



Republic of the Philippines
DEPARTMENT OF ENERGY
(Kagawaran ng Enerhiya)

ADVISORY NO. 3

TO : Renewable Energy (RE) Stakeholders

DATE : APR 29 2023

SUBJECT : Modified Possessory Rights Requirements for Contract Applications for Solar/Biomass Development and Applications for Declaration of Commerciality

The Department of Energy (DOE) is undertaking the review of Department Circular No. DC2019-10-0013, titled "Omnibus Guidelines Governing the Award and Administration of Renewable Energy Contracts and the Registration of Renewable Energy Developers" (Omnibus RE Guidelines), to reflect the latest policy in support of RE development.

To streamline the requirements and facilitate the processing of RE Applications pending completion of the abovementioned review and overall revision, the DOE shall no longer require proof of ownership or possessory rights over the proposed area/site for solar and biomass power projects. Likewise, the DOE shall no longer require proof of ownership or possessory rights over the proposed production area during transition of the RE Project from Pre-Development to Development Stage.

However, the DOE may, when reasonably warranted by circumstances, require the RE Applicant or RE Developer to submit the contracts, deeds, agreements, applications, and other documents substantiating the statements made in the Affidavit referred to below.

From the date after posting this Advisory, all RE Applicants for solar and biomass development and RE Developers seeking confirmation of commerciality of RE projects shall, in lieu of the proof of ownership/possessory rights, submit an Affidavit of Acquisition of Possessory Rights, which shall strictly adhere to the template provided in Annexes "A" to "D" hereof¹. A copy of the Board Resolution authorizing the affiant to execute the instrument for and on behalf of the RE Applicant or RE Developer shall be attached to the Affidavit.

Please be guided accordingly.


RAPHAEL P.M. LOTILLA
Secretary



¹ Annex "A" – Template Affidavit on Acquisition of Ownership/Possessory Rights over Private Property for RE Contract Application; Annex "B" – Template Affidavit of Filing of Application to Acquire Possessory Rights over Public Property for RE Contract Application; Annex "C" – Template Affidavit of Acquisition of Ownership/Possessory Rights over Private Property for Declaration of Commerciality; Annex "D" – Template Acquisition of Possessory Rights over Public Property for Declaration of Commerciality.