



NATIONAL ELECTRIFICATION ADMINISTRATION
"The 1st Performance Governance System-Institutionalized National Government Agency"
57 NIA Road, Government Center, Diliman, Quezon City 1100

30 April 2014

MEMORANDUM No. 2014-011


TO : ALL ELECTRIC COOPERATIVES (ECs)

SUBJECT : Guidelines in the Conduct of Appeals/Protests from
The Decisions of the Electric Cooperative Screening
Committee

This is to provide you with the Guidelines in the Conduct of Appeals/Protests from the Decisions of the Electric Cooperative Screening Committee pursuant to Section 4 (q) of Presidential Decree No. 269, as amended by Republic Act No. 10531, and Section 6 (q) of its Implementing Rules and Regulations embodied in DOE Department Circular No. DC-2013-07-0015.

These guidelines were published for national circulation in the Philippine Star on April 22, 2014 and will take effect on May 7, 2014.

For your guidance and compliance.


EDITA S. BUENO
Administrator



NEA-OA205275

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4/30/14



GUIDELINES IN THE CONDUCT OF APPEALS/PROTESTS FROM THE DECISIONS OF THE ELECTRIC COOPERATIVE SCREENING COMMITTEE

WHEREAS, Section 4 (q) of Presidential Decree No. 269, as amended by Republic Act No. 10531, and Section 6 (q) of its Implementing Rules and Regulations embodied in DOE Department Circular No. DC-2013-07-0015 provides that the National Electrification Administration shall "exercise primary and exclusive jurisdiction in the adjudication of complaints against EC officers, election disputes and all matters relating to the effective implementation of the provisions of the Act";

WHEREAS, NEA Memorandum Circular No. 2005-12 dated 21 March 2005 entitled "Guidelines of the Conduct of District Elections for Electric Cooperatives" provides for the guidelines for said elections;

WHEREAS, Article II, Section 11, Subparagraph (2) (c) of the Guidelines on the Conduct of District Elections for Electric Cooperatives provides that the decision of the Screening Committee shall be final;

WHEREAS, the decision of the Screening Committee is in the nature of pre-election controversy but the said Guidelines did not provide for any other mode of appeal therefrom;

WHEREFORE, and pursuant to the powers vested by law on the National Electrification Administration, the following guidelines shall be observed in the filing of appeals and/or protests from the EC Screening Committee.

1. **Where Appealable.** The decision of the Screening Committee shall be appealable to the NEA Deputy Administrator for EDUS.

2. **Period of Appeal.** The Appellant shall file, by personal service as far as practicable, in five (5) legible copies, his/her verified Petition within an inextendible period of twenty-four (24) hours from receipt of the Decision or Resolution of the EC Screening Committee.
 - 2.1. The Appellant shall furnish the Screening Committee and all of the opposing parties/candidates in his district who may be affected by the filing of his appeal;
 - 2.2. Non-inclusion of the necessary or indispensable party shall be a ground for the dismissal of the appeal, either *motu proprio* or upon motion;
 - 2.3. Upon receipt of a copy of the verified Appeal/Petition, the Screening Committee shall forthwith send the original and complete records of the case to the NEA Deputy Administrator for EDUS, adopting such measures to ensure receipt thereof within forty-eight (48) hours therefrom;

3. **Form and Contents.** The Appeal/Protest shall contain a concise statement of the following:
 - a) names of the parties;
 - b) statement of material dates;
 - c) statement of facts;
 - d) grounds for the appeal; and
 - e) arguments

4. **Grounds for Appeal.** The only grounds for appeal from the decision of the Screening Committee shall be the following:
 - a) A decision based on patently erroneous findings of facts;
 - b) A decision based on patently erroneous conclusions of law
5. **Answer.** The Appellee/s shall have an inextendible period of twenty-four (24) hours from receipt of the Verified Petition within which to file their Answer thereto, furnishing the Appellant with a copy thereof, by personal service as far as practicable;
6. **Decision.** Upon receipt of all the pleadings as mentioned above, the Petition shall be deemed considered submitted for decision;
7. **Provisional Relief.** The Deputy Administrator for EDUS may, upon motion or *motu proprio*, in purely meritorious cases as may be gleaned from the Petition and its annexes, issue such provisional reliefs as may be prayed for so as not to render the appeal moot and academic;
8. **Decision of the Deputy Administrator for EDUS.** The decision of the Deputy Administrator for EDUS shall be considered **final and executory** unless reversed and/or modified by the Administrator;
9. **Filing Fee.** The Appellant shall pay to the EC a filing fee of ten thousand pesos (P10,000.00) simultaneously with the filing of the Verified Petition, which amount shall be transmitted by the EC to the NEA.

