

March 21, 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 21, 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 December 31, 2017) | ₱205,996,054,000.00 |
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 21, 2018

ABOITIZ POWER CORPORATION
DISCLOSURE: [Update – 2] Legal Proceedings

Subject of the Disclosure	:	<u>Revocation by the Municipality of Pagbilao of the Cease and Desist Order it issued last February 27, 2018 (the “CDO”) against Pagbilao Energy Corporation (PEC), and the dismissal of the Case (as defined below).</u>
Background/Description of the Disclosure	:	PEC informed Aboitiz Power Corporation (AboitizPower) that <u>on March 7, 2018, the Municipality of Pagbilao revoked the CDO and that the Case has been dismissed.</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 (“the Case”)
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> <p>PEC filed the Petition for Injunction with prayer for Temporary Restraining Order (TRO) with the Regional Trial Courts of Lucena City. In its Order dated February 28, 2018, the Court issued a temporary restraining order and</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>ordered the municipal mayor of Pagbilao, Quezon to cease and desist from implementing the assailed CDO.</p> <p>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).</p> <p><u>On March 7, 2018, the Municipality of Pagbilao revoked the CDO, and on the hearing on the same date, the parties moved for the dismissal of the case, which the Court granted.</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><u>The revocation of the CDO means that PEC is not barred from proceeding with the scheduled commercial operations of its power plant.</u></p>
<p>Other relevant Information</p>	<p><u>Copy of the Letter from Municipality is attached, as well as the Order from the Court.</u></p> <p><u>PEC is working with the Municipality of Pagbilao for the issuance of its business permit, and also on the few remaining steps necessary before the start of the PEC plant’s commercial operations.</u></p>



OFFICE OF THE MUNICIPAL MAYOR

March 7, 2018

MR. JOHN V. ALCORDO

President

Pagbilao Energy Corporation

25th Floor W Fifth Avenue Building

5th Avenue, Bonifacio Global City

Taguig City

Dear Mr. Alcorido,

This pertains to the CEASE and DESIST ORDER issued by the undersigned on February 27, 2018 and received by Pagbilao Energy Corporation on the same day.

Considering that PEC has already reached out to the municipality and there are discussions pertaining to the submission of the requirements in their application of the business permit including the commitment for the corporate social responsibilities, the municipality is lifting the Cease and Desist Order.

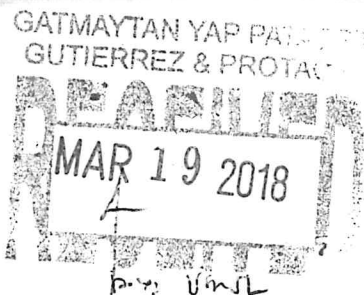
In view of the foregoing, the Cease and Desist Order issued to Pagbilao Energy Corporation dated February 27, 2018 is hereby revoked without prejudice to the power of the Municipality to demand compliance to the permits and licenses required by law.

For your information,

HON. SHIERRE ANN PORTES-PALICPIC

Municipal Mayor

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



PAGBILAO ENERGY
CORPORATION,
Plaintiff,

Civil Case No. 2018-21
For: Injunction and
Declaration of Nullity of
Sanguniang Bayan Resolution
Nos. 177, series of 2016, and
27 and 31, series of 2018

-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.

X-----X

ORDER

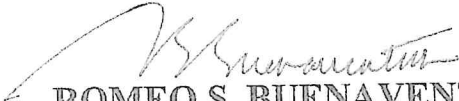
Filed before this Court on March 12, 2018 by the Atty. Anthony Mark A. Gutierrez, Atty. Vladi Miguel S. Lazaro and Atty. Sophia P. Inoturan, of Gatmaytan Yap Patacsil Gutierrez & Protacio, counsel for PEC, is a "Motion to Release Cash Bond", praying that the cash bond posted for the issuance of the temporary restraining order (TRO) in the amount of Php 500,000.00 be released.

Considering that this case has been ordered withdrawn and dismissed as per Court's Order dated March 7, 2018, the said Motion is hereby GRANTED.

Wherefore, let the Cash Bond under OR No. 5374271 in the amount of Php 500,000.00 be withdrawn and released to Pagbilao Energy Corporation (PEC), upon presentation of necessary proof of the bond posted.

SO ORDERED.

Lucena City, March 16, 2018.


ROMEO S. BUENAVENTURA
Presiding Judge

