

Republic Act No. (RA) 9136, otherwise known as the Electric Power Industry Reform Act of 2001 (EPIRA).¹

2. Under RA 9511,² NGCP was granted a franchise to construct, install, finance, manage, improve, expand, operate, maintain, rehabilitate, repair, and refurbish the present nationwide transmission system of the Republic of the Philippines.
3. Pursuant to Section 10.1.1 of the Rules for Setting Transmission Wheeling Rates (RTWR), NGCP is allowed to recover the cost incurred for the repair, restoration, and rehabilitation of its transmission assets and other related facilities damaged as a result of a force majeure event (FME), as defined in Article I, Section 1.3 of the RTWR.

STATEMENT OF FACTS

4. In October 2019, December 2019 and January 2020, several earthquake incidents occurred in Mindanao. Some provinces within the scope of operations of the NGCP Mindanao Operation and Maintenance were affected by the earthquake, to wit – Mindanao District 5: Davao, Davao Del Norte, Davao Del Sur, Compostella Valley, and Davao Oriental; Mindanao District 6: North Cotabato, South Cotabato, Sultan Kudarat, Maguindanao, and Sarangani.
5. The Philippine Institute of Volcanology and Seismology (PHIVOLCS) certified the occurrence of the following earthquakes:
 - a. 31 October 2019 at 09:11AM – Magnitude 6.5 with an epicentral location at 06.92°N, 125.06°E – 027 km N 75°E of Tulunan (Cotabato); Tectonic in origin and with a depth of 008 km. A copy of the PHIVOLCS certification dated 11 March 2020, is attached hereto as **Annex “A”**;
 - b. 15 December 2019 at 02:11PM – Magnitude 6.9 with an epicentral location at 06.76°N, 125.13°E – 013 km N 75°W of Matanao (Davao Del Sur); Tectonic in origin and with a depth of 009 km. A copy of the PHIVOLCS certification dated 13 September 2020, is attached hereto as **Annex “B”**; and
 - c. 31 January 2020 at 07:18PM – Magnitude 4.9 with an epicentral location at 06.59°N, 125.26°E – 015 km S 09°E of Matanao (Davao Del Sur); Tectonic in origin and with a depth of 013 km. A copy of the PHIVOLCS certification dated 13 September 2020, is attached hereto as **Annex “C”**.

¹ Republic Act No. 9136 entitled, “An Act Ordaining Reforms in the Electric Power Industry, Amending for the Purpose Certain Laws and for Other Purposes”

² Republic Act No. 9511 entitled “An Act Granting the National Grid Corporation of the Philippines a Franchise to Engage in the Business of Conveying or Transmitting Electricity Through High Voltage Back-bone System or Interconnected Transmission Lines, Substations and Related Facilities, and for Other Purposes”