

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

Act No. 3844, November 09, 1931

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

"SECTION 1. There is hereby created a Commission which shall be designated and known as the Public Service Commission, and which shall be vested with the powers and duties hereinafter specified. Whenever the word 'Commission' is used in any section of this Act, it shall be held to mean the Public Service Commission. The Public Service Commission shall consist of one Public Service Commissioner, one Senior Associate Public Service Commissioner, and one Junior Associate Public Service Commissioner, who shall be a citizen of the United States or of the Philippine Islands, a resident of the Philippine Islands, member of the Bar of the Philippine Islands and not under thirty years of age, and who shall be appointed by the Governor-General, by and with the advice and consent of the Philippine Senate, and shall have the rank and all prerogatives and privileges and privileges of judges of First Instance and shall belong to the Judiciary of the Philippine Islands."

SEC. 2. Section two of Act Numbered Thirty-one hundred and eight, as amended by Act Numbered Thirty-three hundred and sixteen, is hereby further amended to read as follows:

"SEC. 2. The Commissioners shall hold office until removed as hereinafter provided. All contested matters that may be presented before the Commission shall be heard and decided upon by the Commission in full or at least by two Commissioners, and before any Commissioner is assigned to write the decision or any resolution which affects in some way the right of the parties concerned, the matter shall be voted upon by the members of the Commission who have taken part in the direction of the case: Provided, however, That any one of the Commissioners may, through authority of the Commission, make all the inquiries which the Commission is empowered to undertake.

"The Commissioners may be removed from office for the following reasons: for physical incapacity, misconduct, incompetency, neglect and irregularity in the performance of their duties, or any act constituting a misdemeanor, in accordance with the procedure prescribed by section one hundred and seventy-three of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code.

"Whenever there shall occur a vacancy or vacancies in the Commission or in case of absence, illness, or incapacity for any cause of any of the Commissioners, or when the needs of the service so require, the Secretary of Justice may designate one or more judges of First Instance temporarily to fill this vacancy or vacancies, or to perform the functions of the absent Commissioner or Commissioners, or to form and act as a separate division of the Commission: Provided, That in case of the absence for any cause, illness or incapacity of the Commissioner, the Associate Commissioner next in rank shall act in his place. Whenever a temporary

division as provided in this Act is constituted, the members thereof shall not be less than two or more than three, and the Secretary of Justice shall designate one of them to be chairman. The temporary division shall hold hearings at such place or places as the Secretary of Justice by written order shall specify. The temporary division and any judge of First Instance designated to act as Commissioner as provided in this Act shall respectively possess the same powers, prerogatives, privileges and duties as the regular Commission and the regularly appointed Commissioners."

SEC. 3. Section three of Act Numbered Thirty-one hundred and eight as amended by Act Numbered Thirty-three hundred and sixteen is hereby further amended to read as follows:

"SEC. 3. The Public Service Commissioner shall receive an annual compensation of ten thousand five hundred pesos, the Senior Associate Public Service Commissioner shall receive an annual compensation of nine thousand five hundred pesos, the Junior Associate Public Service Commissioner shall receive an annual compensation of eight thousand five hundred pesos, and the Secretary of the Commission shall receive an annual compensation of not to exceed five thousand pesos."

SEC. 4. Section four of Act Numbered Thirty-one hundred and eight is hereby amended to read as follows:

"SEC. 4. The Public Service Commissioner and the Associate Public Service Commissioners and all other officials and employees of the Public Service Commission shall enjoy the same privileges and rights as the other 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 of the Commission."

SEC. 5. Section five of Act Numbered Thirty-one hundred and eight as amended by Act Numbered Thirty-one hundred and fifty-three is hereby further amended to read as follows:

"SEC. 5. Upon recommendation of the Commission, the Secretary of Justice shall appoint a Secretary of the Commission, an auditor, an electrical engineer, an assistant electrical engineer, a naval engineer, an attorney, four inspectors, and such other officers and employees as may from time to time be available under current appropriations and as the conditions of the service shall require."

SEC. 6. Section six of Act Numbered Thirty-one hundred and eight as amended by Act Numbered Thirty-one hundred and fifty-three is hereby further amended to read as follows:

"SEC. 6. The Secretary of the Commission shall, under the direction of the Commission, attend to all administrative business of the Commission, and shall perform such other duties as may be required of him. He shall be its executive officer, and shall have general charge of its general office. He shall be the official reporter of the proceedings of the Commission, and shall have authority to administer oaths in all matters coming under the jurisdiction of the Commission. He shall be the custodian of the records of the Commission, and file and preserve all books, maps, profiles, tariffs, schedules, reports, and documents and papers whatsoever filed with it or entrusted to its care, and shall be responsible to the Commission for the same. He shall have power to designate from time to time deputies to perform the duties of secretary before any Commissioner or before any division of the Commission."

SEC. 7. Section ten of Act Numbered Thirty-one hundred and eight as amended by Act Numbered Thirty-three hundred and sixty-seven is hereby further amended to read as follows:

"SEC. 10. The Commission shall have its office in the City of Manila, but it or the temporary division that may be created under this Act or any of the Commissioners, may hold hearing or any proceedings at such time and other places within the Philippine Islands as the Secretary of Justice may designate by order in writing: Provided, That during the months of April and May of each year, only one of the Commissioners shall be on

duty and the other two shall be on vacation, in such a manner that each Commissioner shall be on duty during the vacation months once every three years: Provided, further, That nothing herein provided shall prevent the Secretary of Justice from designating any of the Commissioners to render service and to remain on duty during any vacation month, when the interest of the public service requires it: Provided, finally, That notwithstanding the foregoing provisions, the Commissioners shall be entitled to accrued leave privileges in the manner prescribed for judges of First Instance."

SEC. 8. This Act shall take effect upon its approval.

Approved, November 9, 1931.

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