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

TEMPLATE AFFIDAVIT OF ACQUISITION OF OWNERSHIP /
POSSESSORY RIGHTS OVER PRIVATE PROPERTY
FOR DECLARATION OF COMMERCIALITY
Annex "C" of DOE Advisory No. 3 dated 29 April 2023

AFFIDAVIT OF ACQUISITION OF OWNERSHIP /
POSSESSORY RIGHTS OVER PRIVATE PROPERTY
(FOR DECLARATION OF COMMERCIALITY)

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

1. I am the _____ *[designation of officer]* and the duly authorized representative of _____ *[name of RE Developer]* ("RE Developer"), pursuant to its Board Resolution No. ____, s. ____ dated _____, with sufficient authority to execute this Affidavit for and on behalf of the RE Developer.

2. The RE Developer [was awarded / was the assignee of] _____ *[name and number of RE Service/Operating Contract]* covering the _____ *[name of RE Project].*

3. The Production Area ("PA") designated by the RE Developer for the Declaration of Commerciality ("DOC") of the _____ *[name of the RE Project]* covers private property located in _____ *[name of city/municipality],* Province of _____.

4. The RE Developer entered into contract/s, deed/s, and/or agreement/s over the parcels of private property covering the entire PA with the registered owners, their heirs, or other persons having interest over the said properties, and/or their transferees, assignees, or successors-in-interest.

5. Through the aforesaid contract/s, deed/s, agreement/s, the RE Developer has acquired 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 private lands has vested unto the RE Developer.

6. To the best of my knowledge and information, the said contract/s, deed/s, and/or agreement/s are valid and enforceable. Further, after exercising due diligence, the RE Developer, 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 RE Developer's abovementioned legal right.

7. The RE Developer acknowledges and agrees that if the Project facilities are not installed strictly in accordance with the timeline under the Work Plan, the RE Developer 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 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 contributed to, and/or resulted in, failure or inability to install the Project facilities strictly in accordance with the timeline under the Work Plan for _____ *[name of the RE Project]*, _____ *[name of RE Developer]* shall have no recourse and hereby undertakes to voluntarily relinquish _____ *[name and number of RE Service/Operating Contract]* within thirty (30) calendar days from receipt of notice from DOE.

9. The RE Developer 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*

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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 Developer]*, 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 Developer]* 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__.