

**REPUBLIC OF THE PHILIPPINES  
OFFICE OF THE OMBUDSMAN  
QUEZON CITY**

**NATIONAL ASSOCIATION OF  
ELECTRICITY CONSUMERS FOR  
REFORMS (NASECORE), represent  
-ed by its President PETRONILLO L.  
ILAGAN,**

**Complainant**

For: **VIOLATION OF SECTION  
5(a) IN RELATION TO  
SECTION 5(E) OF REPUBLIC  
ACT 6713**

**-versus-**

**JOSE C. IBAZETA,**

**Respondent.**

**X-----X**

REPUBLIC OF THE PHILIPPINES }  
CITY OF MANILA }S.S.

**AFFIDAVIT-COMPLAINT**

I, PETRONILLO L. ILAGAN, in my capacity as President and in representation of the complainant NATIONAL ASSOCIATION OF ELECTRICITY CONSUMERS FOR REFORMS (NASECORE for short), do hereby charge before this Honorable Office Mr. JOSE C. IBAZETA (herein referred to as respondent), the former President and CEO of the Power Sector Assets and Liabilities Management Corporation (PSALM of brevity), and now the Acting Secretary of the Department of Energy, for VIOLATION OF SECTION 5(a) IN RELATION TO SECTION 5(e) OF REPUBLIC ACT 6713, or the "CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEEES", committed as follows:

1. In line with NASECORE's advocacy, duties and functions to protect energy consumers from rampant, predatory charges/pricing by energy providers, and other exploitive practices in the energy sector, it wrote, through its counsel, the respondent Mr. JOSE C. IBAZETA, then the President & CEO of PSALM, on March 1, 2010, to request, among others, "a copy of the sale of the Panay Power Diesel Plant (PPDP), as well as the net book value of each of the NPC power plant at the time of their individual privatization to enable NASECORE to determine whether the proceeds from the privatization were indeed optimized by

PSALM as mandated by Section 47 of the Electric Power Industry Reform Act (EPIRA).”

A photocopy of the above letter which was received by the respondent on March 5, 2010 as shown by the postal registry Return Receipt thereof, is hereto attached as Annex “A”, and the return receipt as Annex “A-1”, and made integral parts hereof.

2. It is now, at the preparation of this Affidavit-Complainant, April 28, 2010, or 54 calendar days, or 35 working days, from the respondent’s receipt of the complainant’s aforesaid letter, and still the respondent HAS NOT ACTED ON, RESPONDED, ANSWERED OR REPLIED TO IT.

3.

4. The respondent’s act, i.e., his failure/refusal to act on, or respond/answer/reply to the complainant’s subject letter, Annex “A” hereof, is a PATENT AND UNMITIGATED VIOLATION OF SECTION 5(a), in relation to Section 5(e) of Republic Act 6713 that respectively provides---

**Sec.5. Duties of Public Officials and Employees.**

–In the performance of their duties, all officials and employees are under obligation to:

(a) Act promptly on letters and requests. – All public officials and employees shall within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communication sent by the public. The reply must contain the action taken on the request.

x x x.

x x x.

x x x.

(e) Make documents accessible to the public. – All public documents must be made accessible to and readily available for inspection by the public within reasonable working hours.

4. The respondent was in fact advised by the complainant, so he would not claim ignorance of the law, that his inaction on complainant’s above

letter would constitute violation of Republic Act 6713, and “Shall be punishable with a fine not exceeding the equivalent of six (6) months salary or suspension not exceeding one (1) year, or removal” under Section 11 of the law, without prejudice to the prosecution under the anti-graft act. But still, the respondent showed/displayed his arrogant contempt of the country’s laws and totally ignored the complainant’s letter.

5. I execute this affidavit to attest to the truth of the foregoing statement and in support of NASECORE’s complaint for violation of Section 5(a), in relation to Section 5(e) of Republic Act No. 6713 against the respondent JOSE C. IBAZETA who may be served with subpoena and other notices/processes at his office at the Department of Energy.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my signature this 26<sup>th</sup> day of April 2010 at the City of Manila.

**NATIONAL ASSOCIATION OF  
ELECTRICITY CONSUMERS  
FOR  
REFORMS (NASECORE)  
Complainant**

By:

**PETRONILLO L. ILAGAN**  
President

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of May 2010 at Quezon City, affiant exhibiting to me his CTC No. 21666109 issued at Parañaque on Jan. 22, 2010.

Doc. No. \_\_\_\_\_;  
Page No. \_\_\_\_\_;  
Book No. \_\_\_\_\_;  
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