

Republic of the Philippines  
**ENERGY REGULATORY COMMISSION**  
San Miguel Avenue, Pasig City



**IN THE MATTER OF THE 18<sup>th</sup>  
APPLICATION FOR THE  
RECOVERY OF THE  
INCREMENTAL COSTS ON  
FOREIGN CURRENCY  
EXCHANGE RATE  
FLUCTUATIONS UNDER THE  
INCREMENTAL CURRENCY  
EXCHANGE RATE  
ADJUSTMENT (ICERA) WITH  
PRAYER FOR PROVISIONAL  
AUTHORITY (PA)**

**ERC CASE NO. 2019-026 RC**

**NATIONAL POWER  
CORPORATION,**  
**Applicant.**  
X-----X

Promulgated:  
**JUL 16 2019**

**ORDER**

On 5 April 2019, the National Power Corporation (NPC) filed an *Application* dated 01 April 2019, for the approval of its recovery of the Incremental Costs on Foreign Currency Exchange Rate fluctuations under the Incremental Currency Exchange Rate Adjustment (ICERA), with prayer for provisional authority.

In its *Application*, NPC alleged, among others, the following:

1. NPC is a government-owned and controlled corporation, created and existing under and by virtue of Republic Act No. 6395, as amended, (otherwise known as the NPC Charter), with principal office address at NPC-Office Building Complex (NPC-OBC), corner Quezon Avenue and BIR Road, East Triangle, Diliman, Quezon City.
2. Pursuant to Section 70 of R.A. 9136, otherwise known as the Electric Power Industry Reform Act (EPIRA) of 2001, NPC through its Small Power Utilities Group (NPC-SPUG), with

- the same principal office address stated above, is responsible for providing power generation and its associated power delivery systems in areas that are not connected to the transmission system.
3. In the performance of its missionary electrification function, NPC-SPUG incurs additional operating costs/savings as a result of the fluctuation of foreign exchange which affects the costs of servicing foreign currency debts (excluding interest) and/or foreign exchange-related expenses such as insurance and imported power plant/transmission parts.
  4. In the Order dated 24 February 2003, this Honorable Commission issued and adopted the Implementing Rules for the Incremental Currency Exchange Rate Adjustment (ICERA) providing for, among others, the mechanisms for the recovery/(refund) of the deferred incremental costs/(savings) on foreign currency exchange rate fluctuations and carrying charges.
  5. This Application is being filed consistent with Section 4(e) Rule 3 of the Implementing Rules and Regulations (IRR), as amended, of EPIRA dated June 8, 2001.
  6. The Application covers the billing period from January 2017 to December 2017. Further, Applicant has fully complied with the ICERA's monthly reportorial requirements in support of the calculated allowable costs covering the billing period, as evidenced by the submitted reports/compliances duly received by this Honorable Commission and attached in the said Application.
  7. Applicant proposes to recover the Deferred Accounting Adjustments (DAAs) corresponding to additional costs from foreign exchange fluctuations in the settlement of Debt Service (principal repayment portion) and Operating Expenses (OPEX), as well as the corresponding carrying charges for the billing period January 2017 to December 2017 for Luzon, Visayas and Mindanao.
  8. Considering the foregoing, and pursuant to all the relevant Decisions and Orders issued by the Honorable Commission, the Applicant has calculated the total deferred costs for recovery under this instant Application comprising of the deferred debt service, OPEX and the corresponding carrying charges for Luzon, Visayas and Mindanao covering the billing period from January 2017 to December 2017, as shown below:

**Table 1. Total Deferred FOREX Costs, in PhP**

	<b>Principal</b>	<b>Carrying Charges</b>	<b>Total DAA</b>
<b>TOTAL</b>	<b>23,150,323</b>	<b>375,341</b>	<b>23,525,664</b>

9. This application seeks the Honorable Commission's approval for the recovery of the above-stated total deferred FOREX costs for the billing period January 2017 to December 2017 through the imposition of the following proposed DAA charges:

