

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

**AFFIDAVIT OF ACQUISITION OF OWNERSHIP /  
POSSESSORY RIGHTS OVER PUBLIC LANDS  
(FOR RE SERVICE 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 [*Hydropower Service Contract (“HSC”) / Ocean Energy Service Contract (“OESC”) / Geothermal Service Contract (“GSC”) / Wind Energy Service Contract (“WESC”)] for the proposed \_\_\_\_\_ [*name of the proposed hydropower, geothermal or wind power project*] (“RE Project”) wholly or partly covers public lands, which is under the jurisdiction/authority of \_\_\_\_\_ [*name/s of government agency/office/instrumentality*].*
3. As part of the requirements for the Declaration of Commerciality (“DOC”) of the RE Project, [*name of RE Applicant*] will designate the Production Area (“PA”) under the [HSC / OESC / GSC / WESC] in accordance with the Work Program.
4. [*Name of RE Developer*] will submit 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 PA for the RE Project.
5. Based on the terms and conditions of the \_\_\_\_\_ [*name of permit, license, agreement, or other instrument*], the RE Applicant will acquire ownership and/or possessory rights over the entire PA for its DOC and, at the time of filing the DOC, the legal right to install, construct, operate, and maintain the RE Project on the public lands shall fully vest unto the RE Applicant.
6. RE Applicant hereby undertakes to ensure that the aforesaid application for permit, license, agreement, or other instrument is sufficient in form and substance. Further, RE Applicant undertakes to exercise due diligence to ensure that no instrument, action, or proceeding, whether pending or threatened, or any government action or issuance will defeat the RE Applicant’s abovementioned legal right.
7. 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 the *[name of permit, license, agreement, or other instrument]*, 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”).

8. If, after due evaluation, the DOE finds that misrepresentation and/or falsity in any of the foregoing statements, or that the RE Applicant’s failure to abide by the foregoing undertakings, 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 RE Project]*, \_\_\_\_\_ *[name of RE Developer]* shall have no recourse and hereby undertakes to voluntarily relinquish the [HSC / OESC / GSC / WESC] within thirty (30) calendar days from receipt of notice from DOE.
9. [Name of RE Applicant] further acknowledges and agrees that if at any time after the approval of its RE Application but before the date set under the Work Program for the installation of the Project facilities, another RE Applicant/RE Developer proposing to explore, develop and/or utilize the same RE resource submits to the DOE proof of ownership/possessory rights over the AOI or any portion thereof, [name of RE Applicant] shall submit copies of the [name of permit, license, agreement, or other instrument] and other documents mentioned in the seventh (7<sup>th</sup>) paragraph of this Affidavit.
10. If, after due evaluation, the DOE finds that the proof of ownership/possessory rights of such other RE Applicant/RE Developer is better than those of [name of RE Applicant], the area/s affected by such proof shall be carved out from the contract area of the HSC/OESC/GSC/WESC awarded, or from the area covered by Certificate of Authority issued to [name of RE Applicant].
11. 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\_\_.