

March 5, 2018

SECURITIES AND EXCHANGE COMMISSION

Secretariat Building, PICC Complex,
Roxas Boulevard, Pasay City, 1307

ATTENTION : **DIR. VICENTE GRACIANO P. FELIZMENIO JR.**
Markets and Securities Regulation Department

via PSE EDGE

PHILIPPINE STOCK EXCHANGE, INC.
PSE Tower, 28th Street cor. 5th Avenue,
Bonifacio Global City, Taguig City

ATTENTION : **MR. JOSE VALERIANO B. ZUÑO III**
OIC – Head, Disclosure Department

via electronic mail

PHILIPPINE DEALING & EXCHANGE CORP.
Market Regulatory Services Group
37/F, Tower 1, The Enterprise Center
6766 Ayala Avenue corner Paseo de Roxas, Makati City

ATTENTION : **MS. ERIKA GRACE C. ALULOD**
Head – Issuer Compliance and Disclosures Department

Gentlemen:

Attached is the SEC Form 17-C (Current Report) of Aboitiz Power Corporation filed in compliance with the Securities Regulation Code, its 2015 Implementing Rules and Regulations, the Revised Disclosure Rules of the Philippine Stock Exchange (PSE), and the Issuer Disclosure Operating Guidelines of the Philippine Dealing Exchange Corp. (PDEX).

Kindly acknowledge receipt hereof.

Thank you.

Very truly yours,

ABOITIZ POWER CORPORATION

By:



MANUEL ALBERTO R. COLAYCO
Corporate Secretary

COVER SHEET

C 1 9 9 8 0 0 1 3 4

S.E.C. Registration Number

A B O I T I Z P O W E R C O R P O R A T I O N

(Company's Full Name)

3 2 N D S T R E E T , B O N I F A C I O G L O B A L

C I T Y , T A G U I G C I T Y , M E T R O M A N I L A

P H I L I P P I N E S

(Business Address: No. Street City / Town / Province)

MANUEL ALBERTO R. COLAYCO

Contact Person

02- 886-2338

Company Telephone Number

Contact Person

1 2 3 1

Month Day
Fiscal Year

1 7 - C

FORM TYPE

3rd Monday of May

0 5 2 1

Month Day
Annual Meeting

N/A

Secondary License Type, if Applicable

SEC

Dept. Requiring this Doc

N/A

Amended Articles Number/Section

Total No. of Stockholders

x

Domestic

Foreign

To be accomplished by SEC Personnel concerned

File Number

LCU

Document I.D.

Cashier


STAMPS

Remarks = Pls. use black ink for scanning purposes

SECURITIES & EXCHANGE COMMISSION

SEC FORM 17-C

CURRENT REPORT UNDER SECTION 17
OF THE SECURITIES REGULATION CODE (SRC)
AND SRC RULE 17.2(c) THEREUNDER

1. **March 5, 2018**
Date of Report (Date of earliest event reported)
2. SEC Identification Number **C199800134** 3. BIR TIN **200-652-460-000**
4. **ABOITIZ POWER CORPORATION**
Exact name of registrant as specified in its charter
5. **Philippines** 6. 
Province, country or other jurisdiction of incorporation Industry Classification Code
7. **32nd Street, Bonifacio Global City, Taguig City, Metro Manila, Philippines** **1634**
Address of principal office Postal Code
8. **(02) 886-2800**
Registrant's telephone number, including area code
9. **N.A.**
Former name or former address, if changed since last report
10. Securities registered pursuant to Sections 4 and 8 of the RSA
- | Title of Each Class | Number of Shares of Common Stock Outstanding and Amount of Debt Outstanding |
|--|---|
| Common Stock ₱1 Par Value | 7,358,604,307 |
| Amount of Debt Outstanding (As of September 30, 2017) | ₱222,237,327,000.00 |
11. Indicate the item numbers reported herein: 5
- Item 5: Legal Proceeding**
- Please see attached.