**Table 2. Total Deferred FOREX Costs, in PhP/kWh**

<b>Deferred Cost (PhP)</b>	<b>Recovery Period</b>	<b>Projected Energy Sales (MWh)</b>	<b>ICERA DAA Rate (PhP/kWh)</b>
23,525,664	12 months	538,462	0.0437

10. Applicant NPC proposes a recovery period of twelve (12) months as approved by its Board of Directors. If this application is approved as filed, the proposed rate above shall be billed to island grid customers for twelve months.
11. As authorized under the Implementing Rules of the ICERA, Applicant utilized the carrying charge interest rates, as shown in Table 3:

**Table 3. Allowable Carrying Charge Interest Rates**

<b>Test/Billing Months</b>	<b>Prevailing 91-day T-Bill Rate <sup>1/</sup></b>	<b>Authorized Allowance <sup>2/</sup></b>	<b>Allowable Rate</b>
JAN 2017	1.178	3.00	4.178
FEB	2.104	3.00	5.104
MAR	2.367	3.00	5.367
APR	2.347	3.00	5.347
MAY	2.177	3.00	5.177
JUN	2.094	3.00	5.094
JUL	2.152	3.00	5.152
AUG	2.160	3.00	5.160
SEP	2.060	3.00	5.060
OCT	1.958	3.00	4.958
NOV	2.148	3.00	5.148
DEC <sup>3/</sup>	2.034	3.00	5.034

1- Source: Bangko Sentral ng Pilipinas

([www.bsp.gov.ph/statistics/sdds/tbillsdds.htm](http://www.bsp.gov.ph/statistics/sdds/tbillsdds.htm))

2- As authorized in the ICERA Implementing Rules

3- There was no T-bill rates for December hence, the data used was based on 4<sup>th</sup> quarter

12. The proposed ICERA DAA is fair and reasonable as it is computed in line with the ICERA Guidelines.
13. In support of the proposed 18th ICERA DAA, Applicant respectfully submits the following documents annexed herewith to form part of this Application:
- |   |                                 |
|---|---------------------------------|
| Calculation of Deferred Cost and Proposed Charges                                       | <b>Annex “B”</b>                |
| Calculation of Deferred Debt Service/OPEX and corresponding carrying charges            | <b>Annex “C”<br/>and series</b> |
| The Projected Energy Sales (in MWh) used to calculate the proposed DAA charges in P/kWh | <b>Annex “D”</b>                |
| 91-day Treasury Bill Rates  | <b>Annex “E”</b>                |
14. The proposed ICERA was approved for filing by the Board of Directors of Applicant on 28 March 2019, a certified true copy of Secretary’s Certificate is hereto attached as Annex “F and series” and made an integral part hereof.

**ALLEGATIONS IN SUPPORT OF THE PRAYER FOR  
PROVISIONAL AUTHORITY**

15. Consistent with the principle of structural and functional unbundling of the electric power industry participants, the proposed ICERA is based on foreign exchange-related adjustments attributable only to NPC-SPUG operations, i.e. excluding those associated with NPC’s operation in the main grids.
16. The existing approved based foreign exchange rates used in the calculation are based on the 1993 levels of P27.40 to US1.00 and P0.2329 to Japanese Y1.
17. Since these expenses were incurred in the year 2017 immediate recovery of this adjustment through a provisional authority would help alleviate the operational funding of applicant, without prejudice to the authority of the Honorable Commission to approve the recovery of this adjustment as part of the applicant’s True Cost Generation Rate (TCGR).
18. Moreover, pursuant to Rule 15, Section 3 of the Commission’s Rules of Practice and Procedure, the Honorable Commission has the authority to grant a provisional authority pending final approval of the instant petition, it states, as follows:

*“Section 3. Action and Motion. – Motions for provisional authority or interim relief may be acted upon with or without hearing. The Commission shall*

*act on the motion on the basis of the allegations of the application or petition and supporting documents and other evidences that applicant or petitioner has submitted and the comments or oppositions filed by any interested person, if any there be any.”*  
(Emphasis supplied)

