA, and the Committees on Energy of both Houses of Congress;
- 5) The evidence of receipt of copies of the *Petition* and its attachments by all those making requests therefor, if any; and
- 6) Such other proofs of compliance with the requirements of the Commission.

Moreover, NPC is hereby required to post on its bulletin boards, the scanned copies of the foregoing jurisdictional requirements, together with the newspaper publications and certifications issued by the concerned Office of the Mayors, or Provincial Governors and Local Legislative Bodies, and to submit proof of its posting thereof.

NPC and all interested parties are also required to submit via e-mail at records@erc.gov.ph and records.erc.gov.ph@gmail.com, copy furnish the Legal Service through legal.erc.gov.ph@gmail.com, at least five (5) calendar days before the date of the scheduled virtual hearing and Pre-trial Conference, their respective Pre-Trial Briefs containing, among others:

- 1) A summary of admitted facts and proposed stipulation of facts;

- 2) The issues to be tried or resolved;
- 3) The documents or exhibits to be presented, stating the purposes and proposed markings therefor, which should also be attached to the Pre-trial Brief; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-trial Brief.

NPC must ensure that all the documents or exhibits proposed to be presented have already been duly submitted to the Commission at least five (5) calendar days before the date of the scheduled initial virtual hearing and Pre-trial Conference pursuant to the preceding paragraph.

Failure of NPC to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearing, and the resetting of which shall be six (6) months from the said date of cancellation.

NPC must also be prepared to make an expository presentation of the instant *Petition*, aided by whatever communication medium that it may deem appropriate for the purpose, in order to put in plain words and explain, for the benefit of the consumers and other concerned parties, the nature of the *Petition* with relevant information and pertinent details substantiating the reasons and justifications being cited in support thereof.

NPC are hereby directed to file a copy of their Expository Presentation via e-mail at records@erc.gov.ph and records.erc.gov.ph@gmail.com, copy furnish the Legal Service through legal.erc.gov.ph@gmail.com, at least five (5) calendar days prior to the scheduled virtual hearing. NPC shall also be required, upon the request of any stakeholder, to provide an advance copy of its expository presentation, at least five (5) calendar days prior to the scheduled virtual hearing.

Any interested stakeholder may submit its comments and/or clarifications at least one (1) calendar day prior to the scheduled virtual hearing, via e-mail at records@erc.gov.ph and records.erc.gov.ph@gmail.com, copy furnish the Legal Service through legal.erc.gov.ph@gmail.com. The Commission shall give priority to the stakeholders who have duly submitted their respective comments

and/or clarifications, to discuss the same and propound questions during the course of the expository presentation.

NPC is hereby directed to submit, either through personal service, registered or ordinary mail/private courier, one (1) set of the original or certified true hard/printed copy/ies of their Jurisdictional Compliance, Expository Presentation, Pre-trial Brief, and Judicial Affidavit/s of witness/es, within five (5) working days from the date that the same were electronically submitted, as reflected in the acknowledgment receipt e-mail sent by the Commission. Similarly, all interested parties who filed their Petition for Intervention or Opposition are required to submit the hard/printed copy thereof within the same period through any of the available modes of service.

Finally, Petitioner, including their authorized representative/s and witness/es, are hereby directed to provide the Commission, thru legal.virtualhearings.erc.gov.ph@gmail.com, with their respective e-mail addresses upon receipt of this *Order*. The Commission will send the access link/s to the aforementioned hearing platform within five (5) working days prior to the scheduled hearing.

SO ORDERED.

Pasig City, 17 August 2020.

