

AN ACT TO AMEND CERTAIN PROVISIONS OF ACT NUMBERED THIRTY-ONE HUNDRED AND EIGHT, AS AMENDED, ENTITLED “AN ACT CREATING A PUBLIC UTILITY COMMISSION AND PRESCRIBING ITS DUTIES AND...

Act No. 3418, December 07, 1927

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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 thirteen of Act Numbered Thirty-one hundred and eight, as amended by section six of Act Numbered Thirty-three hundred and sixteen, is hereby further amended to read as follows:

"SEC. 13. The Commission shall have general supervision and regulation of, jurisdiction and control over, all public services, and also over their property, property rights, equipment, facilities, and franchises so far as may be necessary for the purposes of carrying out the provisions of this Act. The term 'public service' is hereby denned 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, for hire or compensation, any common carrier, railroad, street railway, traction railway, subway, freight, and for passenger motor vehicles, with or without fixed route, freight or any other car service, express service, steamboat or steamship line, ferries, small water craft, such as lighters, pontines, lorchas, and others, engaged in the transportation of passengers or cargo, shipyard, marine railway, marine repair shop, public warehouse, public wharf or dock not under the jurisdiction of the Insular Collector of Customs, ice, refrigeration, canal, irrigation, pipe line, gas, electric light, heat, power, water, oil, sewer, telephone, wire or wireless telegraph system, plant or equipment: Provided, That as if regards such common carriers, by land or by water, whose equipment is used principally or secondarily in furtherance of their private business, the net earnings of the latter business shall be considered in connection with their common carrier business for the purposes of rate fixing: Provided, further, That the Commission shall have no jurisdiction over ice plants, cold storage plants, or any of the other services above mentioned, operated by the Federal Government exclusively for its own use and not to serve private persons for pay or compensation, nor over animal-drawn carts or ferries below two tons engaged principally in carrying freight: And provided, lastly, That -> the Commission shall not exercise any control or supervision over vessels operated within the Philippine Islands, except with regards to the fixing of maximum passenger and freight rates."

SEC. 2. Section fifteen, paragraph (i), of Act Numbered Thirty-one hundred and eight is hereby amended to read as follows:

"(i) With the exception of public services for the operation of vessels within the Philippine Islands, no public service as herein defined shall operate in the Philippine Islands without having first secured from the Commission a certificate, which shall be known as Certificate of Public Convenience, to the effect that the operation of said public service and the authorization to do business will promote the public interests in a proper and suitable manner. Every public service existing on the date of the approval of this Act shall pay the

fees herein prescribed for the issuance of the proper certificate of public convenience or public necessity and convenience, as the case may be, in the same manner as said fees shall be payable by any new-public service subject to the provisions of this Act, within sixty days from the date of the approval of this Act: Provided, however, That in the case of a public service for the operation of whose business it is necessary to obtain a franchise from either a municipal government, or a provincial government, under the provisions of Act Numbered Six hundred and sixty-seven, as amended by Act Numbered Ten hundred and twenty-two, or from the Philippine Legislature, such public service shall secure a certificate to be known as Certificate of Public Necessity and Convenience, as required by section twenty-two of this Act. The duty to secure such certificates of public convenience or certificates of public necessity and convenience by public services or to pay the fees herein prescribed by public services already existing is of a mandatory character and noncompliance herewith may, in the judgment of the Public Service Commission, be sufficient ground for the revocation and cancellation of any vested right and for the imposition of the penalty provided for in this Act."

SEC. 3. Section twenty-seven of Act Numbered Thirty-one hundred and eight is hereby amended to read as follows:

"SEC. 27. For services rendered or documents issued the Commission is hereby authorized and ordered to collect from any public service the following fixed fees:

"(a) For filing:

'(1) Of original applications, not including motions or other writings of a temporary or incidental nature, filed in accordance with subsections (h) and (i) of section fifteen, subsections (e), (f), and (h) of section sixteen, and section twenty-two of this Act, twenty-five pesos;

"(2) Of original applications other than those mentioned in subdivision (1), not including motions or other writings of a temporary or incidental nature, fifteen pesos; Provided, however, That no fee shall be collected upon complaint made and filed against public services operating in these Islands, neither upon applications filed by public services to reduce their rates.

"(b) For each certificate of public convenience covering the operation of a motor vehicle:

"(1) For each three-ton auto-truck, twenty pesos;

"(2) For each two-ton auto-truck, fifteen pesos;

"(3) For each one-ton auto-truck, ten pesos;

"(4) For each automobile or auto-truck of less than one-ton, five pesos.

"(c) For each certificate of public convenience, or certificate of public necessity and convenience covering the operation of railroad, street railway, traction railway, marine railway, shipyard, marine repair shop, public warehouse, wharf, ice plant, cold storage, pipe line, gas, electric light, heat, power, water, oil, sewer, wire or wireless telephone or telegraph system, equipment or installation, one-fourth of one peso for every thousand pesos of its capital stock subscribed and paid on the date of the issuance of the certificate.

"(d) For each permit issued authorizing the increase of capital stock of public services mentioned in subdivision

(c), one peso for every thousand pesos of the increase of capital stock subscribed and paid on the date of the issuance of the permit.

"(e) For the issuance of any other certificate not specifically provided for in the preceding paragraphs, ten pesos.

"(f) For certified copies of all official documents and orders filed or deposited in the office of the Commission

for each folio, five centavos.

"All fees collected under this section shall be paid into the Insular Treasury.

"Copies of all official documents and orders filed or deposited in the office of the Commission, certified by either of the Commissioners, or by the Secretary to be true copy of the original, under the seal of the Commission, shall be evidence in like manner as the originals in all courts of the Philippine Islands."

SEC. 4. This Act shall take effect on its approval.

Approved, December 7, 1927.

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