SIGNATURE (S)

Pursuant to the requirements of the Securities Regulation Code, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

ABOITIZ POWER CORPORATION

By:



Manuel Alberto R. Colayco
Corporate Secretary

Dated: March 5, 2018

ABOITIZ POWER CORPORATION
DISCLOSURE: [Update – 1] Legal Proceedings

Subject of the Disclosure	:	The Regional Trial Court of Lucena City, Branch 57 <u>(the “Court”) extended the</u> temporary restraining order (TRO) against the implementation of the Cease and Desist Order dated February 27, 2018 (the “CDO”) issued against Pagbilao Energy Corporation (PEC) <u>from 72 hours from February 28, 2018 to 20 days from February 28, 2018.</u>
Background/Description of the Disclosure	:	PEC advised Aboitiz Power Corporation (AboitizPower) that <u>the Court extended the effectivity of the TRO issued on February 28, 2018 from 72 hours to 20 days (counted from the date of the original issuance of the TRO).</u>
Name of the court or agency in which the proceedings are pending	:	Regional Trial Court of Lucena City, Branch 57 For: Injunction and Declaration of Nullity of the Sangguniang Bayan Resolution Nos. 177, Series of 2016 and 27 and 31, Series of 2018
Date Instituted	:	February 28, 2018
Docket Number	:	Civil Case No. 2018-21
Principal Parties	:	Pagbilao Energy Corporation; and The Municipality of Pagbilao, Quezon, and Hon. Shierre Ann Portes-Palicipic, in her capacity as the Municipal Mayor of the Municipality of Pagbilao
Nature and description of the legal proceedings	:	<p>During the course of PEC’s application for a business permit for calendar year 2018 from the Municipality of Pagbilao, the municipality required PEC to execute a Memorandum of Agreement (MOA) implementing its corporate social responsibility (CSR) programs for an amount above the company’s approved budget for CSR. The municipality refused to issue the business permit without the executed MOA, and instead issued the CDO. PEC therefore filed the application for Injunction and obtained the TRO to prevent the municipality from implementing what PEC believes to be an unwarranted cease and desist order.</p> <p>PEC maintains that the execution of the MOA is not part of the published and legal requirements for the issuance by the municipality of a local business permit. The PEC plant has received all the necessary endorsements required from the relevant local government units - the Quezon provincial government, the municipality of Pagbilao, and the host barangay of Ibabang Polo. All clearances and endorsements from national government agencies, such as the Department of Energy, and the Department of Environment and Natural Resources, among others, have also been secured.</p>

PSE Disclosure Form 4-26 – Legal Proceedings

References: SRC Rule 17 (SEC Form 17-C) and Section 4.4 of the Revised Disclosure Rules

	<p>PEC filed the Petition for Injunction with prayer for TRO with the Regional Trial Courts of Lucena City. In its Order dated February 28, 2018, the Court issued a temporary restraining order and ordered the municipal mayor of Pagbilao, Quezon to cease and desist from implementing the assailed CDO.</p> <p><u>On March 2, 2018, after due notice and hearing, the Court extended the effectivity of the TRO issued on February 28, 2018 from 72 hours to 20 days (counted from the date of the original issuance of the TRO).</u></p> <p>PEC is a joint venture company between Therma Power Inc. and TPEC Holdings Corporation. Therma Power, a wholly owned subsidiary of AboitizPower, is the holding company of AboitizPower’s investments in non-renewable energy.</p>
<p>The effect(s) on the Issuer’s business or operations, if any</p>	<p>: The potential delay in the commercial operations of PEC’s power plant would render PEC unable to perform its commitments to its suppliers, customers, and to the Luzon Grid.</p>
<p>Other relevant Information</p>	<p>: Copy of the <u>March 2, 2018 Order from the Court</u> is attached.</p>

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
BRANCH 59
Lucena City

PAGBILAO ENERGY
CORPORATION,
Plaintiff,

-versus -

THE MUNICIPALITY OF
PAGBILAO, QUEZON, AND
HON. SHIERRE ANN
PORTES-PALICPIC, in her
capacity as the Municipal
Mayor of the Municipality of
Pagbilao,
Defendants.

