

AN ACT TO AMEND ACT NUMBERED TWENTY-THREE HUNDRED AND SEVEN, AS AMENDED BY ACT NUMBERED TWENTY-THREE HUNDRED AND SIXTY-TWO, ABOLISHING THE BOARD OF PUBLIC UTILITY COMMISSIONERS ...

Act No. 2694, March 09, 1917

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.—Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section one of Act Numbered Twenty-three hundred and seven, as amended, is hereby further amended to read as follows:

"SECTION 1. The Board of Public Utility Commissioners is hereby abolished and in lieu thereof the office of a Public Utility Commissioner is created, who shall be vested with the same powers and duties as the former Board of Public Utility Commissioners and with those hereinafter specified. Said Commissioner shall be a citizen of the United States or of the Philippine Islands, a resident of the Philippine Islands, and not less than thirty years of age, and shall be appointed by the Governor-General, by and with the advice and consent of the Philippine Senate."

SEC. 2. Section two of Act Numbered Twenty-three hundred and seven, as amended, is hereby further amended to read as follows:

"SEC. 2. The Public Utility Commissioner as well as his successor shall hold office for a term of six years. All vacancies in the office except through expiration of term, shall be filled for the unexpired term only. In case of the absence, illness or incapacity of the Commissioner, or for any other cause, the Secretary of Justice shall, subject to approval by the Governor-General, designate the officer who shall temporarily perform his functions. The Public Utility Commissioner may be removed from office in the manner and for the reasons prescribed in section one hundred and ninety-five, Article IX, Chapter X, Title IV, Book I of the Administrative Code."

SEC. 3. Section three of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"SEC. 3. The Public Utility Commissioner shall receive an annual compensation of eight thousand pesos, to be paid in equal monthly payments by the Insular Treasurer."

SEC. 4. Section four of Act Numbered Twenty-three hundred and seven, as amended, is hereby further amended to read as follows:

"SEC. 4. The Public Utility Commissioner and the secretary and other employees of the Commission shall be granted privileges similar to those granted by the Revised Civil Service Act to officers and employees of the classified civil service of the Philippine Government. They shall also be entitled to receive from the Government of the Philippine Islands their necessary traveling expenses while traveling on the business of the Commission, which shall be paid on proper voucher therefor, approved by the Secretary of Justice, out of funds appropriated for the contingent expenses thereof."

SEC. 5. Section five of Act Numbered Twenty-three hundred and seven, as amended, is hereby further amended to read as follows :

"SEC. 5. Upon authorization by the Secretary of Justice, the Public Utility Commissioner may appoint a secretary and such other employees as may be necessary and authorized by law, and fix their duties and compensation."

SEC. 6. Section six of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"SEC. 6. Wherever the word 'board' appears in any un-amended portion of Act Numbered Twenty-three hundred and seven, as amended, it shall be held to mean the 'Public Utility Commissioner' or 'Public Utility Commission,' as hereby constituted, and in all Acts or parts of Acts prescribing duties to be performed by the 'Board of Public Utility Commissioners,' said words shall be amended to read 'Public Utility Commission.' "

SEC. 7. Section seven of Act Numbered Twenty-three hundred and seven is hereby repealed.

SEC. 8. Section twelve of Act Numbered Twenty-three hundred and seven, as amended, is hereby repealed.

SEC. 9. Section fourteen of Act Numbered Twenty-three hundred and seven, as amended, is hereby further amended to read as follows:

"SEC. 14. The Public Utility Commission or Commissioner shall have general supervision and regulation of, jurisdiction and control over, all public utilities, and also over their property, property rights, equipment, facilities and franchises so far as may be necessary for the purpose of carrying out the provisions of this Act. The term 'public utility' is hereby defined to include every individual, co-partnership, association, corporation or joint stock company, whether domestic or foreign, their lessees, trustees or receivers appointed by any court whatsoever, or any municipality, province or other department of the Government of the Philippine Islands, that now or hereafter may own, operate, manage or control within the Philippine Islands any common carrier, railroad, street railway, traction railway, steamboat or steamship line, small water craft, such as bancas, virais, lorehas, and others, engaged in the transportation of passengers and cargo, line of freight and passenger automobiles, shipyard, marine railway, marine repair shop, ferry, freight or any other car service, public warehouse, public wharf or dock not under the jurisdiction of the Insular Collector of Customs, ice, refrigeration, cold storage, canal, irrigation, express, subway, telephone, wire or wireless telegraph system, plant or equipment, for public use: Provided, That the Commission or Commissioner shall have no jurisdiction over ice plants, cold storage plants, or any other kind of public utilities operated by the Federal Government exclusively for its own and not for public use: And provided, further, That the Public Utility Commissioner shall not exercise any control or supervision over the Manila Railroad so long as the same shall be controlled by the Government of the Philippine Islands, except with regard to its rates."

