

## REVISED RULES OF PRACTICE AND PROCEDURE BEFORE THE NATIONAL TELECOMMUNICATIONS COMMISSION

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Pursuant to the provisions of Executive order No. 546 dated July 23, 1979, the following revised Rules of Practice and Procedure before the National Telecommunications Commission are hereby adopted and promulgated.

### PART I

#### General Provisions

#### RULE 1

##### Title and Construction

SECTION 1. Title — These rules shall be known and cited as the Revised Rules of Practice and Procedure before the National Telecommunications Commission.

SECTION 2. Scope — These rules govern pleadings, practice, and procedure before the National Telecommunications Commission in all matters of hearing, investigation, and proceedings within the jurisdiction of the Commission. However, in the broader interest of justice and in order to best serve the public interest, the Commission may, in any particular matter, except it from these rules and apply such suitable procedure to improve the service in the transaction of the public business, as well as in the disposition of cases filed before it.

SECTION 3. Nature and Construction — These rules are summary in nature. They shall be liberally construed to protect and promote public interest and to assist the parties in obtaining, just, speedy, and inexpensive determination of every action or proceeding.

SECTION 4. Definitions — For purposes of these rules, the terms:

- a. Revised Rules shall mean the amended Revised Rules of Practice and Procedure before the National Telecommunications Commission.
- b. Commission shall refer to the National Telecommunications Commission.
- c. Act shall refer to Executive Order No. 546 dated July 23, 1979.

SECTION 5. Suppletory application of the Rules of Court and Jurisprudence — In the absence of any applicable provision in these Revised Rules, and in order to effectuate the objectives of Sections 14 to 16 of Executive Order No. 546 the pertinent provisions of the Revised Rules of Court of the Philippines and prevailing jurisprudence may, in the interest of expeditious disposition of cases pending before it and, whenever practicable and convenient, be applied by analogy or in a suppletory character and effect.

#### RULE 2

##### Parties

SECTION 1. Applicant and Oppositor — Any person applying to the Commission for a Certificate of Public Convenience and/or Necessity for the operation of public communication utilities and services or for any form of authorization within the regulatory powers of the Commission shall be called the Applicant.

Any person having a substantial interest capable of pecuniary estimation in the application or the subject matter thereof adverse to the applicant and who opposes the application shall be called the Oppositor.

SECTION 2. Complainant and Respondent — Any aggrieved person/s who files a complaint with the Commission shall be called complainant/s and the public service operator complained of shall be called respondent.

SECTION 3. Petitioner and Respondent — In petitions seeking preventive remedies for violation of certificate of public convenience and/or necessity or any form of authorization or relief from orders, rulings, regulations, standards, specifications or any act of the Commission, the one filing the petition shall be called the petitioner and the holder of the certificate of public convenience and/or necessity or authorization sought to be punished or the grantee of the order, authorization, ruling, regulations, standard, specification, or any act of the Commission from which relief is being sought shall be called the respondent.

SECTION 4. Appearance by Solicitor General — Whenever the Solicitor General appears in behalf of the public in applications for approval of rates, in this Commission, his appearance shall be considered as representative of all individuals, consumers, or users who have filed their written opposition to such applications and who are not represented by counsel.

SECTION 5. Appearance by Consumers or Users — If individual users or entities opposing the application for approval of rates are represented by several attorneys, they shall choose not more than two among themselves who shall be allowed by the Commission to conduct the proceedings in behalf of all the oppositors.

### RULE 3

#### Pleadings

SECTION 1. Form — All pleadings shall be in any of the official languages typewritten or printed double space on legal size white bond paper, and shall be filed in quintuplicate with the Secretariat of the Commission. Every pleading shall have a caption, title, signature, and address and shall contain in logical form, a plain, concise, and direct statement of the ultimate facts in which the party relies.

SECTION 2. Verification and Supporting Documents — All pleadings shall be verified and shall be accompanied by affidavits of merit and such other documents as would substantially establish the truth of the factual allegations contained therein.

SECTION 3. Application — By means of an application, the applicant seeks authorization or permission to undertake any matter within the regulatory power of the Commission under the Act and the issuance of certificate/s of public convenience and/or issuance of certificate/s of public convenience and/or necessity in appropriate cases. It shall state clearly and concisely the ultimate facts which the claimant claims are sufficient basis for granting the authorization or permission sought. It may add a general prayer for such further relief as may be deemed just and equitable.

SECTION 4. Complaint — The complaint is a concise statement of the ultimate facts of the matter complained of within the regulatory power of the Commission, and shall specify the relief sought.

SECTION 5. Petition — A petition may be filed by one who may be party to any hearing or proceedings, or is subject to the jurisdiction of the Commission concerning a controversy over any matter within the jurisdiction of the Commission.

SECTION 6. Answer — The respondent to whom an order is issued by the Commission to show cause or otherwise summoned to answer, shall file an answer in compliance therewith ten (10) days from receipt of the order. The answer shall admit or deny the material allegations of facts stated in the show cause order or in the

complaint or petition. The respondent shall state the matters of fact and the law relied upon and shall attach to his answer such documents and affidavits in proof of his allegations.

The respondent may, in his answer, pray for the grant of an affirmative relief.

SECTION 7. Amendment — Pleadings may be amended as a matter of right before the case is set for hearing, and thereafter, they may be amended only with leave of the Commission.

