

42. The provisional approval of the EPSA will enable both ZAMECO I and MPPCL to fulfill their obligations without compromising the viability of their operations.
43. The Affidavit of Engr. Alvin M. Farrales, attesting to the truth of the above matters and in support of the prayer for provisional authority is attached as Annex "Q".
44. Pursuant to the ERC Rules of Practice and Procedure, the Honorable Commission may exercise its discretion by granting a provisional authority or an interim relief prior to a final decision. It is understood that the provisional authority or interim relief sought by the Joint Applicants shall be subject to adjustments and other conditions that the Honorable Commission may impose.

PRAYER

WHEREFORE, premises considered, Joint Applicants ZAMBALLES I ELECTRIC COOPERATIVE, INC. (ZAMECO I) and MASINLOC POWER PARTNERS CO. LTD. (MPPCL) most respectfully pray that the Honorable Commission:

1. ISSUE AN ORDER declaring the Confidential Documents attached hereto as Annexes "I" and series as confidential information as well as directing that the same be treated with confidentiality and be protected from public disclosure;
2. ISSUE the corresponding PROTECTIVE ORDER in accordance with Section 2, Rule 4 of the ERC Revised Rules of Practice and Procedure;
3. Pending trial on the merits, GRANT PROVISIONAL AUTHORITY to implement the ZAMECO I-MPPCL EPSA and allow ZAMECO I to collect such rates, fees, and charges as provided in the EPSA from its customers reckoned from the start of the supply by MPPCL to ZAMECO I;
4. After due notice and hearing, ISSUE A DECISION (i) approving the instant Joint Application in toto which will thereby allow/authorize ZAMECO I to charge and collect the fees from its consumers reckoned from the commencement of the supply to the latter by MPPCL; and (ii) directing that the rates, terms, and conditions of the ZAMECO I-MPPCL EPSA be retroactively applied for the entire term of the EPSA.

Other reliefs just and equitable under the premises are, likewise, prayed for.

The Commission hereby sets the instant *Joint Application* for determination of compliance with the jurisdictional requirements, expository presentation, Pre-Trial Conference and presentation of evidence on the following dates and online platform for the conduct thereof, pursuant to Resolution No. 09, Series of 2020<sup>16</sup> and Resolution No. 01, Series of 2021<sup>17</sup> (ERC Revised Rules of Practice and Procedure):

Date	Platform	Activity
15 March 2024 (Friday) at nine o'clock in the morning (9:00 A.M.)	Microsoft Teams Application	Determination of compliance with jurisdictional requirements and expository presentation
22 March 2024 (Friday) at nine o'clock in the morning (9:00 A.M.)		Pre-Trial Conference and Presentation of Evidence

Accordingly, ZAMECO I and MPPCL are hereby directed to host the virtual hearings at ZAMECO I's principal office located at San Vicente, Palauig, Zambales as the designated venue for the conduct thereof and ensure that the same is open to the public and the community quarantine guidelines are observed at all times. Moreover, ZAMECO I and MPPCL shall guarantee that, during the conduct of the expository presentation, the participation of the public shall not be impaired.

Any interested stakeholder may submit its comments and/or clarifications at least one (1) calendar day prior to the scheduled initial virtual hearing, via electronic mail (e-mail) at [doCKET@erc.ph](mailto:doCKET@erc.ph), and copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph). The Commission shall give priority to the stakeholders who have duly submitted their respective comments and/or clarifications, to discuss the same and propound questions during the course of the expository presentation.

Moreover, all persons who have an interest in the subject matter of the instant case may become a party by filing with the Commission via e-mail at [doCKET@erc.ph](mailto:doCKET@erc.ph), and copy furnishing the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), a verified Petition to Intervene at least five (5) calendar days prior to the date of the initial virtual hearing. The verified Petition to Intervene must follow the requirements under Rule 9 of the ERC Revised Rules of Practice and Procedure, indicate therein the docket number and title of the case, and state the following:

- 1) The petitioner's name, mailing address, and e-mail address;
- 2) The nature of petitioner's interest in the subject matter of the proceeding and the way and manner in which such interest is affected by the issues involved in the proceeding; and
- 3) A statement of the relief desired.