CIVIL CASE No. 2018-21
For: Injunction and
Declaration of Nullity of
Sangguniang Bayan
Resolution Nos. 177,
series of 2016, and 27
and 31, series of 2108

ORDER

Present at today's hearing on the application for issuance of a temporary restraining order are plaintiff's counsel Atty. Vladi Miguel Lazaro, defendant's counsel Atty. Anna Charisse M. Bajas and the Municipal Mayor of Pagbilao, Quezon, Hon. Shierre Ann Portes-Palicipic.

Upon inquiry by the Court, the parties amplified their respective positions on the question of whether or not the 72-hour TRO should be extended.

After a careful evaluation of the complaint and the evidence attached thereto, as well as the arguments and issues presented by the parties today, it appears to the Court at this juncture, that the questioned Order stopping the Pagbilao Energy Corporation from operating PAG3 on the basis of the

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ATTY. KRISTINE D. PABICO
CLERK OF COURT V

Resolutions, and not an Ordinance, adopted by the Sangguniang Bayan of Pagbilao containing as they do a requirement for the execution of a Memorandum or Term of Agreement between the plaintiff and defendant Municipality as condition for the issuance of a business permit to be an unreasonable encroachment on the plaintiff's property rights and guarantee of due process law. To be sure, the end cannot justify the means.

Likewise, this Court is convinced that there is an extreme urgency in this case considering the pronouncement of the Department of Energy itself that withdrawing the output of PAG3 from the Luzon Grid will create more instability since the power situation in Luzon for the summer peak months of March up to June is precarious due to thin reserves (Exhibit "S", reserved as for the plaintiff).

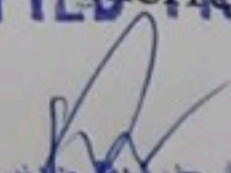
As such, the Court finds it imperative to extend the 72-hour TRO to a full-term of 20 days until the application for a writ of preliminary injunction has been resolved.

WHEREFORE, the plaintiff's prayer that the 72-hour TRO be extended to 20 days is hereby GRANTED. Defendant Municipality of Pagbilao, Quezon and the Hon. Shierre Ann Portes-Palicpic, in her capacity as Municipal Mayor, and any and all persons acting for and on their behalf are ENJOINED and RESTRAINED from implementing the CEASE and DESIST Order dated February 27, 2018 for 20 days from issuance hereof, inclusive of the 72-hour TRO, and effective under the same cash bond in the amount of P500,000.00 posted by the plaintiff.

Set this case for hearing on the application for preliminary injunction on March 7 and 8, 2018 both at 8:30 in the morning.

All the parties present today are notified in open court.

Furnish immediately the defendant Municipality of Pagbilao, Quezon and the Hon. Shierre Ann Portes-Palicpic,

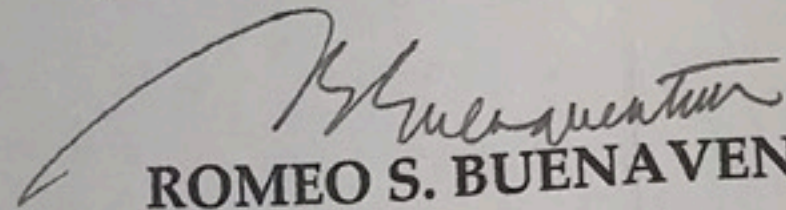
CERTIFIED TRUE COPY

ATTY. KRISTINE D. PABICO
CLERK OF COURT V

Municipal Mayor, Municipality of Pagbilao, Quezon with a copy of this Order.

SO ORDERED.

Given in Open Court.

Lucena City, March 2, 2018.


ROMEO S. BUENAVENTURA
Presiding Judge

CERTIFIED TRUE COPY.

ATTY. KRISTINE D. PABICO
CLERK OF COURT V