Republic of the Philippines
ENERGY REGULATORY COMMISSION
San Miguel Avenue, Pasig City 16 MAY 26 P2:50

IN THE MATTER OF THE
PETITION FOR THE
APPROVAL OF THE
AVAILMENT FROM THE
UNIVERSAL CHARGE FOR
MISSIONARY
ELECTIFICATION (UCME)
FOR CY 2017 WITH PRAYER
FOR THE ISSUANCE OF
PROVISIONAL AUTHORITY

2016-134
ERC CASE NO.  2

NATIONAL POWER CORPORATION
Petitioner.

PETITION

Petitioner National Power Corporation (NPC), through the undersigned counsels, and unto this Honorable Commission respectfully states that:

1. Petitioner NPC is a government owned and controlled corporation created and existing under Republic Act No. 6395 as amended ("NPC Charter") with principal address at NPC Office Building Complex corner Quezon Avenue and BIR Road, Diliman, Quezon City where it may be served summons and other processes of the Honorable Commission.

2. Pursuant to Section 70 of Republic Act No. 9136 (Electric Power Industry Reform Act or "EPIRA"), NPC shall remain as a National-Government owned and controlled corporation to perform the missionary electrification function through its Small Power Utilities Group (hereafter, NPC-SPUG) and shall be responsible for providing power generation and its associated power delivery systems in areas that are not connected to the transmission system.
3. On 22 August 2011, the Honorable Commission approved and issued Resolution No. 21 Series of 2011 entitled "Amended Guidelines for the Setting and Approval of Electricity Generation Rates and Subsidies for Missionary Electrification Areas" providing for the guidelines for the setting and approval of electricity generation rates and subsidies for Missionary Electrification areas, for the fixing of and availsment of subsidies for Missionary Electrification areas as well as the cash incentives for the Renewable Energy (RE) Developers for Missionary Electrification from the Universal Charge for Missionary Electrification (UC-ME). The said resolution is also in line with Chapter VII Section 15 (b) of the Republic Act No. 9153, which provides for the basis in the calculation of Cash Incentive of Renewable Energy Developers for Missionary Electrification and ERC Resolution 7, series of 2014.

4. Pursuant to Section 4 of Republic Act No. 6395, as amended, and Executive Order No. 864, issued by virtue of the authority granted to the President of the Republic of the Philippines under R.A. 7684, Petitioner NPC is duly authorized to include twelve percent (12%) return on its rate base composed of the sum of its net assets in operation plus two (2) months operating capital in the Revenue Requirement.

5. NPC is filing this petition in its capacity as the implementing agency for Missionary Electrification (ME), which function shall be funded from the revenue from sales in missionary areas and from the universal charge (UC) to be collected from all electricity end-users as determined by the Energy Regulatory Commission (ERC) and as provided under Section 2 (a) of the EPIRA Implementing Rules and Regulations.

6. Likewise, NPC is filing this petition to seek approval from this Honorable Commission of the Missionary Electrification Subsidy that would sufficiently cover the estimated requirements for all NPC SPUG areas and private entities that have taken in full or part the generation function of NPC-SPUG in certain missionary areas, the operating costs in mini-grids and Qualified Third Parties (QTPs) including the fixed cost of transmission/substations and for the cash incentive payment to RE Developers.

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1 Otherwise known as "Renewable Act of 2008" or RE Act of 2008"  
2 entitled “A Resolution adopting the Rules to Govern the Availsment and Disbursement of Cash Incentive to Renewable Energy (RE) Developers operating in Missionary Areas”  
3 “Fixing the Rate of Return on Rate Base of the National Power Corporation at twelve percent (12%) of the Rate Base as Defined in Section 4 of Republic Act No. 6395, as Amended”  
4 “Electric Power Crises Act of 1993”
AVAILMENT FROM THE UNIVERSAL CHARGE OF THE SHARE FOR MISSIONARY ELECTRIFICATION (UCME) SUBSIDY FOR CALENDAR YEAR 2017

7. The calculation of the total Basic UCME Subsidy requirements as herein proposed is based on the formula as specifically provided in Article V Section 2 of ERC Resolution No. 21, Series of 2011 entitled “UCME Filing Requirements and Procedures”.

