



**SPOUSES ROBERTO U. DIAZ
AND JOSEPHINE I. DIAZ**
Complainants,

- versus -

ERC CASE NO. 2021-025 CC

**ALBAY POWER AND ENERGY
CORPORATION (APEC),**
Respondent.

Promulgated:
September 06, 2022

X- - - - - X

ORDER

During the virtual hearing on 11 July 2022, only the representative of Respondent APEC, Ms. Charry Reynalyn De Ocampo appeared. The Complainant Spouses Roberto U. Diaz and Josephine I. Diaz failed to appear despite due notice.

At the said virtual hearing, the Commission inquired from Ms. De Ocampo whether the Respondent APEC has filed its Position Paper. Ms. De Ocampo replied in the negative. The Commission took note of the manifestation of Ms. De Ocampo and reminded Respondent APEC to submit its Position Paper, which was due on 1 July 2022.

To date, Respondent APEC is yet to submit its Position Paper.

Relative thereto, APEC is hereby directed anew to file its position paper, **for the last time** and within a non-extendible period of fifteen (15) days from receipt hereof. **Should Respondent APEC fail to file said position paper within the abovementioned period, it shall be deemed to have waived its right to the submission of the same.**

Pursuant to Section 2.3 of Executive Order No. 26, Series of 1992¹, both parties are hereby ordered to submit their respective draft decisions

¹ **PRESCRIBING PROCEDURES AND SANCTIONS TO ENSURE SPEEDY DISPOSITION OF ADMINISTRATIVE CASES, Section 2.3:**

“2.3. Rules requiring the parties, unless otherwise provided by special laws, to submit in addition to the memorandum, position paper, or last pleading required of them, a draft of the decision they seek, stating clearly and distinctly the facts and the law upon which it is based. Following the termination of the hearing or trial, the officer, board or commission charged with resolving the case may, after considering and appreciating the applicable laws, rules and regulations and the evidence submitted, adopt, in whole or in part, either of the parties’ draft decisions, or reject both. This requirement shall likewise be applied to motions or applications for orders other than the final judgment; x x x.”

stating clearly and distinctly the facts, the issues and the applicable law and jurisprudence on which it is based, within a period of sixty (60) days from receipt hereof. Should a printed copy be filed before the Commission, soft copies of the draft decisions in MS WORD format must be submitted simultaneously with the filing of the printed copy.


SO ORDERED.

Pasig City, 06 September 2022.

FOR AND BY AUTHORITY
OF THE COMMISSION:



ALEXIS M. LUMBATAN
Commissioner *JML*


jvp/JGMR/ASG/GLO

Copy Furnished:

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