

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



**CARINO DEVELOPMENT &  
MANAGEMENT CORPORATION**  
As represented by **ENRIQUE S.  
GUANIO,**  
*Complainant,*

*-versus-*

**ERC Case No. 2022-020CC**

**PALAWAN ELECTRIC COMPANY  
(PALECO) as represented by ENGR.  
ROGELIO BAYLON, JR.,**  
*Respondent.*

**Promulgated:**  
September 06, 2022

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## **ORDER**

During the 17 August 2022 hearing of this case, the counsel for the Respondent PALECO, Atty. Julius Concepcion, together with the Officer In Charge, Ms. Nerissa Regal, Technical Services Department Manager - Engr. Rogelio Baylon, Area North Operations Manager-Engr. Renato Briones, and other several representatives of PALECO, appeared. The Complainant failed to appear despite due notice.

The Commission apprised the parties that the scheduled hearing is for the preliminary conference but there was no appearance from the representative or counsel for the complainant. However, a "Motion to Reset" was filed on 16 August 2022 by the counsel of the complainant Cariño Development, Atty. Romeo Manuel Joshua R. Mobido, due to a conflict of schedule with a hearing before the Regional Trial Court in Quezon City.

Ms. Regal manifested that PALECO either did not receive a copy of the said motion or was not furnished a copy, thus, the requested motion to reset should not be granted.

The Commission notes the filing of the said motion to reset of the Complainant on account of a conflict of schedule of their appointed counsel. While the Commission acknowledges the right of the Complainant to be represented by legal counsel throughout the proceedings, such representation is not indispensable for the purpose of quasi-judicial proceedings of the Commission. Thus, the Complainant is directed to submit a written explanation why they were unable to attend

the Commission proceedings on 17 August 2022, on or before the next hearing date.

Relative thereto, the Commission hereby sets the hearing of this case on **29 September 2022 at two o'clock in the afternoon (2:00 P.M.)**, through a virtual hearing using the MS Teams online platform, which can be accessed through:

[https://teams.microsoft.com/join/19%3ameeting\\_MWI1ZDIwMzgtOGU2MS00M2I0LWJIY2MtNjVIMGFINTM0Njdj%40thread.v2/0?context=%7b%22id%22%3a%2234a3c75d-10fe-482b-9220-04df09540e89%22%2c%22Oid%22%3a%225b4087e0-1992-4a8b-9de1-c85b7a63ac84%22%7d](https://teams.microsoft.com/join/19%3ameeting_MWI1ZDIwMzgtOGU2MS00M2I0LWJIY2MtNjVIMGFINTM0Njdj%40thread.v2/0?context=%7b%22id%22%3a%2234a3c75d-10fe-482b-9220-04df09540e89%22%2c%22Oid%22%3a%225b4087e0-1992-4a8b-9de1-c85b7a63ac84%22%7d)

Respondent is also hereby directed to submit its Answer/Comment within fifteen (15) days from receipt hereof.

The Complainant is hereby warned that their unjustified non-appearance of the Complainant in three (3) hearings scheduled by the Commission, despite due notice thereof, shall be a ground for the dismissal of the case with prejudice.<sup>1</sup>

**SO ORDERED.**

Pasig City, 06 September, 2022.

FOR AND BY AUTHORITY  
OF THE COMMISSION:

  
**ALEXIS M. LUMBATAN**  
Commissioner *mm*

  
MTCO/JGMR/MADSG/GLO  
/cas/2022-014CC

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<sup>1</sup> Section 3 (d), Rule (20) F. Consumer Complaints, Revised Rules of Practice and Procedure

Copy Furnished:

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