19. Based on the foregoing justifications, NPC finds it proper to respectfully request the Honorable Commission for a provisional authority pending the hearing on the merits of the subject Application and the final approval of the proposed ICERA DAA and the corresponding rate for CY 2017.
20. With due respect, the proposed 18th ICERA DAA adjustment, once approved, should be implemented or applied on top of the SAGR in both NPC-SPUG and delegated NPC-SPUG areas, or upon entry of NPPs thereof to level the rates in the said areas and consistent with Resolution 21 and with the clarification letter of ERC dated 05 March 2012 issued to NPC during the implementation of the 4th to 6th GRAM and ICERA DAA, copy of which is hereto attached as Annex “G and series” hereof.

#### PRAYER

WHEREFORE, PREMISES CONSIDERED, it is most respectfully prayed that this Honorable Commission issue an Order, as follows:

- 1) Approving the deferred cost of PhP23,525,664 and the corresponding proposed ICERA DAA of Po.0437/kWh for NPC-SPUG areas;
- 2) Imposing/charging the ICERA directly to consumers in NPC-SPUG areas as per the ICERA rules, subject to the discretion of the Honorable Commission in line with ERC Resolution No. 21.
- 3) Allowing the continued collection of the ICERA even with the entry of private sector players in a specific NPC-SPUG area;
- 4) Approving the implementation of the proposed rates on top of the existing Subsidized Approved Generation Rates (SAGR) of NPC-SPUG and SAGR of Delegated NPC-SPUG Areas where NPPs operate for the purpose of determining the level of subsidy; and
- 5) Granting NPC a Provisional Authority for the implementation of the proposed rates and DAAs for the immediate recovery of deferred FOREX adjustments within the above proposed twelve (12) months recovery period.

Other just and equitable reliefs are likewise prayed for from the Honorable Commission.

Finding the said *Application* to be sufficient in form and in substance with the required fees having been paid, the same is hereby set for determination of compliance with the jurisdictional requirements, expository presentation, Pre-trial Conference, and presentation of evidence on the following dates:

<b>Date and Time</b>	<b>Venue</b>	<b>Hearing Coverage</b>
18 September 2019 (Wednesday), at ten o'clock in the morning (10:00 AM)	ERC Hearing Room 15 <sup>th</sup> Floor, Pacific Center Bldg. San Miguel Ave. Pasig City	Jurisdictional and Expository Presentation for Luzon Stakeholders
26 September 2019 (Thursday), at ten o'clock in the morning (10:00 AM)	ERC Visayas Field Office St. Mary's Drive Banilad, Cebu City	Expository Presentation for Visayas Stakeholders
03 October 2019 (Thursday), at ten o'clock in the morning (10:00 AM)	ERC Mindanao Field Office Mintrade Bldg. Monteverde Ave. cor. Sales St. Davao City	Expository Presentation for Mindanao Stakeholders
10 October 2019 (Thursday), at ten o'clock in the morning (10:00 AM)	ERC Hearing Room 15 <sup>th</sup> Floor, Pacific Center Bldg. San Miguel Ave. Pasig City	Pre-trial Conference and Presentation of Evidence

Accordingly, NPC is hereby directed to:

- 1) Cause the publication of the attached Notice of Public Hearing in two (2) newspapers of nationwide circulation in the Philippines at its 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 hearing;

- 2) Furnish with copies of this *Order* and the attached *Notice of Public Hearing*, the Offices of the Provincial Governors, the City and Municipal Mayors, and the Local Government Unit (LGU) legislative bodies covered by the franchise area of the distribution utilities where the National Power Corporation-Small Power Utilities Group (NPC-SPUG) principally operates for the appropriate posting thereof on their respective bulletin boards;
- 3) Inform of the filing of the *Application*, its reasons therefor, and of the scheduled hearing thereon, the consumers within the affected franchise area, by any other means available and appropriate;
- 4) Furnish with copies of this *Order* and the attached *Notice of Public Hearing*, 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 at the scheduled hearings; and
- 5) Furnish with copies of the *Application* and its attachments all those making requests therefor, subject to reimbursement of reasonable photocopying costs.

