

**\*\*Title:\*\*** GMCR, INC., et al. vs. BELL TELECOMMUNICATION PHILIPPINES, INC., et al.:  
The Collegiality of the National Telecommunications Commission

**\*\*Facts:\*\*** On October 19, 1993, Bell Telecommunication Philippines, Inc. (BellTel) sought a Certificate of Public Convenience and Necessity from the National Telecommunications Commission (NTC) to operate nationwide integrated telecommunications services (NTC Case No. 93-481). Without a legislative franchise at the time, BellTel was not considered in service area assignments for local exchange carrier service, unlike the petitioners GMCR, Inc., Smart Communications, Inc., Isla Communications Co., Inc., and International Communications Corporation. On March 25, 1994, BellTel was granted a congressional franchise under Republic Act No. 7692, prompting a second application with the NTC on July 12, 1994 (NTC Case No. 94-229), which proposed installing 2,600,000 telephone lines nationwide. This application led to opposition from various telecommunication entities. By December 20, 1994, BellTel completed its evidence presentation, and on February 6, 1995, the CCAD recommended approval based on technical feasibility and financial capability, signed by Deputy Commissioners Dumlao and Perez, but not by Commissioner Kintanar.

Frustrated by delays and seeking action, BellTel filed motions in May 1995 urging resolution and issuance of a provisional authority, which were met with opposition and deferral by the NTC. On July 4, 1995, Commissioner Kintanar denied BellTel's motion in an order he signed alone, asserting the NTC's authority contrary to BellTel's claim of being a collegial body. BellTel then filed a Petition for Certiorari, Mandamus, and Prohibition with the Supreme Court, which was referred to the Court of Appeals.

**\*\*Issues:\*\***

1. Whether the NTC operates as a collegial body requiring majority concurrence for valid decision-making.
2. The validity of NTC Memorandum Circulars 1-1-93 and 3-1-93 alleging the Chairman's exclusive decision-making power.
3. Whether indispensable parties were excluded in the Court of Appeals decision.
4. The proper action on BellTel's application for a provisional authority.

**\*\*Court's Decision:\*\*** The Supreme Court declared that the NTC is indeed a collegial body requiring a majority vote, making Commissioner Kintanar's actions and related NTC Memorandum Circulars (1-1-93 and 3-1-93) void for being contrary to Executive Order No. 546. It confirmed that the collegial nature of the NTC mandates decisions by majority vote of its three members. The Court also dismissed the petitioners' arguments regarding the

non-joinder of indispensable parties and misinterpretation of the appellate court's mandate.

**\*\*Doctrine:\*\*** The Supreme Court reiterates the doctrine that administrative agencies created as collegial bodies must act through a majority vote for the valid exercise of quasi-judicial functions. It declared NTC Memorandum Circulars 1-1-93 and 3-1-93 null and void for contravening the collegial nature of the NTC as mandated by its charter under Executive Order No. 546.

**\*\*Class Notes:\*\***

- The National Telecommunications Commission operates as a collegial body.
- Administrative regulations that conflict with statutory mandates are null and void.
- The necessity of majority vote in collegial bodies for the valid exercise of quasi-judicial functions.

**\*\*Historical Background:\*\*** This case is situated in the broader context of the evolution of the telecommunications regulatory framework in the Philippines, from the Public Service Commission to the NTC under Executive Order No. 546 amid increasing demands for advanced telecommunications services and regulatory challenges.