



REPUBLIC OF THE PHILIPPINES
PROVINCE OF PAMPANGA
MUNICIPALITY OF BACOLOR
OFFICE OF THE SANGGUNIANG BAYAN
Fax & Tel. No.: (045) 6524818

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BACOLOR, HELD ON DECEMBER 2, 2021 AT BEST WESTERN PLUS HOTEL, SUBIC BAY FREEPORT ZONE, ZAMBALES

PRESENT:

Hon. Wilfredo H. Balingit	Presiding Officer/Municipal Vice-Mayor
Hon. Ron Earvin E. Dungca	Sangguniang Bayan Member/Pro Tempore
Hon. Emily Batac-Valerio	Sangguniang Bayan Member
Hon. Joel D. Samia	Sangguniang Bayan Member
Hon. Ariel C. Sta. Cruz	Sangguniang Bayan Member
Hon. Ener C. Lampa	Sangguniang Bayan Member
Hon. Nilo M. Caballa	Sangguniang Bayan Member
Hon. Voltaire J. San Pedro	Sangguniang Bayan Member

ABSENT:

Hon. Lucky Ferdinand V. Labung	Sangguniang Bayan Member
Hon. Jo Derek P. Hizon	LnB President/Ex Officio Member
Hon. Danlohp D. Danganan	PPSK President/Ex Officio Member

Resolution No. 153, S-2021

A RESOLUTION AUTHORIZING HON. EDUARDO G. DATU, MUNICIPAL MAYOR, FOR AND IN BEHALF OF THE MUNICIPALITY OF BACOLOR, TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) WITH ANGELES POWER INC., REPRESENTED BY ITS PRESIDENT, ENGR. PETER G. NEPOMUCENO, FOR THE REMITTANCE OF DEVELOPMENT AND LIVELIHOOD FUND (DLF) AND REFORESTATION, WATERSHED MANAGEMENT, HEALTH AND/OR ENVIRONMENT ENHANCEMENT FUND (RWMHEEF) SHARES OF THE MUNICIPALITY ACCRUING FROM THE BILLING PERIOD JANUARY 2019 TO DECEMBER 2021 TO BE REMITTED ON OR BEFORE FEBRUARY 2022 AND THE SUCCEEDING QUARTERLY BILLING PERIODS TO BE REMITTED WITHIN 15 CALENDAR DAYS AFTER THE END OF EACH BILLING QUARTER

WHEREAS, the Local Government Unit shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction, subject to the provisions of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", and other national policies;

WHEREAS, the Municipal Mayor requested the Sangguniang Bayan thru his letter dated November 29, 2021 to authorize him, for and in behalf of the Municipality of Bacolor, Pampanga, to enter into a Memorandum of Agreement (MOA) with Angeles Power Inc., represented by its President, Engr. Peter G. Nepomuceno, for the remittance of Development and Livelihood Fund (DLF) and Reforestation, Watershed Management, Health and/or Environment Enhancement Fund (RWMHEEF) shares of the Municipality accruing from the billing period January 2019 to December 2021 to be remitted on or before February 2022 and the succeeding quarterly billing periods to be remitted within 15 calendar days after the end of each billing quarter;

WHEREAS, Section 5 (i) of Republic Act No. 7638 (R A. No. 7638), otherwise known as the "Department of Energy Act of 1992" mandates the Department of Energy (DOE) to devise ways and means of giving direct benefits to the province, city or municipality, especially the community and people affected and equitable and preferential to the region that Hosts the energy resource and/or the energy-generating facility;

WHEREAS, Energy Regulations No. 1-94 (ER 1-94) was promulgated by the DOE on 01 August 1994 to operationalize the implementation of section 5 (i) of R.A. No. 7638;