8. In view of the foregoing and in compliance with the above-cited provisions of law and ERC resolution particularly as regards the requirement prescribed in the determination of corresponding subsidy, NPC calculated the estimated UCME requirements for the following: A) NPC SPUG Subsidy; B) Delegated SPUG areas (NPP/QTP) Subsidy; and C) Cash Incentive of RE Developers, to wit:

A. ABSTRACT OF THE PROPOSED BASIC UCME SUBSIDY

9. Consistent with the NPC Missionary Electrification Plan (MEP), its forecasts on the demand and sales growth, scheduled generation and transmission projects and improvement in service level as well as the expansion of coverage to other missionary areas, and taking into account the afore-mentioned guidelines and provisions, NPC considered the key parameters and assumptions used in the projections and in the determination of proposed UCME subsidy for the calendar year 2017, as follows:

A.1. Basic UCME Subsidy for NPC SPUG

10. In the calculation of NPC revenue requirements, the following accounts and cost were considered:

a. Results of Operations for CY 2015
b. Fuel Cost for CY 2017 – calculated based on actual 2015 cost in P/kWh multiplied by the NPC projected energy sales;
c. Other Operating Expenses, which includes Personal Services and Maintenance and other Operating Expenses as of December 2015, in P/kWh multiplied by the NPC projected energy sales;
d. Depreciation as of December 2015;
e. NPC-TCGR – based on the calculated Total Revenue requirements established in CY 2015 test period;
f. The calculated Revenue based on the existing NPC-SPUG SAGR as of March 2016;
g. NPC-SPUG Projected Results of Operations for CY 2017;
h. NPC-SPUG Projected Energy Sales, kWh for CY 2017 based on the CY 2017-2019 NPC MEP;

i. Philippine Electricity Sales Forecast based on DOE’s Philippine Power Development Plan 2015-2030 (PDP).

The detailed breakdown of the Basic UCME Subsidy for NPC SPUG is hereto attached as ANNEX “A”, which shall form an integral part of this instant petition.

11. In this instant petition, petitioner has utilized the authorized RORB methodology using the year 2015 base rate being the most recent financial statement available during the calculation stage.

A.2. UCME Subsidy for Delegated NPC SPUG areas (NPP/QTP)

12. The amount of NPPs and QTP subsidies considered were based on the following:

a. Forecasted Energy Sales based on their submission of Forecasted generation and/or minimum off-take as provided in their respective ERC-Approved Power Supply Agreement (PSA);

b. NPP TCGR and SAGR – TCGR calculated based on the most recent subsidy invoice paid to each NPP and QTP claims at the time of calculation. Whereas, SAGR considered is based on the NPC SPUG existing effective rate as of March 2016;

Detailed breakdown of the NPP and QTP Subsidy requirement for CY 2017 and supporting documents are attached herewith as ANNEXES “B”, “B-1” to “B-18”, which shall form an integral part of this instant petition.


13. The renewable energy cash incentive (RE-CI), on the other hand, is based on the following:

a. Total Projected Off-grid Energy Sales – sum of the NPC SPUG and NPP Projected Energy Sales;
b. Blended TCGR – calculated based on the average of the NPC SPUG cost of generation and NPP true cost of generation;

c. SAGR – based on the NPC SPUG SAGR as of March 2016;

d. Cash Incentive Rate – equivalent to 50% of the calculated UCME Subsidy Rate;

The calculation of the proposed amount required for REDCI is shown in the attached ANNEX “C”. Likewise, attached as ANNEX “C-1” to “C-6” are the submitted CI claims of RE Developers which shall form an integral part of this instant petition.

B. PROPOSED Basic UCME Subsidy per component

14. Based on the results of the calculations made, the total proposed UCME Subsidy requirement for the missionary electrification will amount to PhP10,324Bn for CY 2017 inclusive of the Cash Incentive for Renewable Energy as shown in Table 1 below.