FOR AND BY AUTHORITY
OF THE COMMISSION:


AGNES VST DEVANADERA
Chairperson and CEO

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Copy Furnished:

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12. All Electric Cooperatives
13. All Private Distribution Utilities

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14. Sangguniang Panlungsod ng Quezon
Quezon City
15. Provincial Governor
Bulacan
16. Sangguniang Panlalawigan ng Bulacan
Bulacan
17. Office of the City Mayor
Cebu City
18. Sangguniang Panlungsod ng Cebu
Cebu City
19. Office of the City Mayor
Davao City
20. Sangguniang Panlungsod ng Davao
Davao City
21. Office of the City Mayor
Zamboanga City
22. Sangguniang Panlungsod ng Zamboanga
Zamboanga City
23. Provincial Governor
Batanes
24. Sangguniang Panlalawigan ng Batanes
Batanes
25. Office of the Municipal Mayor
Basco, Batanes
26. Sangguniang Bayan ng Basco
Basco, Batanes
27. Office of the Municipal Mayor
Itbayat, Batanes
28. Sangguniang Bayan ng Itbayat
Itbayat, Batanes
29. Office of the Municipal Mayor
Sabtang, Batanes
30. Sangguniang Bayan ng Sabtang
Sabtang, Batanes
31. Office of the Municipal Mayor
Mahatao, Batanes
32. Sangguniang Bayan ng Mahatao
Mahatao, Batanes
33. Office of the Municipal Mayor
Ivana, Batanes
34. Office of the Municipal Mayor
Uyugan, Batanes
35. Sangguniang Bayan ng Ivana
Ivana, Batanes

