

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

**AFFIDAVIT OF ACQUIRED OWNERSHIP/
POSSESSORY RIGHTS OVER PUBLIC LANDS
(FOR RE OPERATING 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 lands, which is under the jurisdiction/authority of _____ [*name/s of government agency/office/instrumentality*].
3. On _____ [*date*], the RE Applicant has acquired for its _____ [*name of acquired possessory rights, e.g., SLUP, FLAg, Miscellaneous Lease Agreement, Foreshore Lease Agreement, etc.*] covering the entire AOI for the project. This includes the right to install, construct, operate, and maintain the proposed project on these lands.
4. The RE Applicant affirms that these rights have been secured through the proper and lawful completion and submission of all required documentary requirements for the respective permit, license, agreement, or other instrument.
5. To the best of my knowledge and information, the aforesaid permit, license, agreement, or other instrument is valid, 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 this right.
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 permit, license, agreement, or other instrument for _____ [*name of acquired possessory rights*], along with 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. *[Name of RE Applicant]* further acknowledges and agrees that if at any time prior to 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 contract/s, deed/s, agreement/s and other documents mentioned in the sixth (6th) paragraph of this Affidavit.
9. 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 [SEOC/BEOC] awarded, or from the area covered by Certificate of Authority issued to *[name of RE Applicant]*.
10. 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__.