

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
JOINT APPLICATION FOR
THE APPROVAL OF THE
POWER SUPPLY
AGREEMENT (PSA)
BETWEEN ILOILO III
ELECTRIC COOPERATIVE,
INC. (ILECO III) AND SUAL
POWER, INC. (SPI), WITH
MOTION FOR
CONFIDENTIAL
TREATMENT OF
INFORMATION AND
MOTION FOR PROVISIONAL
AUTHORITY OR INTERIM
RELIEF**

ERC CASE NO. 2025-034 RC

**ILOILO III ELECTRIC
COOPERATIVE, INC. (ILECO
III) AND SUAL POWER, INC.
(SPI),**

Applicants.

X-----X

Promulgated:
October 03, 2025

ORDER

On 04 February 2025, ILECO III and SPI filed a *Joint Application*, dated 17 December 2024, seeking the Commission's approval of their Power Supply Agreement (PSA), with motion for confidential treatment of information and prayer for provisional authority or interim relief.

The *Joint Application*, excluding its annexes, is attached as Annex "A" of the *Notice of Virtual Hearing*.

On 21 February 2025, the Commission issued an *Order* and a *Notice of Virtual Hearing*, of even date, setting the case for hearing on

the following dates: (a) 24 April 2025 for determination of compliance with jurisdictional requirements and expository presentation; and (b) 02 May 2025 for Pre-trial Conference and presentation of evidence.

On 19 March 2025, the Commission issued an *Order* of even date, dismissing the instant *Joint Application* for failure to comply with the Competitive Selection Process (CSP), pursuant to the Department of Energy's (DOE) Department Circular No. DC2023-06-2021¹ (2023 DOE CSP Circular) and the Commission's Resolution No. 16, Series of 2023² (CSP Guidelines).

On 21 April 2025, ILECO III and SPI filed their *Joint Motion for Reconsideration (Re: Order dated 19 March 2025)*, of even date (Joint Motion for Reconsideration).

On 05 September 2025, the Commission issued a consolidated *Order*,³ resolving, among others, Applicant's *Joint Motion for Reconsideration*. The dispositive portion of the said *Order* is hereunder quoted as follows:

WHEREFORE, the Commission **GRANTS the Joint Motions for Reconsideration** filed by the Applicants in the above-captioned cases. Accordingly, the **dismissal Orders dated 19 March 2025 are hereby SET ASIDE**.

Immediately set the CAPELCO case for pre-trial conference and presentation of evidence, and the cases of GUIMELCO, ILECO I, ILECO II, and **ILECO III**, for determination of compliance with jurisdictional requirements, presentation of expository presentation, pre-trial conference and presentation of evidence.

SO ORDERED.

(Emphasis supplied.)

IN VIEW OF THE FOREGOING, the Commission hereby sets the same for hearing, pursuant to the pertinent rules of the Commission, as follows:

¹ Entitled, "Prescribing the Policy for the Mandatory Conduct of the Competitive Selection Process by the Distribution Utilities for the Procurement of Power Supply for their Captive Market".

² Entitled, "Implementing Guidelines for the Procurement, Execution, and Evaluation of Power Supply Agreements Entered into by Distribution Utilities for the Supply of Electricity to their Captive Market."

³ Consolidated *Order* for ERC Case Nos. 2025-012 RC, 2025-018 RC, 2025-029 RC, 2025-030 RC, 2025-034 RC.

Date and Time	Platform	Activity
05 November 2025 (Wednesday) at two o'clock in the afternoon (2:00 P.M.)	Microsoft Teams	Determination of compliance with jurisdictional requirements and Expository Presentation
12 November 2025 (Wednesday) at two o'clock in the afternoon (2:00 P.M.)		Pre-Trial Conference and Presentation of Evidence

Accordingly, Applicants are hereby directed to mirror the virtual hearings, to be hosted by the Commission, at **ILECO III's principal office in Brgy. Preciosa, Sara, Iloilo**, as the designated venue for the conduct thereof and ensure that the same is open to the public. Moreover, Applicants shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

RELATIVE THERETO, Applicants are hereby directed to:

- 1) Cause the publication of the attached *Notice of Virtual Hearing*, including Annex "A" thereof, in two (2) newspapers of nationwide circulation in the Philippines at their 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*, including Annex "A" thereof, the Offices of the Provincial Governor, the Mayors, and their respective Local Government Unit (LGU) legislative bodies within ILECO III's franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within ILECO III's franchise area, by any other means available and appropriate, of the filing *Joint Application*, their reasons therefor, and of the scheduled virtual hearings;
- 4) Furnish with copies of this *Order* and the attached *Notice of Virtual Hearing*, including Annex "A" thereof, 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 and attend the scheduled hearings; and

- 5) Furnish with copies of the *Joint Application* and its attachments, except those subject of a motion for confidential treatment of information, all those making requests therefor, subject to reimbursement of reasonable photocopying costs.