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36. Provincial Governor
Cagayan
37. Sangguniang Panlalawigan ng Cagayan
Cagayan
38. Office of the Municipal Mayor
Calayan, Cagayan
39. Sangguniang Bayan ng Calayan
Calayan, Cagayan
40. Provincial Governor
Apayao
41. Sangguniang Panlalawigan ng Apayao
Apayao
42. Office of the Municipal Mayor
Kabugao, Apayao
43. Sangguniang Bayan ng Kabugao
Kabugao, Apayao
44. Provincial Governor
Kalinga
45. Sangguniang Panlalawigan ng Kalinga
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46. Office of the Municipal Mayor
Lubuagan, Kalinga
47. Sangguniang Bayan, Lubuagan
Lubuagan, Kalinga
48. Provincial Governor
Isabela
49. Sangguniang Panlalawigan ng Isabela
Isabela
50. Office of the Municipal Mayor
Palanan, Isabela
51. Sangguniang Bayan, Palanan
Palanan, Isabela
52. Office of the Municipal Mayor
Maconacon, Isabela
53. Sangguniang Bayan, Maconacon
Maconacon, Isabela
54. Office of the Municipal Mayor
Dinapigue, Isabela
55. Sangguniang Bayan, Dinapigue
Dinapigue, Isabela
56. Provincial Governor
Aurora
57. Sangguniang Panlalawigan ng Aurora
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59. Sangguniang Bayan Casiguran
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60. Office of the Municipal Mayor
Dingalan, Aurora
61. Sangguniang Bayan Dingalan
Dingalan, Aurora
62. Office of the Municipal Mayor
Dilasag, Aurora
63. Sangguniang Bayan Dilasag
Dilasag, Aurora
64. Office of the Municipal Mayor
Dinalungan, Aurora
65. Sangguniang Bayan Dinalungan
Dinalungan, Aurora
66. Provincial Governor
Quezon
67. Sangguniang Panlalawigan ng Quezon
Quezon
68. Office of the Municipal Mayor
Jomalig, Quezon
69. Sangguniang Bayan Jomalig
Jomalig, Quezon
70. Office of the Municipal Mayor
Patnanungan, Quezon
71. Sangguniang Bayan Patnanungan
Patnanungan, Quezon
72. Office of the Municipal Mayor
Polilio, Quezon
73. Sangguniang Bayan Polilo
Polilio, Quezon
74. Provincial Governor
Batangas
75. Sangguniang Panlalwigan ng Batangas
Batangas
76. Office of the Municipal Mayor
Tingloy, Batangas
77. Sangguniang Bayan Tingloy
Tingloy, Batangas
78. Provincial Governor
Marinduque
79. Sangguniang Panlalwigan ng Marinduque
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81. Sangguniang Bayan Boac
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82. Office of the Municipal Mayor
Mogpog, Marinduque
83. Sangguniang Bayan Mogpog
Mogpog, Marinduque
84. Office of the Municipal Mayor
Santa Cruz, Marinduque
85. Sangguniang Bayan Santa Cruz
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86. Office of the Municipal Mayor
Torrijos, Marinduque
87. Sangguniang Bayan Torrijos
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88. Office of the Municipal Mayor
Buenavista, Marinduque
89. Sangguniang Bayan Buenavista
Buenavista, Marinduque
90. Office of the Municipal Mayor
Gasán, Marinduque
91. Sangguniang Bayan Gasán
Gasán, Marinduque
92. Provincial Governor
Occidental Mindoro
93. Sangguniang Panlalawigan ng Occidental Mindoro
Occidental Mindoro
94. Office of the City Mayor
Lubang City, Occidental Mindoro
95. Sangguniang Panlungsod Lubang
Lubang City, Occidental Mindoro
96. Office of the Municipal Mayor
Mamburao, Occidental Mindoro
97. Sangguniang Bayan Mamburao
Mamburao, Occidental Mindoro
98. Office of the Municipal Mayor
Paluan, Occidental Mindoro
99. Sangguniang Bayan Paluan
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100. Office of the Municipal Mayor
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101. Sangguniang Bayan San Jose
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102. Office of the Municipal Mayor
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104. Office of the Municipal Mayor
Calintaan, Occidental Mindoro
105. Sangguniang Bayan Calintaan
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106. Office of the Municipal Mayor
Looc, Occidental Mindoro
107. Sangguniang Bayan Looc
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108. Office of the Municipal Mayor
Magsaysay, Occidental Mindoro
109. Sangguniang Bayan Magsaysay
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110. Office of the Municipal Mayor
Rizal, Occidental Mindoro
111. Sangguniang Bayan Rizal
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112. Office of the Municipal Mayor
Sablayan, Occidental Mindoro
113. Sangguniang Bayan Sablayan
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114. Office of the Municipal Mayor
Sta. Cruz, Occidental Mindoro
115. Sangguniang Bayan Sta. Cruz
Sta. Cruz, Occidental Mindoro
116. Provincial Governor
Oriental Mindoro
117. Sangguniang Panlalawigan ng Oriental Mindoro
Oriental Mindoro
118. Office of the City Mayor
Calapan City, Oriental Mindoro
119. Sangguniang Panlungsod Calapan
Calapan City, Oriental Mindoro
120. Office of the Municipal Mayor
Baco, Oriental Mindoro
121. Sangguniang Bayan Baco
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123. Sangguniang Bayan San Teodoro
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Naujan, Oriental Mindoro
127. Sangguniang Bayan Naujan
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128. Office of the Municipal Mayor
Victoria, Oriental Mindoro
129. Sangguniang Bayan Victoria
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130. Office of the Municipal Mayor
Socorro, Oriental Mindoro
131. Sangguniang Bayan Socorro
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132. Office of the Municipal Mayor
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133. Sangguniang Bayan Pola
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134. Office of the Municipal Mayor
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135. Sangguniang Bayan Pinamalayan
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140. Office of the Municipal Mayor
Bongabong, Oriental Mindoro
141. Sangguniang Bayan Bongabong
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142. Office of the Municipal Mayor
