



PHILRECA

PHILIPPINE RURAL ELECTRIC COOPERATIVES ASSOCIATION, INC.
— The Philippines' Electric Cooperatives —

23 March 2023
COMMS-2023-090

HON. ANTONIO MARIANO ALMEDA

Administrator

National Electrification Administration
57 NEA Building, NIA Road, Government Center
Diliman, Quezon City

Attention : ATTY. XERXES D. ADZUARA
Chairman
Committee on EC Overall Performance Assessment

Dear *Admin. Almeda*:

Greetings of Peace from PHILRECA!

This is in reference to NEA Memorandum dated March 10, 2023 re: *"Inclusion of ERC Show-Cause Orders in the Proposed Policy/Guidelines on EC Overall Performance Assessment."*

May we appeal that the proposed demerit point based on minimum of three (3) Show Cause Orders from ERC be deleted on the following grounds:

1. Due Process

Show cause is a mere order that requires the Electric Cooperative to justify, explain, or prove why the EC should not be held accountable by the Energy Regulatory Commission for a possible or alleged violation of some rules.

Penalty can only be imposed by the Commission after observance of due process and hearing. Where the EC is given the opportunity to be informed of the possible violations, the consequences of said violation and after the EC has presented an explanation.

Giving demerit point based on mere show cause orders is inappropriate since due process has yet to be observed. With the proposed demerit point system, it would appear that the concerned ECs have already been sanctioned even before observance of due process and hearing. In the case that the EC was able to justify the alleged violation in their hearing and was not held accountable by the Commission, how can NEA make amends and rectify the demerit point given to the concerned EC.

"United We Stand, We Stand United."

2nd Floor, PNB Building, No. 92 West Avenue, Quezon City, Philippines
Telephone Nos.: 8967-1580/0917-850-6830/0939-905-2206
Website: www.philreca.org; e-mail address: core@philreca.org



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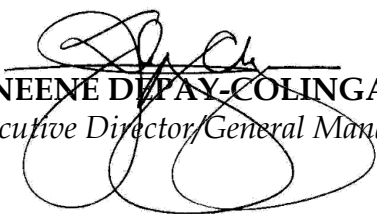
2. Double Penalty

Granting that an EC was found to be liable for violations, after due process and hearing, administrative and monetary sanctions will be imposed without prejudice to any possible criminal actions. Thus, imposition of another penalty through a demerit system based on the same violation can be considered as double penalty.

We appeal that penalties should be viewed as corrective not punitive in nature.

Thank you and we hope for your positive consideration on the submitted comments. For queries and other concerns, you may reach us at 0917.110.8751 or at our email – core@philreca.org.

Respectfully yours,


JANEENE D. PAY-COLINGAN
Executive Director/General Manager

cc: All ECs


JOSEFIN P. YAP
President

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