On the date of the initial hearing, Applicant NPC must submit to the Commission its written compliance with the aforementioned jurisdictional requirements attaching therewith, methodically arranged and duly marked the following:

- 1) The evidence of publication of the attached *Notice of Public Hearing* consisting of affidavits of the Editors or Business Managers of the newspapers where the said Notice of Public 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 Public Hearing* 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 NPC to inform of the filing of the *Application*, its reasons therefore, and of the scheduled hearings thereon, the consumers within the affected franchise area;
- 4) The evidence of receipt of copies of this *Order* and the attached *Notice of Public Hearing* by the Office of the Solicitor General (OSG), the Commission on Audit (COA), and the Committees on Energy of both Houses of Congress;
- 5) The evidence of receipt of copies of the *Application* and its attachments by all those making requests therefor, if any; and
- 6) Such other proofs of compliance with the requirements of the Commission.

NPC and all interested parties are also required to submit, at least five (5) days before the date of initial 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 therefore; 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 NPC to comply with the above requirements within the prescribed period shall be a ground for cancellation of the scheduled hearing, and the resetting of which shall be six (6) months from the said date of cancellation.

NPC must also be prepared to make an expository presentation of the instant *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 *Application* with relevant information and pertinent details substantiating the reasons and justification being cited in support thereof.

**SO ORDERED.**

Pasig City, 28 June 2019.

FOR AND BY AUTHORITY  
OF THE COMMISSION:

  
**JOSEFINA PATRICIA A. MAGPALE- ASIRIT**  
*Commissioner*

  
CRC/LSP/GIO ord.2019-026 RC NPC- 18<sup>TH</sup> ICERA IO

Copy Furnished:

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Quezon City, Metro Manila
4. Senate Committee on Energy  
GSIS Bldg. Roxas Blvd., Pasay City  
Metro Manila
5. House of Representatives Committee on Energy  
Batasan Hills, Quezon City, Metro Manila
6. Office of the City Mayor  
Quezon City
7. Sangguniang Panlungsod ng Quezon  
Quezon City
8. Provincial Governor  
Bulacan
9. Sangguniang Panlalawigan ng Bulacan  
Bulacan
10. Office of the City Mayor  
Cebu City

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11. Sangguniang Panlunsod ng Cebu  
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12. Office of the City Mayor  
Davao City
13. Sangguniang Panlunsod ng Davao  
Davao City
14. Office of the City Mayor  
Zamboanga City
15. Sangguniang Panlunsod ng Zamboanga  
Zamboanga City
16. Provincial Governor  
Batanes
17. Sangguniang Panlalawigan ng Batanes  
Batanes
18. Office of the Municipal Mayor  
Basco, Batanes
19. Sangguniang Bayan ng Basco  
Basco, Batanes
20. Office of the Municipal Mayor  
Itbayat, Batanes
21. Sangguniang Bayan ng Itbayat  
Itbayat, Batanes
22. Office of the Municipal Mayor  
Sabtang, Batanes
23. Sangguniang Bayan ng Sabtang  
Sabtang, Batanes
24. Office of the Municipal Mayor  
Mahatao, Batanes
25. Sangguniang Bayan ng Mahatao  
Mahatao, Batanes
26. Office of the Municipal Mayor  
Ivana, Batanes
27. Office of the Municipal Mayor  
Uyugan, Batanes
28. Sangguniang Bayan ng Ivana  
Ivana, Batanes
29. General Manager  
Batanes Electric Cooperative, Inc. (BATANELCO)
30. Provincial Governor  
Cagayan
31. Sangguniang Panlalawigan ng Cagayan  
Cagayan
32. Office of the Municipal Mayor  
Calayan, Cagayan
33. Sangguniang Bayan ng Calayan  
Calayan, Cagayan