Likewise, all other persons who may want their views known to the Commission with respect to the subject matter of the case may file through e-mail at [doCKET@erc.ph](mailto:doCKET@erc.ph), and copy furnish the Legal Service through [legal@erc.ph](mailto:legal@erc.ph), their Opposition or Comment thereon at least five (5) calendar days prior to the initial virtual hearing. Rule 9 of the ERC Revised Rules of Practice and Procedure shall govern. No particular form of Opposition or Comment is required, but the document, letter, or writing should contain the following:

- 1) The name, mailing address, and e-mail address of such person;
- 2) A concise statement of the Opposition or Comment; and
- 3) The grounds relied upon.

All interested parties filing their Petition to Intervene, Opposition or Comment are required to submit the hard copies thereof through personal service, registered mail or ordinary mail/private courier, within five (5) working days from the date that the same were electronically submitted, as reflected in the acknowledgment receipt e-mail sent by the Commission.

Any of the persons mentioned in the preceding paragraphs may access the copy of the *Joint Application* on the Commission's official website at [www.erc.gov.ph](http://www.erc.gov.ph).

Finally, all interested persons may be allowed to join the scheduled initial virtual hearings by providing the Commission, thru [legal.virtualhearings@erc.ph](mailto:legal.virtualhearings@erc.ph), their respective e-mail addresses and indicating therein the case number of the instant *Joint Application*. The Commission will send the access link/s to the aforementioned hearing platform within five (5) working days prior to the scheduled hearings.

WITNESS, the Honorable Commissioners ALEXIS M. LUMBATAN, CATHERINE P. MACEDA, FLORESINDA G. BALDO-DIGAL, and MARKO ROMEO L. FUENTES, Energy Regulatory Commission, this 24<sup>th</sup> day of January 2024 in Pasig City.

MONALISA C. DIMALANTA  
Chairperson and CEO



LS:

# Injured seaman awarded disability benefits by SC

THE Supreme Court (SC) has ordered Eagle Clarc Shipping Philippines, Inc. and Wilhelmsen Ship Management AS to pay a seafarer \$18,135 in disability benefits and \$1,400 in sickness allowance.

In a 10-page resolution, the tribunal affirmed the Court of Appeals' finding that seafarer

Jerome V. de Guia was entitled to the benefits after a company-designated doctor deemed him disabled after suffering a mild degenerative knee injury while at work.

"It is basic that the entitlement of overseas seafarers to disability benefits is a matter governed by law and contract," it said.

The shipping and manning firms were also ordered to pay legal fees and 6% interest.

Mr. De Guia slipped while repairing a leaky pipe on the *M/V Ramform Atlas*, injuring his right knee.

A company-designated physician had referred the seafarer to an orthopedic surgeon, who said the man was suffering a mild

medial collateral ligament sprain and prescribed rehabilitation.

The treatment was cut short by the surgeon after it was found to be ineffective, with the seaman appealing for an extension for his medical management procedure with Eagle Clarc. The firm rejected his appeal. — **John Victor D. Ordoñez**

# Falling unemployment masks lack of quality jobs — think tank

HIGH-QUALITY JOBS remain thin on the ground even with unemployment falling, with many workers forced by economic hardship to accept irregular and informal work, a think tank said.

Jobs that are considered informal have increased, with the number of self-employed growing by 157,000 to 13.1 million in 2023, IBON Foundation said, adding that the number of unpaid family workers also grew by 154,000 to 3.8 million last year.

"IBON estimates that the number of those in informal work increased by 483,000... to 20.4 million or 42.2% of total employed in 2023," it said, noting an increasing number of domestic workers, self-employed, and unpaid family workers in family-operated farms or businesses.

If irregular workers in private establishments are taken into account, the number of people in informal work would increase to as much as 34.7 million or 72% of total employment, it noted.