SEC. 10. Subsection (d) of section fifteen of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

" (d) To require every public utility as herein defined to file with it complete schedules of every classification employed and of every individual or joint rate, toll, fare, or charge made, charged or exacted by it for any product supplied or service rendered within the Philippine Islands, and, in the case of public carriers, to file with it a statement showing the itineraries or routes served, as specified in such requirement. In case of new public utilities, such itineraries and schedules shall be filed with the Commission before the. public utility begins operation."

SEC. 11. Subsection (.6) of section sixteen of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

" (b) To furnish safe, adequate, and proper service as regards the manner of furnishing the same as well as the maintenance of the necessary material and equipment: Provided, however, That the inspection and regulation,

for the purposes of sanitation and safety, of the vessels operated within the Philippine Islands shall be under the jurisdiction and authority of the Insular Collector of Customs or his duly authorized agents."

SEC. 12. Subsection (e) of section sixteen of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"(e) To make specific answers with regard to any point on which the Commission requires information, and to furnish annual reports of finances and operations. Such reports shall set forth in detail the capital stock issued, the amounts of said capital stock paid up and the form of payment thereof; the dividends paid, the surplus, if any, and the number of stockholders; the consolidated and pending obligations, and the interest paid thereon; the cost and value of the property of the carrier, concessions or franchises and equipments; the number of employees and salaries paid to each class; the accidents to passengers, employees, and other persons, and the causes thereof; the annual expenditures on improvements, the manner of their investment and nature of such improvements; the receipts and profits in each of the branches of the business and of whatever source; the operating and other expenses; the balance of profits and losses; and a complete statement of the annual financial operations of the carrier, including an annual balance sheet. Such reports shall also contain any information which the Commission may require concerning freight and passenger rates, or agreements, compromises or contracts affecting the same. Said reports shall cover a period of twelve months, ending on December thirty-first of each year, and shall be sworn to by the officer or functionary of the public utility authorized therefor."

SEC. 13. Subsection (h) of section sixteen of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"(h) When any public utility as herein defined proposes to increase or reduce any existing individual rates, joint rates, tolls, charges, or schedules thereof, as well as commutation, mileage, and other special rates, or change or alter any existing classification, it shall send written notice thereof to the Public Utility Commission thirty days prior to the date on which the proposed increase, reduction, change or alteration is to take effect, unless the Commission, by means of an order, consent to a shorter notice, and upon receipt of said notice, the Commission shall be authorized, either upon complaint in writing or by virtue of its office, to see and determine whether said increase, reduction, change or alteration is just and reasonable. The burden of proof to show that the said increase, reduction, change or alteration is just and reasonable shall be upon the public utility making the same. The Commission shall have power pending such hearing and determination to order the suspension of the said increase, reduction, change or alteration until the said Commission shall have approved said increase, reduction, change or alteration, not exceeding three months."

SEC. 14. Section sixteen of Act Numbered Twenty-three hundred and seven is hereby amended by adding, at the end thereof, a new subsection, to read as follows:

"(i) No public utility as herein denned shall operate in the Philippine Islands without having first secured from the Commission a certificate to the effect that the operation of said public utility and the authorization to do business will promote the public interest in a proper and suitable] manner. This provision shall not apply to any business ' at present being operated by the public utilities subject to the provisions of this Act."

SEC. 15. Subsections (g), as amended, and (h) of section seventeen of Act Numbered Twenty-three hundred and seven are hereby amended to read as follows:

"(g) Hereafter, directly or indirectly, without previous authority of the Public Utility Commission, issue, give or tender any free ticket, free pass or free or reduced rate transportation for passengers, except to its officers, agents, employees, attorneys, physicians and surgeons, and members of their families; inmates of hospital or charity institutions, and persons exclusively engaged in charitable work; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents

employed in such transportation; to the necessary caretakers, going and returning, of live-stock, poultry, fruit, and other freight under uniform and non-discriminatory regulation; to employees of sleeping car corporations, express corporations, and telegraph and telephone corporations; railway and marine mail service employees, when traveling in the course of their official duty, post-office inspectors, customs officers and inspectors, and immigration inspectors when engaged in inspection; to witnesses attending any legal investigation in which the carrier is an interested party, persons injured in accidents or wrecks, and physicians and nurses attending such persons; to peace officers, to officers and men of regularly constituted municipal fire departments; but nothing herein contained shall prevent the entry into any public conveyance or in or upon the property of any such public utility as herein defined of any officer or employee of the Government of the Philippine Islands, or any political subdivision thereof, in the pursuit of his public duties. Nothing in this Act shall be construed to prevent the interchange between said public utilities and common carriers of passes or franks for their employees, officers, agents, surgeons, physicians, attorneys-at-law and their families. All public utilities engaged in the business of carrying passengers shall furnish transportation free of charge to the Public Utility Commissioner and the secretary and other employees of the Public Utility Commission when traveling on official business: Provided, however, That carriers by water, in furnishing such free passage, shall not be obliged to furnish subsistence free of charge, unless the object of the travel be such that the carrier is directly interested.