<table>
<thead>
<tr>
<th>REVENUE REQUIREMENT</th>
<th>18,934,474,189</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPC</td>
<td>9,922,156,550</td>
</tr>
<tr>
<td>NPP/QTP</td>
<td>9,012,317,639</td>
</tr>
<tr>
<td>LESS:</td>
<td></td>
</tr>
<tr>
<td>Revenue from SAGR</td>
<td>8,861,830,059</td>
</tr>
<tr>
<td>TOTAL UCME, NPC/NPP/QTP</td>
<td>10,072,644,131</td>
</tr>
</tbody>
</table>

| ADD:                |                |
| Renewal Energy Developer's Cash Incentive | 251,495,221 |
| TOTAL UCME FOR CY 2017 | 10,324,139,351 |
| UCME, P/kWh         | 0.1248         |
| Philippine Energy Sales, kWh | 82,726,579,848.99 |

15. The Philippine Electricity Sales Forecast under DOE's Power Development Plan (PDP) for CY 2017 was utilized to determine the proposed UCME charges of PhP0.1248/kWh.
C. IMPLICATIONS OF UCME SUBSIDY AND THE PROPOSED RATES

16. The proposed basic UCME for CY 2017 of \textbf{PhP 1248/kWh} (inclusive of Cash Incentive to RE Developer of \textbf{PhP 0030/kWh}), purposely to finance the operation for the year will replace the existing basic UCME rate provisionally approved by ERC which is PhP 1163/kWh for NPC-SPUG and NPPs/QTPs and for RED-CI of PhP 0017/kWh. Table 2 below shows the rate calculation of the Proposed Subsidy amount and the corresponding rates in P/kWh:

**TABLE 2 Proposed CY 2017 UCME & Rates**

<table>
<thead>
<tr>
<th>PARTICULARS</th>
<th>NPC</th>
<th>NPP/QTP</th>
<th>RED-CI</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue Requirement</td>
<td>9,522,136,549.76</td>
<td>9,012,317,639.29</td>
<td>18,934,474,189.05</td>
<td></td>
</tr>
<tr>
<td>Less:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenue from Sales</td>
<td>2,592,837,619.19</td>
<td>5,388,931,439.46</td>
<td>8,881,630,058.65</td>
<td></td>
</tr>
<tr>
<td>Cash Incentive</td>
<td></td>
<td></td>
<td>251,415,220.93</td>
<td>251,415,220.93</td>
</tr>
<tr>
<td>TOTAL UCME, CY 2017</td>
<td>6,929,298,930.67</td>
<td>3,623,385,200.83</td>
<td>10,552,684,131.50</td>
<td></td>
</tr>
<tr>
<td>Rate Impact, P/kWh</td>
<td>0.0830</td>
<td>0.0830</td>
<td>0.0830</td>
<td>0.0830</td>
</tr>
<tr>
<td>PhP (Projected Energy Sale, kWh)</td>
<td>81,728,573,843.69</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

17. The UCME Subsidy for the Cash Incentive will be remitted to PSALM since PSALM is mandated to directly disburse the same to eligible RE Developer consistent with Article IV, Section 2 of Resolution 21, series of 2011. Hence, the Proposed UCME Subsidy Requirement that will be managed by NPC is Net of Cash Incentive.

18. The proposed UCME rate considered the commitment of NPC in ensuring that:

a. the required volume of fuel will be timely paid to NPC suppliers to avoid non-delivery of fuel supply;

b. the payments of NPPs & QTPs subsidy are timely made; and
c. the missionary electrification functions in SPUG areas are fulfilled through continues operation of existing generating units and implement power development plans for each islands/grid.

19. The National Power Board approved the filling of this instant petition as evidenced by the NP Board Resolution No. 2016-21 dated 28 April 2016, hereto attached as ANNEX “D”.

20. The proposed UCME for CY 2017 is based on the following pertinent documents attached herewith and correspondingly marked, as follows:

Annex “E” - Actual Results of Operations for CY 2015
Annex “G” - Projected Philippines Electricity Sales Forecast (PDP 2015-2030)
Annex “I” - NPC SPUG Projected Results of Operations for CY 2017

ALLEGATION IN SUPPORT OF THE PRAYER FOR THE ISSUANCE OF A PROVISONAL AUTHORITY.