IBON also noted job creation in sectors deemed "notorious" for temporary, irregular and low-paying work: "The number of employed in agriculture, forestry and fishing grew... from 10.8 million to 11.2 million and in construction... from 4.4 million to 4.5 million."

Jose Enrique Africa, the think tank's executive director, said agribusiness and forestry jobs tend to be informal and irregular because of the seasonal nature of production.

"The backwardness of operations is also a factor with predominantly small-scale family-based operations that don't have formal employment arrangements and

have disproportionately casual labor that's always looking for better earnings elsewhere," he said when asked to clarify why jobs involving agriculture, fishing, and forestry are considered informal.

The Philippine Statistics Authority (PSA) on Wednesday said the number of unemployed aged 15 and above fell to 1.60 million in December from 1.83 million in November.

"The increase in the number of self-employed individuals alongside a rise in unpaid family workers further emphasize the probable expansion of the informal sector," the Federation of Free Workers (FFW) said.

While self-employment can be a pathway to entrepreneurship and economic independence, it also points to a lack of formal job opportunities, FFW National President Jose G. Matula said in a Viber message.

"Most likely, pushing individuals to create their own work without the protections and stability of formal employment."

An OCTA Research survey conducted last month showed that involuntary hunger rose to 14% or 3.7 million families from 10% or 2.6 million families recorded in September 2023.

In a Social Weather Stations poll conducted between Sept. 28 and Oct. 1 last year, the number of families who rated themselves poor increased by 700,000 to 13.2 million.

IBON said the government should also be concerned about the decline in employed persons in the wholesale and retail trades in December, saying the holiday season usually means more active selling and spending.

The number of wholesale and retail trade workers fell to 10.3 million in December from 10.9 million a month earlier, with the government attributing the trend mainly to job losses in the food sector.

"This may be a result of weaker demand, which is concerning, since the month of December is usually marked by more spending due to the holidays," IBON said.

"This could mean that more Filipinos are having a hard time because of weaker purchasing power from low income and high prices," it added. They are thus forced to curb their expenses, particularly on food."

President Ferdinand R. Marcos, Jr. said on Thursday that his government will pursue more upskilling and reskilling programs to boost quality job opportunities.

Workers must be exposed to innovation and become adaptive to allow them to "thrive in many high-quality employment opportunities," he said in a statement.

Mr. Marcos attributed the fall in unemployment to growth across industry groups, "with construction, agriculture, and services leading the way."

Leonardo A. Lanzona, who teaches economics at the Ateneo de Manila, said it is "alarming" that the government considers technology as the pathway to transitioning workers towards more decent jobs.

"The truth of the matter is that technology has eliminated the formal and decent jobs that low-skilled workers previously had access to," he said via Messenger chat. "The issues that we have discussed are the reasons for low-quality jobs."

"Technology offers opportunities but also presents challenges."

The 4.3% unemployment rate last year — equivalent to 2.19 million jobless, against the 2.67 million in 2022 — was the lowest in almost two decades since the PSA revised the definition of unemployed in 2005 to refer to Filipinos aged 15 years and older without jobs but are available for work and actively seeking one.

In December, the unemployment rate fell to 3.1% from 3.6% a month earlier and from 4.3% a year earlier 2022.

The employment rate in December also hit a record 96.9%, above the 96.4% in November and the 95.7% in December 2022.

Mr. Matula of FFW also flagged an increase in contractual employment, noting that a number of workers in Central Luzon, Metro Manila and Calabarzon regions are classified as performing regular jobs but are considered contractuales who have been "supplied by co-operatives or manpower agencies."

Contractual employment often means that jobs are temporary, with workers not having long-term security and benefits such as health insurance and paid leave, he noted.

"This can leave workers vulnerable, especially in times of economic downturn or personal emergency."

Mr. Matula, meanwhile, said the Philippines has yet to see significant efforts from the government to boost green jobs — which was promised by Mr. Marcos before and after assuming the presidency in June 2022. — **Kyle Aristophere T. Atienza**

OPINION

## Workers' rights vs management prerogative

**S**ome human resource (HR) groups on Facebook often give incorrect advice to their members. Many of them are lazy enough to fall back on the so-called management prerogative without realizing the many exceptions where prerogative does not apply. Can you give me a better understanding of these issues? — **Lone Wolf**.