Roxas, Oriental Mindoro
143. Sangguniang Bayan Roxas
Roxas, Oriental Mindoro
144. Office of the Municipal Mayor
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145. Sangguniang Bayan Mansalay
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150. Office of the City Mayor
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151. Sangguniang Panlungsod ng Puerto Prinsesa
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152. Office of the Municipal Mayor
Agulaya, Palawan
153. Sangguniang Bayan Agulaya
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154. Office of the Municipal Mayor
Araceli, Palawan
155. Sangguniang Bayan Araceli
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156. Office of the Municipal Mayor
Batabac, Palawan
157. Sangguniang Bayan Batabac
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158. Office of the Municipal Mayor
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159. Sangguniang Bayan Busuanga
Busuanga, Palawan
160. Office of the Municipal Mayor
Coron, Palawan
161. Sangguniang Bayan Coron
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162. Office of the Municipal Mayor
Cagayancillo, Palawan
163. Sangguniang Bayan Cagayancillo
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164. Office of the Municipal Mayor
Cullion, Palawan
165. Sangguniang Bayan Cullion
Cullion, Palawan
166. Office of the Municipal Mayor
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167. Sangguniang Bayan Cuyo
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168. Office of the Municipal Mayor
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169. Sangguniang Bayan El Nido
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170. Office of the Municipal Mayor
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171. Sangguniang Bayan Linapacan
Linapacan, Palawan
172. Office of the Municipal Mayor
Magsaysay, Palawan
173. Sangguniang Bayan Magsaysay
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174. Office of the Municipal Mayor
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175. Sangguniang Bayan Narra
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176. Office of the Municipal Mayor
Rizal, Palawan
177. Sangguniang Bayan Rizal
Rizal, Palawan
178. Office of the Municipal Mayor
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179. Sangguniang Bayan Roxas
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180. Office of the Municipal Mayor
San Vicente, Palawan
181. Sangguniang Bayan San Vicente
San Vicente, Palawan
182. Office of the Municipal Mayor
Taytay, Palawan
183. Sangguniang Bayan Taytay
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184. Office of the Municipal Mayor
Aborlan, Palawan
185. Sangguniang Bayan Aborlan
Aborlan, Palawan
186. Office of the Municipal Mayor
Brooke's Point, Palawan
187. Sangguniang Bayan Brooke's Point
Brooke's Point, Palawan
188. Office of the Municipal Mayor
Española, Palawan
189. Sangguniang Bayan Española
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191. Sangguniang Bayan Quezon
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192. Office of the Municipal Mayor
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193. Sangguniang Bayan Bataraza
Bataraza, Palawan
194. Office of the Municipal Mayor
Dumaran, Palawan
195. Sangguniang Bayan Dumaran
Dumaran, Palawan
196. Provincial Governor
Romblon
197. Sangguniang Panlalawigan ng Romblon
Romblon
198. Office of the Municipal Mayor
Banton, Romblon
199. Sangguniang Bayan ng Banton
Banton, Romblon
200. Office of the Municipal Mayor
Concepcion, Romblon
201. Sangguniang Bayan ng Concepcion
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202. Office of the Municipal Mayor
Corcuera, Romblon
203. Sangguniang Bayan ng Corcuera
Corcuera, Romblon
204. Office of the Municipal Mayor
Odiongan, Romblon
205. Sangguniang Bayan ng Odiongan
Odiongan, Romblon
206. Office of the City Mayor
Romblon City, Romblon
207. Sangguniang Panlungsod ng Romblon
Romblon City, Romblon
208. Office of the Municipal Mayor
San Fernando, Romblon
209. Sangguniang Bayan ng San Fernando
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210. Office of the Municipal Mayor
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211. Sangguniang Bayan ng San Jose
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212. Office of the Municipal Mayor
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213. Sangguniang Bayan ng Alcantara
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214. Office of the Municipal Mayor
Calatrava, Romblon
215. Sangguniang Bayan ng Calatrava
Calatrava, Romblon
216. Office of the Municipal Mayor
Ferrol, Romblon
217. Sangguniang Bayan ng Ferrol
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218. Office of the Municipal Mayor
Looc, Romblon
219. Sangguniang Bayan ng Looc
Looc, Romblon
220. Office of the Municipal Mayor
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221. Sangguniang Bayan ng San Agustin
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222. Office of the Municipal Mayor
San Andres, Romblon
223. Sangguniang Bayan ng San Andres
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224. Office of the Municipal Mayor
Santa Fe, Romblon
225. Sangguniang Bayan ng Santa Fe
Santa Fe, Romblon
226. Office of the Municipal Mayor
Sta. Maria (Imelda), Romblon
227. Sangguniang Bayan ng Sta. Maria (Imelda)
Sta. Maria (Imelda), Romblon
228. Office of the Municipal Mayor
Magdiwang, Romblon
229. Sangguniang Bayan ng Magdiwang
Magdiwang, Romblon
230. Office of the Municipal Mayor
Cadidiocan, Romblon
231. Sangguniang Bayan ng Cadidiocan
Cadidiocan, Romblon
232. Provincial Governor
Camarines Sur
233. Sangguniang Panlalawigan ng Camarines Sur
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234. Office of the Municipal Mayor
Caramoan, Camarines Sur
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