22. The issuance of a provisional authority under the instant petition is appropriate based on the following justifications:

a. The proposed Basic UCME rate of Php0.1248/kWh inclusive of RE Cash Incentive for CY 2017 is necessary in order to cover the required subsidy requirements and at the same time, maintain a reliable and stable funding source for its operating costs requirements including a sufficient subsidy for payment to NPPs/QTPs and RE Developers.

b. There is need to meet the customer’s electricity requirements through the implementation of the proposed improvement of NPC’s generation function aimed to provide a sustainable development in the off-grid areas and be able to connect electricity to the unserved communities in the far-flung areas including those areas whose electric services were waived by the Electric Cooperatives. The same can be done by limiting the disparity between the UCME subsidy being granted for the year and the actual UCME subsidy required based on the proposed requirements.
c. The lack of funds from the UCME Subsidy and from supposedly transitory funds which can be sourced thru loans will definitely affect flexibility in NPC's funding and operation. Be it recalled that the Department of Justice (DOJ) issued an opinion which limited and suspended NPC's authority to borrow funds or enter into a loan agreement.

d. The need to fulfill NPC's commitment to provide efficient operation of its plant consistent with the specific programs in the missionary areas that NPC is currently serving.

23. The issuance of a provisional authority is authorized under Section 3 Rule 14 of the Rules of Practice and Procedure. Likewise, the authority of the Honorable Commission to issue a provisional authority is confirmed by the Supreme Court in the case of Freedom from Debt Coalition, et. al. vs. ERC, et. al., G.R. No. 161113 (June 15, 2004), when it held that “the power to approve provisional rate increases is included among the powers transferred to the ERC by virtue of Section 44 since the grant of that authority is not inconsistent with the EPIRA; rather, it is in full harmony with the thrust of the law which is to strengthen the ERC as the new regulatory body.”

24. NPC-SPUG is thus imploring the kind consideration of this Honorable Commission and respectfully prays for the issuance of a provisional authority under the foregoing premises.

COMPLIANCE

25. In support of this petition and in compliance with Rule 6 of the ERC Rules of Practice and Procedures under ERC Resolution No. 38, Series of 2006 as well as Section 4(e) Rule 3 of the EPIRA IRR, Petitioner attaches and submits the following:

a. Proof of Publication of the Petition once in a newspaper of general circulation hereto attached as ANNEX “J”.

b. Proof of service of this Petition to the Legislative Bodies of the Local Government Units where NPC principally operate, hereto attached as ANNEX “K”
PRAYER

WHEREFORE, premises considered, petitioner NPC, respectfully prays THAT:

a. Pending the hearing on the merits, an Order be issued granting PROVISIONAL APPROVAL to the proposed Basic UCME for CY 2017 amounting to PhP10,324,139,351.43 or equivalent rate of PhP0.1248/kWh.

b. The approval of the proposed Basic UCME for CY 2017 be on a per item basis as identified in Table 2, to wit:

<table>
<thead>
<tr>
<th></th>
<th>Absolute Amount</th>
<th>P/kWh</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPC</td>
<td>6,929,258,930.67</td>
<td>0.0838</td>
</tr>
<tr>
<td>NPP</td>
<td>3,143,385,199.83</td>
<td>0.0380</td>
</tr>
<tr>
<td>RED-CI</td>
<td>251,495,220.93</td>
<td>0.0030</td>
</tr>
<tr>
<td><strong>TOTAL UCME</strong></td>
<td><strong>10,324,139,351.43</strong></td>
<td><strong>0.1248</strong></td>
</tr>
</tbody>
</table>

c. After the hearing on the merits, the instant petition be GRANTED by the Honorable Commission.

Other just and equitable reliefs are likewise prayed for.

Quezon City for Pasig City, May 10, 2016.
FOR THE SOLICITOR GENERAL

MELCHOR P. RIDULME
VP-General Counsel
Special Attorney-OSG
IBP No. 01748/Lifetime/Ilocos Sur
PTR No. 2181526/1-05-2016/Q.C.
MCLE Compliance No. V-0004048
Roll No. 37784

DELFIN L. BUENAФE II
Department Manager
Legal Services Department
Special Attorney-OSG
IBP No. 012829/Lifetime/Q.C.
PTR No. 2145675 dated 1-05-2016/Q.C.
MCLE Compliance No. V-0004030
Roll No. 48636