WHEREAS, Section 66 of R.A. No. 9136, otherwise known as the "Electric Power Industry Reform Act of 2001" and Rule 29(A) of its Implementing Rules and Regulations (EPIRA-IRR) require all energy generation companies (GenCos) and/or energy resource developers (ERDs) to provide Financial Benefits equivalent to one centavo per Kilowatt-hour (P0.01/KWh) of the total electricity sales of the generation facility to the region, province, city or municipality and barangay that host the generation facility and energy resource facility, as well as the establishment of corresponding trust accounts and the administration thereof by the DOE;



REPUBLIC OF THE PHILIPPINES
PROVINCE OF PAMPANGA
MUNICIPALITY OF BACOLOR
OFFICE OF THE SANGGUNIANG BAYAN
Fax & Tel. No.: (045) 6524818

WHEREAS, in accordance with Republic Act No. 8371 (RA 8371) also known as “The Indigenous Peoples’ Rights Act of 1997”, the DOE promulgated Department Circular No. DC 2018-03-005 on 20 March 2018 recognizing the rights of the Indigenous Cultural Communities (ICCs) and Indigenous Peoples (IPs) to their ancestral domain and the natural resources therein and provides for reasonable share in the development and livelihood fund (DLF) and for the reforestation, watershed management, health and/or environment enhancement fund (RWMHEEF) components Of the ER 1-94 funds:

WHEREAS, on 07 August 2018, DOE issued Department Circular No. DC 2018-08-0021, amending for the purpose Rule 29 (A) of the EPIRA-IRR, to accelerate socio—economic development and to have a more effective and efficient utilization of the funds and to enforce the immediate provision of benefits to Host communities. In this regard, by virtue of the transition to an efficient distribution of funds, the Host Communities. In this regard shall not withhold or delay issuance of the necessary permits required for the operations of the energy resource and/or energy-generating facility;

WHEREAS, pursuant to Section 6 of DC2018-08-0021 the financial benefit shall be allocated in the following manner:

“6.2. Twenty-five percent (25 o) of one-centavo per Kilowatt-hour (P0.0025/kWh) for Development and Livelihood Fund (“DLF”); and Twenty-five percent (25%) of one centavo per kilowatt-hour (P0.0025/kWh) for Reforestation, Watershed Management, Health and/or Environment Enhancement Fund (“RWMHEEF);

The DLF and RWMHEEF shall be allocated in the following manner:

6.2.1 Community and People Affected	- 5%
6.2.2 Host Barangay/s	- 20%
6.2.3 Host Municipality/ies or City/ies	- 35%
6.2.4 Host Province/s	- 30%
6.2.5 Host ICCs/IPs	5%
6.2.6 Host Region	5%

In the absence of Community and People Affected, funds allocated for the same shall form part of the fund for the Host Barangay.

In the absence of ICCs/IPs, the funds allocated for the same shall form part of the fund for the Host Region.

WHEREAS, the Memorandum of Agreement (MOA) made and entered into by and between **ANGELES POWER INC.** hereinafter referred to as “**GenCo**” and **THE MUNICIPALITY OF BACOLOR**, hereinafter referred to as “**HB**” shall be collectively referred to as “Parties” and individually as a “Party”;

WHEREAS, the following are the responsibilities of the Parties:

1. The GenCo shall:

- 1.1 Remit directly to HB its share of the DLF and RWMHEEF in the manner set forth in Section 6 of DC2018-08-0021;
- 1.2 The DLF and RWMHEEF shall be remitted quarterly based on the reported Electricity Sales and in accordance with the following:
 - a) The DLF and RWMHEEF accruing from the billing period 26 November 2018 to 26 December 2021a shall be directly remitted to HB on or before 25 February 2022, provided the latter has already established its own trust accounts.
 - b) For the succeeding quarterly billing periods, the remittance shall be made within fifteen (15) calendar days after the end of each billing quarter.
- 1.3 Establish separate regular accounts in trust and/or for the benefit of the ER 1-94 Funds in accordance with the 1st Advisory on the Implementation of DC2018- 08-0021.