10. **Effectivity.** These Guidelines shall take effect fifteen (15) days immediately following its publication in a newspaper of general circulation and the filing of three (3) copies with the UP Law Center pursuant to Presidential Memorandum Circular No. 11, dated 09 October 1992.

CARLOS JERICHO L. PETILLA

Chairman

JOSE RAYMUND A. ACOL

Alternate of the Chairman

JOSE VICTOR E. LOBRIGO

Member

WILFRED L. BILDENA

Member

JOSEPH D. KHONGHUN

Member

EDITA S. BUENO

Member



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GUIDELINES IN THE CONDUCT OF APPEALS/PROTESTS FROM THE DECISIONS OF THE ELECTRIC COOPERATIVE SCREENING COMMITTEE

WHEREAS, Section 4 (a) of Presidential Decree No. 269, as amended by Republic Act No. 10531, and Section 6 (a) of its Implementing Rules and Regulations embodied in DOE Department Circular No. DC-2013-07-0015 provides that the National Electrification Administration shall "exercise primary and exclusive jurisdiction in the adjudication of complaints against EC officers, election disputes and all matters relating to the effective implementation of the provisions of the Act";

WHEREAS, NEA Memorandum Circular No. 2005-12 dated 21 March 2005 entitled "Guidelines of the Conduct of District Elections for Electric Cooperatives" provides for the guidelines for said elections;

WHEREAS, Article II, Section 11, Subparagraph (2) (c) of the Guidelines on the Conduct of District Elections for Electric Cooperatives provides that the decision of the Screening Committee shall be final;

WHEREAS, the decision of the Screening Committee is in the nature of pre-election controversy but the said Guidelines did not provide for any other mode of appeal therefrom;

WHEREFORE, and pursuant to the powers vested by law on the National Electrification Administration, the following guidelines shall be observed in the filing of appeals and/or protests from the EC Screening Committee:

1. **Where Applicable.** The decision of the Screening Committee shall be appealable to the NEA Deputy Administrator for EDUS.
2. **Period of Appeal.** The Appellant shall file, by personal service as far as practicable, in five (5) legible copies, his/her verified Petition within an inextendible period of twenty-four (24) hours from receipt of the Decision or Resolution of the EC Screening Committee.
 - 2.1. The Appellant shall furnish the Screening Committee and all of the opposing parties/candidates in his district who may be affected by the filing of his appeal;
 - 2.2. Non-inclusion of the necessary or indispensable party shall be a ground for the dismissal of the appeal, either *motu proprio* or upon motion;
 - 2.3. Upon receipt of a copy of the verified Appeal/Petition, the Screening Committee shall forthwith send the original and complete records of the case to the NEA Deputy Administrator for EDUS, adopting such measures to ensure receipt thereof within forty-eight (48) hours therefrom;
3. **Form and Contents.** The Appeal/Protest shall contain a concise statement of the following:
 - a) name of the parties;
 - b) statement of material dates;
 - c) statement of facts;
 - d) grounds for the appeal; and
 - e) prayer.
4. **Grounds for Appeal.** The only grounds for appeal from the decision of the Screening Committee shall be the following:
 - a) A decision based on patently erroneous findings of fact;
 - b) A decision based on patently erroneous conclusions of law;
 - c) A decision where the Appellee/s shall have an inextendible period of twenty-four (24) hours from receipt of the Verified Petition within which to file their answer, which shall be furnished to the Appellant with a copy thereof by personal service as far as practicable;
 - d) A decision which does not cover all the pleadings mentioned above, the petition or answer submitted, or the evidence presented;
 - e) A decision which is patently erroneous, manifestly unjust, or based on purely meritorious cases, as may be gleaned from the petition and its annexes, issue such provisional relief as may be prayed for, so as not to render the appeal moot and academic.
5. **Decision of the Deputy Administrator for EDUS.** The decision of the Deputy Administrator for EDUS shall be considered final and executory unless reversed and/or modified by the Administrator;
6. **Filing Fee.** The Appellant shall pay to the EC a filing fee of ten thousand pesos (P10,000.00) simultaneously with the filing of the Verified Petition, which amount shall be transmitted by the EC to the NEA.
7. **Effectivity.** These Guidelines shall take effect fifteen (15) days immediately following its publication in a newspaper of general circulation and the filing of three (3) copies with the UP Law Center pursuant to Presidential Memorandum Circular No. 11, dated 09 October 1992.

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P.S. April 22, 2014