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

- 1) The evidence of publication of the attached *Notice of Virtual Hearing*, including Annex “A” thereof, consisting of affidavits of the Editors or Business Managers of the newspapers where the same were 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* including Annex “A” thereof, consisting of certifications issued to that effect, signed by the aforementioned Governor, Mayors and LGU legislative bodies or their duly authorized representatives, bearing the seals of their offices;
- 3) The evidence of other means employed by Applicants to inform the consumers within ILECO III’s franchise area of the filing of the *Joint Application*, their reasons therefor, and of the scheduled hearings;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Virtual Hearing* including Annex “A” thereof, by the OSG, the COA, and the Committees on Energy of both Houses of Congress;

- 5) The evidence of receipt of copies of the *Joint Application* and its attachments, except those subject of a motion for confidential treatment of information, if any, by all those making requests therefor; and
- 6) Such other proof of compliance with the requirements of the Commission.

Moreover, ILECO III and SPI are hereby required to post on their bulletin boards, the scanned copies of the foregoing jurisdictional requirements and to submit the proof of posting thereof.

Applicants ILECO III and SPI and all interested parties are also required to submit via e-mail at docket@erc.ph, and copy furnish the Legal Service through legal@erc.ph, **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 thereof, which must be attached to the Pre-Trial Brief; and
- 4) The names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-Trial Brief.

Failure of ILECO III and SPI to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearings.

Applicants ILECO III and SPI must also be prepared to make an expository presentation of the *Joint Application*, aided by whatever communication medium they 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 *Joint Application*. Relevant information and pertinent details substantiating the reasons and justifications for the *Joint Application* must be cited in support thereof.

Applicants ILECO III and SPI are hereby directed to file a copy of their Expository Presentation via e-mail at doCKET@erc.ph, copy furnish the Legal Service through legal@erc.ph, **at least five (5) calendar days** prior to the scheduled virtual hearing. Applicants are also required to provide a copy of their Expository Presentation to any stakeholder requesting therefor **at least five (5) calendar days** prior to the scheduled virtual hearing.

Applicants ILECO III and SPI and interested parties are hereby directed to submit, either through personal service, registered or ordinary mail/private courier, all the pleadings and required submissions, **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.

Finally, Applicants, including their authorized representatives and witnesses, and interested parties who wish to attend the scheduled virtual hearings are hereby directed to provide the Commission, through legal.virtualhearings@erc.ph, 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 hearings.

SO ORDERED.

Pasig City.

FOR AND BY AUTHORITY
OF THE COMMISSION:

Maria Corazon C. Gines

ATTY. MARIA CORAZON C. GINES*
Director III, Legal Service

JKCA/MVM
LS: JKCA/MVM

* Authority granted during Commission Meeting on 20 August 2025.

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Copy Furnished:

1. Iloilo III Electric Cooperative, Inc. (ILECO III)
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5. Office of the Solicitor General
134 Amorsolo Street, Legaspi Village, Makati City
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6. Commission on Audit
Commonwealth Avenue, Quezon City 1121
Email: citizensdesk@coa.gov.ph
7. Senate Committee on Energy
GSIS Building, Roxas Boulevard, Pasay City 1307
Email: senateenergycommittee@gmail.com
8. House of Representatives Committee on Energy
Batasan Hills, Quezon City 1126
Email: committee.energy@house.gov.ph
9. Office of the Governor
Province of Iloilo
10. Office of the Sangguniang Panlalawigan
Province of Iloilo
11. Office of the Municipal Mayor
Ajuy, Iloilo
12. Office of the Sangguniang Bayan
Ajuy, Iloilo
13. Office of the Municipal Mayor
Anilao, Iloilo
14. Office of the Sangguniang Bayan
Anilao, Iloilo
15. Office of the Municipal Mayor
Balasan, Iloilo
16. Office of the Sangguniang Bayan
Balasan, Iloilo
17. Office of the Municipal Mayor
Banate, Iloilo
18. Office of the Sangguniang Bayan
Banate, Iloilo
19. Office of the Municipal Mayor

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- Barotac, Iloilo
20. Office of the Sangguniang Bayan
Barotac, Iloilo
 21. Office of the Municipal Mayor
Viejo, Iloilo
 22. Office of the Sangguniang Bayan
Viejo, Iloilo
 23. Office of the Municipal Mayor
Batad, Iloilo
 24. Office of the Sangguniang Bayan
Batad, Iloilo
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Carles, Iloilo
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San Dionisio, Iloilo
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San Dionisio, Iloilo
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San Rafael, Iloilo
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