

Republic of the Philippines
ENERGY REGULATORY COMMISSION
Pasig City

**IN THE MATTER OF THE
JOINT APPLICATION FOR
APPROVAL OF THE
EMERGENCY POWER
SUPPLY AGREEMENT
DATED 25 MARCH 2026
BETWEEN MALITA POWER
INC. AND COTABATO
ELECTRIC COOPERATIVE,
INC., WITH MOTION FOR
CONFIDENTIAL
TREATMENT OF
INFORMATION**

ERC CASE NO. 2026-093 RC

**MALITA POWER INC. AND
COTABATO ELECTRIC
COOPERATIVE, INC.,**
Applicants.

Promulgated:
July 09, 2026

X-----X

ORDER

On 25 June 2026, Cotabato Electric Cooperative Inc., (COTELCO) and Malita Power Inc. (MPI) filed a *Joint Application* dated 29 May 2026, seeking the Commission’s approval of their Emergency Power Supply Agreement (EPSA), with motion 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*.

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
11 August 2026 (Tuesday)	Microsoft Teams	Determination of compliance with

Date and Time	Platform	Activity
at two o'clock in the afternoon (2:00 P.M.)		jurisdictional requirements and Expository Presentation
18 August 2026 (Tuesday) 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 **COTELCO’s principal office at Brgy. Manubuan, Municipality of Matalam, Province of Cotabato** 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 COTELCO’s franchise area for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform the consumers within COTELCO’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 Governors, 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 COTELCO’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, by all those making requests therefor, if any; and
- 6) Such other proof of compliance with the requirements of the Commission.

Moreover, COTELCO 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 COTELCO 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 from attached to the Pre-Trial Brief.

Applicants COTELCO and MPI must ensure that all the documents or exhibits proposed to be presented have already been duly submitted to the Commission **at least five (5) calendar days** before the date of the scheduled virtual hearing and Pre-Trial Conference pursuant to the preceding paragraph.

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

Applicants COTELCO and MPI must also be prepared to make an expository presentation of the *Joint Application*, aided by whatever communication medium that it 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 COTELCO 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 initial 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 initial virtual hearing.

Applicants COTELCO and MPI and interested parties are hereby directed to submit, through personal service, registered or ordinary mail/private courier, all the pleadings and required submissions, **within five (5) working days** from the date the same were electronically submitted, as reflected in the acknowledgment receipt e-mail sent by the Commission.

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: JBY/MVM

* Authority granted during Commission Meeting on 20 August 2025.

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Copy Furnished:

1. Cotabato Electric Cooperative, Inc. (COTELCO)
Co-Applicant
Brgy. Manubuan, Matalam, North Cotabato
2. Attys. Dyan Danika G. Lim, Antoniella Luisa Maria L. Trias;
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3. Malita Power Inc. (MPI)
Co-Applicant
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4. Attys. Jupiter M. Cabaguio, Avelino G. Cedo III and Julieta B. Estamo
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6. Office of the Local Government Unit (LGU) Legislative Body
Province of North Cotabato
7. Office of the Mayor
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8. Office of the Local Government Unit (LGU) Legislative Body
City of Kidapawan, North Cotabato
9. Office of the Mayor
Makilala, North Cotabato
10. Office of the Local Government Unit (LGU) Legislative Body
Makilala, North Cotabato
11. Office of the Mayor
Kabacan, North Cotabato
12. Office of the Local Government Unit (LGU) Legislative Body
Kabacan, North Cotabato
13. Office of the Mayor
Carmen, North Cotabato
14. Office of the Local Government Unit (LGU) Legislative Body
Carmen, North Cotabato
15. Office of the Mayor
Mlang, North Cotabato
16. Office of the Local Government Unit (LGU) Legislative Body
Mlang, North Cotabato
17. Office of the Mayor
Tulunán, North Cotabato
18. Office of the Local Government Unit (LGU) Legislative Body
Tulunán, North Cotabato

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19. Office of the Mayor
Matalam, North Cotabato
20. Office of the Local Government Unit (LGU) Legislative Body
Matalam, North Cotabato
21. Office of the Mayor
Pres. Roxas, North Cotabato
22. Office of the Local Government Unit (LGU) Legislative Body
Pres, Roxas, North Cotabato
23. Office of the Mayor
Magpet, North Cotabato
24. Office of the Local Government Unit (LGU) Legislative Body
Magpet, North Cotabato
25. Office of the Mayor
Antipas, North Cotabato
26. Office of the Local Government Unit (LGU) Legislative Body
Antipas, North Cotabato
27. Office of the Mayor
Arakan, North Cotabato
28. Office of the Local Government Unit (LGU) Legislative Body
Arakan, North Cotabato
29. Office of the Mayor
Banisilan, North Cotabato
30. Office of the Local Government Unit (LGU) Legislative Body
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31. Office of the Solicitor General (OSG)
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32. Commission on Audit (COA)
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33. Senate Committee on Energy
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34. House Committee on Energy
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