2. The HB shall:

- 2.1. Be responsible for the opening and maintenance of the DLF and RWMHEEF Trust Accounts in accordance with DC2018-08-0021;



REPUBLIC OF THE PHILIPPINES
PROVINCE OF PAMPANGA
MUNICIPALITY OF BACOLOR
OFFICE OF THE SANGGUNIANG BAYAN
Fax & Tel. No.: (045) 6524818

- a) If HB has existing DLF and RWMHEEF Trust Accounts, it shall request the Authorized Government Depository Bank (AGDB) to adopt the account names stated below and subsequently issue a certification of the said accounts, its status and current available balance.

HB — GenCo —DLF (ER 1-94)
HB — GenCo —RWMHEEF (ER 1-94)

- b) If HB does not have existing DLF and RWMHEEF Trust Accounts, it shall establish trust accounts specific for DLF and RWMHEEF, under the following account names:

HB — GenCo -DLF (ER 1-94)
HB — GenCo -RWMHEEF (ER 1-94)

All costs related to the opening of such trust accounts shall be considered as administrative expenses and shall be deducted from the DLF and RWMHEEF Trust Accounts.

- 2.2. Maintain the required balance in the DLF and RWMHEEF Trust Accounts (the "Maintaining Balance"), which shall not be withdrawn by HB.

The fees and charges relative to the maintenance of such trust accounts shall be considered as administrative expenses and shall be deducted from the DLF and RWMHEEF Trust Accounts.

- 2.3. Prepare and submit to the GenCo the AWP as provided IN Section 10 of Circular No. DC2018-08-0021. The AWP shall be submitted in print and in electronic copy to the GenCo and/or ERD not later than March 15 of every year. It shall identify the priority tangible projects under the DLF and RWMHEEF that can be implemented within the reference year of the AWP. The HB shall post the validated AWP in its website and in absence thereof, in two (2) conspicuous places within its area. The AWP shall be supported by a Resolution from the Sanggunian for the LGUs, or Council or the Region and ICCPs/IPs, certifying that the said list of tangible projects is in accordance with their respective CDP, CLUP, RDP, RFPF, ADSDPP, and IPDP, whichever is applicable;

- 2.4. Conduct minimum social preparation activities such as, but not limited to, community consultations and orientations in the preparation of the AWP

- 2.5. Accept all remittances made by the GenCo as deemed certified by the DOE, subject to post audit rules and regulations; and

- 2.6. Issue Official Receipt (OR).

NOW THEREFORE, the Sangguniang Bayan of Bacolor in session assembled, upon motion of Hon. Voltaire J. San Pedro, unanimously seconded;

RESOLVED AS IT IS HEREBY RESOLVED, to authorize Hon. Eduardo G. Datu, Municipal Mayor, for and in behalf of the Municipality of Bacolor, to enter into a Memorandum of Agreement (MOA) with Angeles Power Inc., represented by its President, Engr. Peter G. Nepomuceno, for the remittance of Development and Livelihood Fund (DLF) and Reforestation, Watershed Management, Health and/or Environment Enhancement Fund (RWMHEEF) shares of the Municipality accruing from the billing period January 2019 to December 2021 to be remitted on or before February 2022 and the succeeding quarterly billing periods to be remitted within 15 calendar days after the end of each billing quarter;

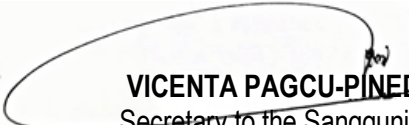
RESOLVED FINALLY, that a copy of this resolution be furnished Engr. Peter G. Nepomuceno, President, Angeles Power Inc. and Hon. Eduardo G. Datu, GEO., MPM, Municipal Mayor for their ready reference.

APPROVED.

I HEREBY CERTIFY, to the correctness of the foregoing resolution.

ATTESTED:


HON. WILFREDO M. BALINGIT
Presiding Officer/Municipal Vice-Mayor


VICENTA PAGCU-PINEDA
Secretary to the Sanggunian