34. General Manager  
Cagayan II Electric Cooperative, Inc. (CAGELCO II)
35. Provincial Governor  
Apayao
36. Sangguniang Panlalawigan ng Apayao  
Apayao
37. Office of the Municipal Mayor  
Kabugao, Apayao
38. Sangguniang Bayan ng Kabugao  
Kabugao, Apayao
39. Provincial Governor  
Kalinga
40. Sangguniang Panlalawigan ng Kalinga  
Kalinga
41. Office of the Municipal Mayor  
Lubuagan, Kalinga
42. Sangguniang Bayan, Lubuagan  
Lubuagan, Kalinga
43. General Manager  
Kalinga-Apayao Electric Cooperative, Inc. (KAELCO)
44. Provincial Governor  
Isabela
45. Sangguniang Panlalawigan ng Isabela  
Isabela
46. Office of the Municipal Mayor  
Palanan, Isabela
47. Sangguniang Bayan, Palanan  
Palanan, Isabela
48. Office of the Municipal Mayor  
Maconacon, Isabela
49. Sangguniang Bayan, Maconacon  
Maconacon, Isabela
50. Office of the Municipal Mayor  
Dinapigue, Isabela
51. Sangguniang Bayan, Dinapigue  
Dinapigue, Isabela
52. General Manager  
Isabela II Electric Cooperative, Inc. (ISELCO II)
53. Provincial Governor  
Aurora
54. Sangguniang Panlalawigan ng Aurora  
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55. Office of the Municipal Mayor  
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58. Sangguniang Bayan Dingalan  
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59. Office of the Municipal Mayor  
Dilasag, Aurora
60. Sangguniang Bayan Dilasag  
Dilasag, Aurora
61. Office of the Municipal Mayor  
Dinalungan, Aurora
62. Sangguniang Bayan Dinalungan  
Dinalungan, Aurora
63. General Manger  
Aurora Electric Cooperative, Inc. (AURELCO)
64. Provincial Governor  
Quezon
65. Sangguniang Panlalawigan ng Quezon  
Quezon
66. Office of the Municipal Mayor  
Jomalig, Quezon
67. Sangguniang Bayan Jomalig  
Jomalig, Quezon
68. Office of the Municipal Mayor  
Patnanungan, Quezon
69. Sangguniang Bayan Patnanungan  
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70. Office of the Municipal Mayor  
Polilio, Quezon
71. Sangguniang Bayan Polilo  
Polilio, Quezon
72. General Manager  
Quezon II Electric Cooperative, Inc. (QUEZELCO II)
73. Provincial Governor  
Batangas
74. Sangguniang Panlalwigan ng Batangas  
Batangas
75. Office of the Municipal Mayor  
Tingloy, Batangas
76. Sangguniang Bayan Tingloy  
Tingloy, Batangas
77. General Manager  
Batangas II Electric Cooperative, Inc. (BATELEC II)

