

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

**TEMPLATE AFFIDAVIT ON ACQUISITION OF OWNERSHIP /
POSSESSORY RIGHTS OVER PRIVATE PROPERTY
FOR RE CONTRACT APPLICATION**
Annex “A” of DOE Advisory No. 3 dated 29 April 2023

**AFFIDAVIT ON ACQUISITION OF OWNERSHIP /
POSSESSORY RIGHTS OVER PRIVATE 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 RE Applicant will enter into contract/s, deed/s, and/or agreement/s over the parcels of private property covering the entire area of interest (“AOI”) for the proposed _____ [*name of the proposed solar or biomass power project*] with the registered owners, their heirs, or other persons having interest over the said properties, and/or their transferees, assignees, or successors-in-interest.
3. Through the aforesaid contract/s, deed/s, agreement/s, the RE Applicant will acquire ownership and/or possessory rights over the project area/site for its RE Application for [Solar Energy Operating Contract (SEOC) / Biomass Renewable Energy Operating Contract (BREOC)] and, prior to the construction and installation of the _____ [*name of the proposed solar or biomass power project*] as prescribed by the approved Work Program, the legal right to install, construct, operate, and maintain the proposed RE Project on the private property shall fully vest unto the RE Applicant.
4. RE Applicant hereby undertakes to ensure that the said contract/s, deed/s, agreement/s shall be valid and enforceable. 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 Developer’s abovementioned legal right.
5. 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 contract/s, deed/s, agreement/s, certificates of title, board resolutions and other approvals, proof of identity of landowners, proof of identity of signatories to the aforesaid contract/s, deed/s, agreement/s, due diligence reports, and any and all documents, instruments, and communications substantiating the statements, undertakings, and/or representations made in this Affidavit within five (5) working days from receipt of notice from the Department of Energy ("DOE").

6. 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 undertakings herein made, 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.
7. 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, or any failure to abide by the undertakings.

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__.