"(h) Without the approval of the Public Utility Commission first had, to sell, alienate, mortgage, encumber or lease its property, franchises, privileges or rights, or any part thereof; nor merge or consolidate its property, franchises, privileges or rights, or any part thereof, with that of any other public utility as herein denned. The approval herein required shall be given, after notice to the public and after hearing the persons interested at a public hearing, if it be shown that there are just and reasonable grounds for making the sale, alienation, mortgage or encumbrance for liabilities of more than one year maturity, lease, merger, or consolidation to be approved, and that the same are not detrimental to the public interest, and in case of a sale, the date on which the same is to be consummated shall be fixed in the order of approval: Provided, however, That the sale, alienation, mortgage or encumbrance and lease of the property of public utilities which, on account of the nature and conditions of their business, are, in the judgment of the Commission, of little importance to the public interest, shall be exempt from the requisite of the approval of the Commission; but the public utilities shall in every case give notice of these transactions to the Commission. Any sale, alienation, mortgage or encumbrance, lease, fusion or consolidation made without the approval herein required shall be null and void: Provided, further, That nothing herein contained shall be construed to prevent the sale, alienation or lease by any public utility as herein defined of any of its property in the ordinary course of its business."

SEC. 16. Section nineteen of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"SEC. 19. No railroad company shall, without first obtaining the approval of the Commission, abandon any railroad station or stop the sale of passenger tickets, or cease to maintain an agent to receive and discharge freight at any station now or hereafter established in the Philippine Islands, at which passenger tickets are now or may hereafter be regularly sold, or at which such agent is now or may hereafter be maintained, nor shall any public carrier by land or water within the Philippine Islands or any public utility, without the approval of the Commission first had, make any permanent change in its time tables and sailing schedules or in its service, or fail to continue to call at any of its regular points or ports of call."

SEC. 17. Section twenty-three of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"SEC; 23. No privilege or franchise hereafter granted to any public utility as herein defined, by any political subdivision of the Philippine Islands, shall be valid until approved by said Commission, such approval to be given when, after hearing, said Commission determines that such privilege or franchise is necessary and proper for the public convenience and properly conserves the public interests, and the Commission shall have power

in so approving to impose such conditions as to construction, equipment, maintenance, service, or operation as the public convenience and interests may reasonably require. Any person endeavoring to obtain from the Philippine Legislature a privilege or franchise of the nature of a public utility shall first secure from the Commission a certificate concerning the public necessity and convenience of such franchise, which certificate shall be submitted to the Legislature together with the petition."

SEC. 18. Section twenty-four of Act Numbered Twenty-three hundred and seven is hereby repealed.

SEC. 19. Section thirty of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"SEC. 30. Upon the petition of the person or corporation interested, the Commissioner shall in any case decided by him order a rehearing, which shall be held before a Board composed of the Attorney-General or any person of his office whom he may designate, the Director of Public Works, and the Commissioner. The latter shall act as presiding officer of said Board, which may extend, revoke or modify any order made by the Commissioner. Such petition shall be filed within fifteen days after the day on which the order of the Public Utility Commissioner becomes effective."

SEC. 20. Section thirty-seven of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"SEC. 37. Every order made by the Board created in section thirty of this Act may be reviewed on the application of any person or public utility affected thereby, by certiorari in appropriate cases, or by petition, to the Supreme Court, within thirty days from the date upon which such order becomes effective, as herein provided; said petition shall be filed with the Clerk of the Supreme Court and a copy thereof served upon the parties interested and the secretary of the Board either personally or by leaving same at the office of said Board in the city of Manila. The Supreme Court is hereby given jurisdiction to review said order of the Board, and to set aside such order when it clearly appears that there was no evidence before the Board to support reasonably such order, or that the same was without the jurisdiction of the Board. The evidence presented to the Board, together with the finding of the Board and any order issued thereon, shall be certified by the Board to the Supreme Court. The procedure for review, except as herein provided, shall be prescribed by rules of the Supreme Court."

SEC. 21. All action taken prior to the date of the approval of this Act by the President of the Board of Public Utility Commissioners without the concurrence of the other members thereof in cases in which such concurrence would have been necessary under the law then existing, is hereby approved, ratified, and confirmed.

SEC. 22. All Acts or parts of Acts, whether general or special, inconsistent with this Act, are hereby repealed.

Approved, March 9, 1917.

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