Your question reminds me of a 30-something gentleman who professes to be a life coach. I asked him: "What good advice can you give when you've not reached retirement age?" He ignored me. Indeed, good advice depends much on age. With it, you can easily determine what is wise from experience. Of course, it doesn't mean that all old people's opinions can be relied on.

To answer your question, the term "management prerogative" is a much-abused excuse given by incompetent people managers. They use it to manage their businesses with a minimum of worker "interference." Obviously, this is wrong because management prerogative is not an absolute right.

Tempering prerogative is labor rights, which are mostly rooted in human rights. If management refuses or ignores appeals to labor rights, labor and management are headed for conflict, resulting in ruffled feelings, deteriorating productivity, disobedience, falling revenue and many more.

COMPARISON

There are four basic management functions — planning, leading, organizing and controlling or PLOC. It is a systematic approach which means people managers must get things done through their direct reports. This can only happen if they get the full cooperation of the workers without unnecessarily harming work relations.

Performing the PLOC does not mean barking orders as it is in the police and military. Command-and-control management style has become obsolete many decades back. There's no need for managers to shout at their workers to get things done because there are better ways of doing it. Let me count the ways:

**One, management right to choose and hire workers.** As soon as the workers come on board, they are secure in their jobs unless these workers prove that they're unfit.

Management must give all the opportunities for workers to prove their worth, not necessarily limited to probationary employment or performance improvement plans.

**Two, management right to manage the business.** This is best supported by the workers' right to participate in problem-solving and decision-making. Also known as "industrial democracy" or

co-ownership in management lingo, it is the best way to seek high labor productivity.

**Three, management right to transfer workers.** This includes promotion or demotion. This can be tempered by worker refusal to accept the transfer to another job or location if it means defeating the establishment or propagation of a union. And much more, if the transfer means endangering life and limb of the concerned worker.

**Four, management right to set policies and procedures.** Office regulations are best issued and managed with the workers' active support. They can challenge their logic if they adversely affect their best interests. One example is when an employer reduces a worker benefit that has been enjoyed for several years.

**Five, management right to set working hours.** They must be reasonable and widely practiced in other organizations.

There should be no surprise implementation of work schedules that would upset normal human behavior. If this happens, management must be willing to pay a premium, like night differentials or hazard pay to willing workers.

**Six, management right to discipline workers.** This can be tempered by the workers' right to be given due process and many opportunities to clear their name, especially if it can potentially result in dismissal. This includes the right to know the specific offense committed and to have at least five days to explain themselves.

**Last, management right to earn a fair return on investment.** This is one of the most controversial issues in labor-management relations. This means the workers' right to receive their just share (profit sharing) in the fruits of production or whatever cost savings (gainsharing) that are discovered through the workers' effort.

NO ABSOLUTE RIGHT

The above listing is not comprehensive, but it includes some of the most contentious issues in an organization, especially profit sharing or gainsharing. This happens all the time because current laws do not specify the exact amount to be shared with workers. This is complicated by the fact that employees do not share in the company's losses.

On the other hand, workers complain that they can't do so much when employers resort to "creative accounting" to reflect losses, when in truth it has enough profit to spare. This is the main reason why the law requires management to disclose its audited financial statements.

Bring REY ELBO's "Kaizen Blitz Problem-Solving Workshop" as an exclusive event for your organization. For details, chat with him on Facebook, LinkedIn, X (Twitter) or e-mail [elbonomics@gmail.com](mailto:elbonomics@gmail.com) or via <https://reyelbo.com>



<sup>16</sup> A Resolution Adopting the Guidelines Governing Electronic Applications, Filings and Virtual Hearings Before the Energy Regulatory Commission.  
<sup>17</sup> A Resolution Adopting the Revised Rules of Practice and Procedure of the Energy Regulatory Commission.