

**Republic of the Philippines**  
**DEPARTMENT OF ENERGY**  
Energy Center, Rizal Drive corner 34<sup>th</sup> Street  
Bonifacio Global City, Taguig City  
Metro Manilla

**TEMPLATE AFFIDAVIT OF FILING OF APPLICATION TO ACQUIRE  
OWNERSHIP/POSSESSORY RIGHTS OVER PUBLIC PROPERTY  
FOR RE CONTRACT APPLICATION**  
**Annex “B” of DOE Advisory No. 3 dated 29 April 2023**

**AFFIDAVIT OF FILING OF APPLICATION TO ACQUIRE OWNERSHIP /  
POSSESSORY RIGHTS OVER PUBLIC PROPERTY  
(FOR RE CONTRACT APPLICATION)**

I, \_\_\_\_\_ [*name of authorized representative*], of legal age, \_\_\_\_\_ [*nationality*], with business address at \_\_\_\_\_ [*principal office address of the RE Applicant*], hereby depose and say that:

1. I am the \_\_\_\_\_ [*designation of officer*] and the duly authorized representative of \_\_\_\_\_ [*name of RE Applicant*] (“RE Applicant”), pursuant to its Board Resolution No. \_\_\_\_\_, s. \_\_\_\_\_ dated \_\_\_\_\_, with sufficient authority to execute this Affidavit for and on behalf of the RE Applicant.
2. The Area of Interest (“AOI”) of the RE Application for [Solar Energy Operating Contract (“SEOC”) / Biomass Renewable Energy Operating Contract (“BREOC”)] for the proposed \_\_\_\_\_ [*name of the proposed solar or biomass power project*] covers public property, which is under the jurisdiction/authority of \_\_\_\_\_ [*name/s of government agency/office/instrumentality*].
3. On \_\_\_\_\_ [*date*], the RE Applicant submitted the complete documentary requirements for its \_\_\_\_\_ [*name of application to acquire possessory rights, e.g., SLUP, FLAg, Miscellaneous Lease Agreement, Foreshore Lease Agreement, etc.*] covering the entire AOI for the project.
4. Based on the standard terms and conditions of the permit, license, agreement, or other instrument applied for, possessory rights over the public property covered by the entire AOI, including the right to install, construct, operate, maintain the proposed project thereon, will be vested unto the RE Applicant upon the issuance/award of such permit, license, agreement, or instrument in its favor.
5. To the best of my knowledge and information, the aforesaid application for permit, license, agreement, or other instrument is sufficient in form and substance. Further, after exercising due diligence, the RE Applicant, its directors and officers did not find, and/or has no knowledge of, any instrument,

action, or proceeding, whether pending or threatened, or any government action or issuance that will defeat or may reasonably defeat the issuance/award of such permit, license, agreement, or instrument.

6. The RE Applicant acknowledges and agrees that if the Project facilities are not installed strictly in accordance with the timeline under the Work Program, the RE Applicant shall submit copies of its application for \_\_\_\_\_ *[name of application to acquire possessory rights]*, the complete documentary requirements submitted in support thereof, board resolutions and other approvals, proof of identity of signatories to the aforesaid application, due diligence reports, and any and all documents, instruments, and communications substantiating the statements and/or representations made in this Affidavit within five (5) working days from receipt of notice from the Department of Energy ("DOE").
  
7. If, after due evaluation, the DOE finds that misrepresentation and/or falsity in any of the foregoing statements contributed to, and/or resulted in, failure or inability to install the Project facilities strictly in accordance with the timeline under the Work Program for \_\_\_\_\_ *[name of the proposed solar or biomass power project]*, \_\_\_\_\_ *[name of RE Applicant]* shall have no recourse and hereby undertakes to voluntarily relinquish the [SEOC / BREOC] awarded upon reliance on this Affidavit within thirty (30) calendar days from receipt of notice from DOE.
  
8. The RE Applicant undertakes to defend and hold DOE, its officers, employees, and staff harmless from any and all damages, liabilities, fines, penalties directly or indirectly arising from, or reasonably attributable to, DOE's reliance on this Affidavit, should there be any misrepresentation and/or falsity in any of the above statements.

**IN WITNESS WHEREOF**, I hereunto affix my signature this \_\_\_\_ day of \_\_\_\_\_ 20\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
*Affiant*

\_\_\_\_\_  
*Witness*

\_\_\_\_\_  
*Witness*

Republic of the Philippines )  
City \_\_\_\_\_ ) S.S.

**BEFORE ME**, this \_\_\_\_ day of \_\_\_\_\_ 202\_\_, in the City of \_\_\_\_\_, personally appeared:

Name	ID	Date & Place of Issue
_____	_____	_____

representing to be the \_\_\_\_\_ *[designation of officer]* of \_\_\_\_\_ *[name of RE Applicant]*, and known to me to be the same person who executed the foregoing instrument for and in behalf of the said entity, and he/she acknowledged to me that the same is the act and deed of \_\_\_\_\_ *[name of RE Applicant]* and that he/she is duly authorized to sign the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand on the date and place above written.

Doc. No. \_\_\_\_;  
Page No. \_\_\_\_;  
Book No. \_\_\_\_;  
Series of 20\_\_.