MAY ROSE C. PINTOR
Corporate Attorney A
Special Attorney-OSG
IBP Lifetime No. 03387/Cebu City
PTR No. 2181527 dated 01-05-2016/Q.C.
MCLE Compliance No. V-0004045
Roll No. 47811

DIWA RAFAEL B. BONTUYAN
Corporate Attorney B
Special Attorney – OSG
IBP No. 1006807; Quezon City
Roll of Attorney No. 64390
PTR No. 1290725; 01/05/15; Quezon City
Exempt from MCLE Compliance pursuant to MCLE Governing Board Order No. 1, S. 2008

Counsels for National Power Corporation
Office of the General Counsel
National Power Corporation
BIR Road cor. Quezon Avenue
Diliman, Quezon City
Tel. No. 02-921-9670
Republic of the Philippines  )
Quezon City  )SS.

VERIFICATION AND CERTIFICATION

I, MA. GLADYS CRUZ-STA. RITA, of legal age, Filipino, with
office address at NPC Office Building Complex cor. Quezon Ave. and
Agham Road, Diliman, Quezon City, after being duly sworn hereby
affirm and state that:

1. I am the President of National Power Corporation, the petitioner
herein; I caused the preparation of this Petition, I have read the
same and understood the allegations contained therein, and affirm
that the contents thereof are true and correct based on authentic
records at my disposal and on information of my own personal
knowledge;

2. I am duly authorized by the Board of Directors to certify that
petitioner NPC has not heretofore commenced any other action or
proceeding involving the same issues before the Supreme Court,
Court of Appeals or any other judicial, quasi-judicial or
administrative tribunal. A copy of Resolution No. 2001-134 is
attached as required by Rule 3, Section 4 of the Rules of Practice
and Procedure.

3. To the best of my knowledge and belief, no such similar action or
proceeding is pending before the Supreme Court, Court of Appeals,
or any other tribunal or agency. However, as stated above, this
petition includes the costs proposed but subject to the approval of
the Honorable Commission.

4. If I should hereafter learn that a similar action or proceeding has
been filed or is pending before the Supreme Court, the Court of
Appeals, or any other tribunal or agency, I undertake to report such
fact within five (5) days therefrom to the Honorable Commission.

IN WITNESS WHEREOF I have hereunto affixed my signature
this 10th day of May 2016 here at Quezon City.

MA. GLADYS CRUZ-STA. RITA
Affiant

SUBSCRIBED AND SWORN TO before me this 10th day of May
2016 here at Quezon City, affiant exhibiting to me his NPC identification
Card No. 0406067 which is competent proof of her identity.

DIWA RAFAEL B. BONTUYAN
Notary public for Quezon City
Commission until 31 December 2016
Unit 1201 & 1211 The Fairview Office Building
No. 3 West Avenue, Fairview, Quezon City
Appointment No. 430 (2017-2019), Roll No. 119,
FTZ No. 12307775; 05 May 2016; Quezon City
for Verifying and Certifying Oaths, QCC.

Doc. No. ________;
Page No. 39 ;
Book No. ________;
Series of 2016.
First mini-hydro power plant in Quezon breaks ground

Local renewable energy developer National Power Corporation (NPC) has begun construction of the country's first mini-hydro power plant in Quezon province, using waste ash and bottom ash from the #1 Unit of the Lalaan Power Plant as its primary energy source.

Under the NPC-Science and Technology Institute (STI) joint project, the mini-hydro plant will be able to generate up to 200 kilowatts of electricity per hour, sufficient to power about 100 households.

The project is part of NPC's commitment to reduce its carbon footprint and promote the use of clean, renewable energy sources.

The mini-hydro plant is located in the town of Lalaan, Quezon, and is expected to be operational by the end of the year.

NPC is a subsidiary of the Philippines' Department of Energy and is responsible for the generation, transmission, and distribution of electricity to the country's 70 million consumers.

Nonetheless, the company has been criticized for its reliance on fossil fuels, which contribute significantly to air pollution and climate change.

NPC's mini-hydro project is seen as a significant step towards achieving the country's renewable energy targets and reducing its greenhouse gas emissions.

