

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
APPLICATION FOR
APPROVAL OF THE
EMERGENCY POWER
SUPPLY AGREEMENT
(EPSA) BETWEEN VISAYAN
ELECTRIC COMPANY, INC.
(VISAYAN ELECTRIC) AND
THERMA VISAYAS, INC.
(TVI), WITH PRAYER FOR
CONFIDENTIAL
TREATMENT OF
INFORMATION**

ERC CASE NO. 2025-124 RC

**VISAYAN ELECTRIC
COMPANY, INC. (VISAYAN
ELECTRIC) AND THERMA
VISAYAS, INC. (TVI),
Applicants.**

Promulgated:
August 27, 2025

X-----X

ORDER

On 23 May 2025, the Visayan Electric Company, Inc. (Visayan Electric) and Therma Visayas, Inc. (TVI) filed a *Joint Application* dated 13 May 2025, seeking the Commission’s approval of their Emergency Power Supply Agreement (EPSA), with prayer for 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*.

The Commission issued an *Order* and a *Notice of Virtual Hearing*, both dated 10 July 2025, setting the instant case for hearing for the determination of compliance with the jurisdictional requirements and expository presentation on 04 September 2025; and for the Pre-Trial Conference and presentation of evidence on 11 September 2025.

However, on 05 August 2025, co-Applicant TVI filed a *Manifestation with Urgent Motion to Revise Order and Notice of Virtual Hearing; and Notice of Change of Address*, of even date, praying that the omitted and misquoted parts in both the *Order and Notice of Virtual Hearing* be corrected for accuracy through an issuance of a revised *Order and Notice of Virtual Hearing*.

Finding the *Manifestation with Urgent Motion to Revise Order and Notice of Virtual Hearing; and Notice of Change of Address* meritorious, the same is granted. Moreover, in consideration of the required jurisdictional compliance from the Applicants, the Commission hereby sets anew the instant *Joint Application* for hearing, for the determination of compliance with the jurisdictional requirements, expository presentation, Pre-Trial Conference, and presentation of evidence on the following dates and online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020¹ and Resolution No. 01, Series of 2021 (ERC Revised Rules of Practice and Procedure):²

Date	Platform	Activity
19 September 2025 (Friday) at nine o'clock in the morning (9:00 AM)	Microsoft Teams Application	Determination of compliance with the jurisdictional requirements and expository presentation
26 September 2025 (Friday) at nine o'clock in the morning (9:00 AM)		Pre-Trial Conference and presentation of evidence

Accordingly, Applicants are hereby directed to mirror the virtual hearings, to be hosted by the Commission, at the **Visayan Electric's principal office located at J. Panis Street, Banilad, Cebu City** 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 A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.
² A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.

- 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 Visayan Electric’s franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within Visayan Electric’s franchise area, by any other means available and appropriate, of the filing of the *Joint Application*, the reasons therefor, and of the scheduled virtual hearings thereon;
- 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** before 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 said *Notice of Virtual Hearing* was 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 the Applicants to inform the consumers within Visayan Electric’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, by all those making requests therefor, if any; and
- 6) Such other proof of compliance with the requirements of the Commission.

Moreover, Applicants 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 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 therefor, which should also be attached to the Pre-Trial Brief; and
- 4) The number and names of the witnesses, with their written testimonies in a Judicial Affidavit form attached to the Pre-Trial Brief.

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

Applicants must also be prepared to make an expository presentation of the *Joint Application*, aided by whatever communication medium that 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 are hereby directed to file a copy of their Expository Presentation via e-mail at docket@erc.ph, and copy furnish the Legal Service through legal@erc.ph, **at least five (5) calendar days** prior to the scheduled virtual hearing. The Applicants shall also be required, upon the request of any stakeholder, to provide an advance copy of their expository presentation, **at least five (5) calendar days** prior to the scheduled virtual hearing.

Applicants 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.

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Finally, Applicants, including their authorized representatives and witnesses, 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, 22 August 2025.

FOR AND BY AUTHORITY
OF THE COMMISSION:


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


LS: MND/ARG

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Copy Furnished:

1. Visayan Electric Company, Inc. (Visayan Electric)
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2. Therma Visayas, Inc. (TVI)
Applicant
Barangay Bato, Toledo City, Cebu
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4. J.P. Garcia & Associates
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Mandaue City, Cebu
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5. Office of the Solicitor General (OSG)
134 Amorsolo Street, Legaspi Village, Makati City
docket@osg.gov.ph
6. Commission on Audit (COA)
Commonwealth Avenue, Quezon City
citizensdesk@coa.gov.ph
7. Senate Committee on Energy
GSIS Building, Roxas Boulevard, Pasay City
senateenergycommittee@gmail.com
8. House Committee on Energy
Batasan Hills, Quezon City
committee.energy@house.gov.ph
9. Office of the Provincial Governor
Province of Cebu
10. Office of the Sangguniang Panlalawigan
Province of Cebu
11. Office of the City Mayor
Toledo, Cebu City
12. Office of the Sangguniang Panlungsod
Toledo, Cebu City
13. Office of the City Mayor
Naga, Cebu
14. Office of the Sangguniang Panlungsod
Naga, Cebu
15. Office of the City Mayor
Talisay Cebu
16. Office of the Sangguniang Panlungsod
Talisay Cebu

- 17. Office of the City Mayor
Cebu City
- 18. Office of the Sangguniang Panlungsod
Cebu City
- 19. Office of the City Mayor
Mandaue, Cebu
- 20. Office of the Sangguniang Panlungsod
Mandaue, Cebu
- 21. Office of the Municipal Mayor
Minglanilla, Cebu
- 22. Office of the Sangguniang Bayan
Minglanilla, Cebu
- 23. Office of the Municipal Mayor
San Fernando, Cebu
- 24. Office of the Sangguniang Bayan
San Fernando, Cebu
- 25. Office of the Municipal Mayor
Consolation, Cebu
- 26. Office of the Sangguniang Bayan
Consolation, Cebu
- 27. Office of the Municipal Mayor
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- 28. Office of the Sangguniang Bayan
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