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79. Sangguniang Panlalwigan ng Marinduque  
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80. Office of the Municipal Mayor  
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81. Sangguniang Bayan Boac  
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82. Office of the Municipal Mayor  
Mogpog, Marinduque
83. Sangguniang Bayan Mogpog  
Mogpog, Marinduque
84. Office of the Municipal Mayor  
Santa Cruz, Marinduque
85. Sangguniang Bayan Santa Cruz  
Santa Cruz, Marinduque
86. Office of the Municipal Mayor  
Torrijos, Marinduque
87. Sangguniang Bayan Torrijos  
Torrijos, Marinduque
88. Office of the Municipal Mayor  
Buenavista, Marinduque
89. Sangguniang Bayan Buenavista  
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90. Office of the Municipal Mayor  
Gasán, Marinduque
91. Sangguniang Bayan Gasán  
Gasán, Marinduque
92. General Manager  
Marinduque Electric Cooperative (MARELCO)
93. Provincial Governor  
Occidental Mindoro
94. Sangguniang Panlalawigan ng Occidental Mindoro  
Occidental Mindoro
95. Office of the City Mayor  
Lubang City, Occidental Mindoro
96. Sangguniang Panlungsod Lubang  
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97. Office of the Municipal Mayor  
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98. Sangguniang Bayan Mamburao  
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103. Office of the Municipal Mayor  
Abra de Ilog, Occidental Mindoro
104. Sangguniang Bayan Abra de Ilog  
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105. Office of the Municipal Mayor  
Calintaan, Occidental Mindoro
106. Sangguniang Bayan Calintaan  
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107. Office of the Municipal Mayor  
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108. Sangguniang Bayan Looc  
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109. Office of the Municipal Mayor  
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110. Sangguniang Bayan Magsaysay  
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111. Office of the Municipal Mayor  
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112. Sangguniang Bayan Rizal  
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113. Office of the Municipal Mayor  
Sablayan, Occidental Mindoro
114. Sangguniang Bayan Sablayan  
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115. Office of the Municipal Mayor  
Sta. Cruz, Occidental Mindoro
116. Sangguniang Bayan Sta. Cruz  
Sta. Cruz, Occidental Mindoro
117. General Manager  
Occidental Mindoro Electric Cooperative (OMECCO)
118. General Manager  
Lubang Island Electric Cooperative (LUBELCO)
119. Provincial Governor  
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120. Sangguniang Panlalawigan ng Oriental Mindoro  
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124. Sangguniang Bayan Baco  
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125. Office of the Municipal Mayor  
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126. Sangguniang Bayan San Teodoro  
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127. Office of the Municipal Mayor  
Puerto Galera, Oriental Mindoro
128. Sangguniang Bayan Puerto Galera  
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129. Office of the Municipal Mayor  
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130. Sangguniang Bayan Naujan  
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131. Office of the Municipal Mayor  
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132. Sangguniang Bayan Victoria  
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133. Office of the Municipal Mayor  
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134. Sangguniang Bayan Socorro  
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135. Office of the Municipal Mayor  
Pola, Oriental Mindoro
136. Sangguniang Bayan Pola  
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137. Office of the Municipal Mayor  
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138. Sangguniang Bayan Pinamalayan  
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139. Office of the Municipal Mayor  
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140. Sangguniang Bayan Gloria  
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141. Office of the Municipal Mayor  
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147. Office of the Municipal Mayor  
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148. Sangguniang Bayan Mansalay  
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149. Office of the Municipal Mayor  
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150. Sangguniang Bayan Bulalacao  
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151. General Manager  
Oriental Mindoro Electric Cooperative (ORMECO)
152. Provincial Governor  
Palawan
153. Sangguniang Panlalawigan ng Palawan  
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154. Office of the City Mayor  
Puerto Prinsesa City, Palawan
155. Sangguniang Panlungsod ng Puerto Prinsesa  
Puerto Prinsesa City, Palawan
156. Office of the Municipal Mayor  
Agulaya, Palawan
157. Sangguniang Bayan Agulaya  
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158. Office of the Municipal Mayor  
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159. Sangguniang Bayan Araceli  
Araceli, Palawan
160. Office of the Municipal Mayor  
Batabac, Palawan
161. Sangguniang Bayan Batabac  
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162. Office of the Municipal Mayor  
Busuanga, Palawan
163. Sangguniang Bayan Busuanga  
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168. Office of the Municipal Mayor  
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170. Office of the Municipal Mayor  
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171. Sangguniang Bayan Cuyo  
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172. Office of the Municipal Mayor  
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173. Sangguniang Bayan El Nido  
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174. Office of the Municipal Mayor  
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175. Sangguniang Bayan Linapacan  
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176. Office of the Municipal Mayor  
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177. Sangguniang Bayan Magsaysay  
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178. Office of the Municipal Mayor  
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179. Sangguniang Bayan Narra  
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180. Office of the Municipal Mayor  
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181. Sangguniang Bayan Rizal  
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183. Sangguniang Bayan Roxas  
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185. Sangguniang Bayan San Vicente  
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186. Office of the Municipal Mayor  
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