

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

**AFFIDAVIT ON ACQUIRED OWNERSHIP /  
POSSESSORY RIGHTS OVER PRIVATE 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 RE Applicant has entered into contract/s, deed/s, and/or agreement/s over the parcels of private land covering the entire area of interest ("AOI") for the proposed \_\_\_\_\_ [*name of the proposed solar or biomass power project*] ("RE 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 has acquired ownership and/or possessory rights over the project area/site for its RE Application for [Solar Energy Operating Contract ("SEOC") / Biomass Energy Operating Contract ("BEOC")] and, prior to the construction and installation of the RE Project as prescribed by the approved Work Program, the legal right to install, construct, operate, and maintain the proposed RE Project on the private lands shall fully vest unto the RE Applicant.
4. RE Applicant hereby undertakes to ensure that the said contract/s, deed/s, agreement/s remain 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 Applicant's abovementioned legal right.
5. [Name of RE Applicant] acknowledges and agrees that if the project facilities are not installed strictly in accordance with the timeline under the Work Program, [name of 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 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 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. *[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 seventh (7<sup>th</sup>) paragraph of this Affidavit.
8. If, after due evaluation, the DOE finds that the proof of ownership/possessory rights of the 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]*.
9. 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 \_\_\_\_\_.

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*Affiant*

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*Witness*

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*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\_\_\_\_.