Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

IN THE MATTER OF THE APPLICATION FOR APPROVAL OF THE POWER SUPPLY AGREEMENT (PSA) BETWEEN NEGROS OCCIDENTAL ELECTRIC COOPERATIVE AND MALITA POWER INC., WITH PRAYERS FOR ISSUANCE OF PROVISIONAL AUTHORITY OR INTERIM RELIEF AND CONFIDENTIAL TREATMENT OF INFORMATION

ERC CASE NO. 2026-175 RC

NEGROS OCCIDENTAL ELECTRIC COOPERATIVE (NOCECO) AND MALITA POWER INC. (MPI),
Applicants.
x----------x

Promulgated:
November 06, 2026

ORDER

On 26 October 2026, Negros Occidental Electric Cooperative (NOCECO) and Malita Power Inc. (MPI) filed a *Joint Application* dated 01 October 2026, seeking the Commission's approval of their Power Supply Agreement (PSA), with prayers for provisional authority or interim relief and confidential treatment of information.

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

Finding the *Joint Application* to be sufficient in form and with the required fees having been paid, the Commission hereby sets the same for hearing, pursuant to the pertinent rules of the Commission, as follows:

Date and Time	Platform	Activity
26 November 2026 (Thursday) at two o'clock in the afternoon (2:00 P.M.)	**Microsoft Teams**	Determination of compliance with jurisdictional requirements and Expository Presentation
10 December 2026 (Thursday) 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 **NOCECO's principal office in Naga, Binucuil, Kabankalan City, Negros Occidental** 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 NOCECO's franchise area for the appropriate posting thereof on their respective bulletin boards;

3) Inform the consumers within NOCECO'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 NOCECO'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, NOCECO and MPI 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 NOCECO and MPI 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 NOCECO and MPI to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearings.

Applicants NOCECO and MPI 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 NOCECO and MPI 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.

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

LS: JKCA/MVM

* Authority granted during Commission Meeting on 20 August 2025.

Copy Furnished:

1. Negros Occidental Electric Cooperative (NOCECO)
Applicant
Naga, Binicuil, Kabankalan City, Negros Occidental
nocecosubmission@gmail.com

2. Atty. Cecilia R. Layug
Counsel for NOCECO
6F Pacific Center Building, 33 San Miguel Ave., Ortigas, Pasig City
ceslayug@gmail.com

3. Attys. Carl Stephen A. Guzman, Brian P. Ceniza, and Jasper Adrian A. Tubay
Guzman Ceniza Law Office
Counsel for NOCECO
6th Floor, Pacific Center Building,
#33 San Miguel Ave., Ortigas Center, Pasig City
gclawoffice@gclawoffice.com.ph

4. Malita Power Inc. (MPI)
Applicant
5th Floor, CS Office Building Complex,
#100 E. Rodriguez Jr. Ave., C5 Road,
Bo. Ugong, Pasig City
regulatory.legal@aboitizpower.com

5. Attys. Jupiter M. Cabaguio, Avelino G. Cedo III, Julieta B. Estamo
Counsels for MPI
5th Floor, CS Office Building Complex,
#100 E. Rodriguez Jr. Ave., C5 Road,
Bo. Ugong, Pasig City
jcabaguio@smgp.sanmiguel.com.ph
acedoiii@smgp.sanmiguel.com.ph
jestamo@smgp.sanmiguel.com.ph

6. Office of the Provincial Governor
Province of Negros Occidental

7. Office of the Local Government Unit Legislative Body
Province of Negros Occidental

8. Office of the City Mayor
City of La Carlota, Negros Occidental

9. Office of the Local Government Unit Legislative Body
City of La Carlota, Negros Occidental

10. Office of the City Mayor
City of Himamaylan, Negros Occidental

11. Office of the Local Government Unit Legislative Body
City of Himamaylan, Negros Occidental

12. Office of the City Mayor
City of Kabankalan, Negros Occidental

13. Office of the Local Government Unit Legislative Body
City of Kabankalan, Negros Occidental

14. Office of the City Mayor
City of Sipalay, Negros Occidental

15. Office of the Local Government Unit Legislative Body
City of Sipalay, Negros Occidental

16. Office of the Municipality Mayor

Municipality of Pulupandan, Negros Occidental

17. Office of the Local Government Unit Legislative Body
Municipality of Pulupandan, Negros Occidental

18. Office of the Municipality Mayor
Municipality of Valladolid, Negros Occidental

19. Office of the Local Government Unit Legislative Body
Municipality of Valladolid, Negros Occidental

20. Office of the Municipality Mayor
Municipality of San Enrique, Negros Occidental

21. Office of the Local Government Unit Legislative Body
Municipality of San Enrique, Negros Occidental

22. Office of the Municipality Mayor
Municipality of Pontevedra, Negros Occidental

23. Office of the Local Government Unit Legislative Body
Municipality of Pontevedra, Negros Occidental

24. Office of the Municipality Mayor
Municipality of Hinigaran, Negros Occidental

25. Office of the Local Government Unit Legislative Body
Municipality of Hinigaran, Negros Occidental

26. Office of the Municipality Mayor
Municipality of Binalbagan, Negros Occidental

27. Office of the Local Government Unit Legislative Body
Municipality of Binalbagan, Negros Occidental

28. Office of the Municipality Mayor
Municipality of La Castellana, Negros Occidental

29. Office of the Local Government Unit Legislative Body
Municipality of La Castellana, Negros Occidental

30. Office of the Municipality Mayor
Municipality of Moises Padilla, Negros Occidental

31. Office of the Local Government Unit Legislative Body
Municipality of Moises Padilla, Negros Occidental

32. Office of the Municipality Mayor
Municipality of Isabela, Negros Occidental

33. Office of the Local Government Unit Legislative Body
Municipality of Isabela, Negros Occidental

34. Office of the Municipality Mayor
Municipality of Ilog, Negros Occidental

35. Office of the Local Government Unit Legislative Body
Municipality of Ilog, Negros Occidental

36. Office of the Municipality Mayor
Municipality of Cauayan, Negros Occidental

37. Office of the Local Government Unit Legislative Body
Municipality of Cauayan, Negros Occidental

38. Office of the Municipality Mayor

Municipality of Candoni, Negros Occidental

39. Office of the Local Government Unit Legislative Body
Municipality of Candoni, Negros Occidental

40. Office of the Municipality Mayor
Municipality of Hinoba-an, Negros Occidental

41. Office of the Local Government Unit Legislative Body
Municipality of Hinoba-an, Negros Occidental

42. Office of the Solicitor General
134 Amorsolo Street, Legaspi Village, Makati City
docket@osg.gov.ph

43. Commission on Audit (COA)
Commonwealth Avenue, Quezon City
citizensdesk@coa.gov.ph

44. Senate Committee on Energy
GSIS Building, Roxas Boulevard, Pasay City
senateenergycommittee@gmail.com

45. House Committee on Energy
Batasan Hills, Quezon City
committee.energy@house.gov.ph

46. Regulatory Operations Service
Energy Regulatory Commission
14F Exquadra Tower, Jade 1 Drive, Pasig City
ros@erc.ph