The company is also exploring other renewable energy projects, including solar, wind, and geothermal power, to further diversify its energy mix and improve its environmental footprint.

In conclusion, the NPC mini-hydro project in Quezon is a welcome addition to the country's renewable energy portfolio and signals the government's commitment to promoting sustainable development and reducing its dependence on fossil fuels.

Source: Philippine Daily Inquirer, May 16, 2023
ERRATAM

In the advertisement of NATIONAL POWER CORPORATION that came out on page B-11 on May 12, 2016, letters A and B under the COMPLIANCE section was accidentally omitted.

COMPLIANCE

29. In support of this petition and in compliance with Rule 6 of the ERC Rules, Procedures and Procedural Rules, the complaint may be filed with the ERC. In the absence of a complaint, the case will be closed.

a. Proof of Publication of the Petition once in a newspaper of general circulation is required.

b. Proof of service of this Petition to the Legislative Bodies of the Local Government Units where NPC principally operates, hereinafter attached as ANNEX "J".

Our apologies.

DATE: May 13, 2016

Mr. Alejandro L. Palencia
DIRECTOR

Ms. Jennifer C. Cruz
DIRECTOR/SECRETARY

STELLA MARRIS SHIPMANAGEMENT INC.
NOTICE TO PUBLIC

The public is hereby notified that the following persons whose pictures appear herein have been elected as new Directors of the Corporation in an election held on 20th of April 2016.

Mr. Alejandro L. Palencia
DIRECTOR

Ms. Jennifer C. Cruz
DIRECTOR/SECRETARY

The 90-Day Notice to用戶,根据《菲律宾能源部》,应于2016年5月13日提交。声明中提到，新当选的董事为Alejandro L. Palencia和Jennifer C. Cruz。声明还提到，该声明的目的是通知公众关于新董事的选举结果。

PEOPLE EVENTS

Families’ guide to will-writing, trusts and inheritance

Do you have a “last will and testament”?

To help you with this, the Center for Global Best Practices will run a one-day pioneering seminar entitled “Families’ guide to wills, trusts & inheritance: Will-writing, trust-making and inheritance giving the right way,” scheduled on June 18, at the EDSA Shangri-La Hotel, Mandaluyong City.

The fear of many grandparents, parents and families who worked so hard for their wealth is for it to end up in the hands of bad relatives and outside predators in case of their death or incapacity. When you don’t have one, you run the risk of your assets going to waste.

This one-day seminar will provide you and your family a practical guide on will-writing, the right way and creating living trusts that address properly the many issues including the care of minor children or your parents and other loved ones after your death, or care for you in case you are incapacitated, guardianships, administration of your estate, and many more.

For details and a complete list of best practices seminars including Families’ Guide to Estate and Tax Planning, you may log on to www.ceedg.org or call (+63 2) 8427185/59 and 556968/69.

Cabanatuan is a sought-after lecturer and estate planning consultant of high-net-worth families and individuals to help them with their tax and other legal matters. An authority in the practice of taxation and commercial law he finished his accounting degree (major in cum laude) and his law degree (cum laude) at the San Beda College of Law.

On the other hand, Lopez is the lead partner for legal programs of Center for Global Best Practices. He is the author of five best-selling books and an expert in family asset protection law and family business law. Part of his advocacy is helping family businesses owners craft an effective family constitution as an instrument for family businesses to last for generations to come. He finished law at UP and pursued post-graduate studies at Harvard University.

Avail of group discounts for three or more participants and early bird discounts until May 15. Seats are limited and reservation is required.

ANTIQUE ELECTRIC COOPERATIVE, INC.

NOTICE TO PUBLIC

The 90-Day Notice to User, according to the Philippine Energy Act, should be submitted on May 13, 2016. The notice is intended to inform the public of the newly elected directors of the company, Alejandro L. Palencia and Jennifer C. Cruz. The notice also mentions the upcoming seminar on will-writing, trusts, and inheritance.

PEOPLE EVENTS

Families’ guide to will-writing, trusts and inheritance

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This one-day seminar will provide you and your family with a practical guide on will-writing, the right way, and creating living trusts that address the many issues including the care of minor children or your parents and other loved ones after your death, or care for you in case you are incapacitated, guardianships, administration of your estate, and many more.

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