If a responsive pleading has been filed by any oppositor or respondent, a copy of the amended pleading should be served to the oppositor or respondent. The latter may amend his opposition or answer within five (5) days from receipt of the amended application, complaint, or petition and thereafter only with leave of the Commission.

SECTION 8. Amendments to Conform to the Evidence — Whenever at a hearing, issues not raised by the pleadings are introduced by the express or implied consent of the parties, they shall be treated in all respects as if they have been raised in the pleadings. If evidence upon new issues is objected to on the grounds that it is not within the issues raised in the pleadings, the Commission may allow the pleadings to be amended and such evidence received when it appears that the presentation of the merits of the proceeding will be served thereby without prejudicing the public interest or the rights of the parties. The Commission may grant a continuance to enable the objecting party to meet such evidence.

SECTION 9. Directed Amendments — The Commission, may at any time, on its own motion or upon motion of any party, direct a party to amend his pleading in order to state his case more fully or in a more detailed manner. Such amendment shall be reduced to writing and filed within such time as may be fixed, and shall comply with the requirements of the rule pertaining to the pleading amended insofar as appropriate.

SECTION 10. Withdrawal of Pleadings — At any time, before a responsive pleading is filed, a party may withdraw his pleading by filing notice thereof with the Secretariat of the Commission. Likewise, any oppositor may withdraw his opposition at any time subject however to the approval of the Commission.

## RULE 4

### Motions

SECTION 1. Scope and Contents — Every application for any procedural or interlocutory ruling or relief sought may be made by a motion. The motion shall set forth the ruling or relief and state the grounds therefor, and may be accompanied by supporting affidavits and documents. The requirements of Rule 3 shall apply to all written motions. However, every ancillary motion for provisional authorization or proposed services or rates shall be governed by Section 3 of Rule 15.

SECTION 2. Form — Unless made in the course of hearing, all motions shall be in writing and copies thereof shall be served upon all parties at least three (3) working days before the hearing thereof. Motions during hearings may be stated orally upon the record, unless the Commission requires that such motion be reduced to writing and filed separately.

SECTION 3. Notice — Written motions shall contain a notice setting the hearing thereof at a specified date and time. However, for good cause shown, the Commission may hear a motion on shorter notice.

SECTION 4. Proof of Service — The Commission shall not act upon any motion without proof of service of notice thereof on all parties, except when the Commission is satisfied that the rights of the adverse party or parties are not affected. When the service of notice is made by mail, the addressee is deemed to have received the notice within ten (10) days from the date of mailing if the addressee resides in Luzon, fifteen (15) days if the addressee resides in Visayas and Mindanao. Submission of registry receipts together with the affidavit of mailing is

sufficient compliance with the proof of service required herein.

SECTION 5. Ex-parte Motions — Except for motions for provisional authorization of proposed services and increase of rates, ex-parte motions shall be acted upon by the Commission only upon showing of urgent necessity therefor and the right of the opposing party is not substantially impaired.

SECTION 6. Evidence on Motion — Allegation of facts in a motion or in a opposition thereto not appearing of record may be proved by affidavits or sworn documents, but the Commission may require that the matter be heard wholly or partly on oral testimony.

## RULE 5

### Filing, Service of Pleading and Publication

SECTION 1. Filing — All pleadings, motions, documents, and other papers required or allowed shall be filed with the Secretariat of the Commission.

SECTION 2. Acceptance for Filing — Only pleadings, motions, documents, and other papers which conform to the formal requirements of these Rules shall be accepted for filing. Acceptance for filing shall not waive any failure to comply with the Rules and such failures may be cause for striking all or part of such paper filed.

SECTION 3. Service Upon Parties — All pleadings, documents, and other papers tendered to the Secretariat of the Commission for filing shall show proof of service thereof upon all parties to the proceeding. Such service shall be made by personal delivery or by registered mail, properly addressed, with postage prepaid, of one (1) confirmed copy to each party, together with all annexes attached thereto.

SECTION 4. Service Upon Parties Represented by Attorneys — When any party has appeared by attorney, service upon him shall be made upon his attorney or any of his attorneys of record.

SECTION 5. Service of Orders — All decisions, orders, and resolutions of the Commission shall be served upon all parties who have entered their appearance, either by personal delivery or by mailing copies thereof to their counsel, if any; otherwise, upon the parties.

SECTION 6. Extension of Time — Whenever by any order of the Commission, a pleading, motion or document is required to be filed within a fixed time or period, the Commission may, for good cause shown, extend the period upon motion made before the expiration of the period fixed. The Commission may, upon such terms as may be just, allow or admit any pleading to be filed after the time fixed by these Rules.

## PART II

### Procedure in Application

## RULE 7

### Application

SECTION 1. How Commenced — Any proceeding the object of which is to obtain a certificate of public convenience or any form of authorization shall be commenced by the filing of the corresponding application and the payment of the required fee.

SECTION 2. Content — The application shall contain a concise statement of the service proposed or authorization applied for, and the ultimate facts that would qualify or entitle the applicant to the grant of the certificate, privilege, or authorization applied for.

When the application is predicated on a franchise, sale, lease, mortgage, or any other contract, such franchise or contract shall be impleaded in the application by alleging in substance its salient provisions and appending to the

application a copy of the franchise and contract.

#### RULE 8

##### Notice of Hearing

SECTION 1. Duty of the Secretariat of the Commission — After the filing of the application and the payment of the required fees, the Secretariat of the Commission shall promptly cause the same to be docketed, issue the notice of hearing, and forward it to the proper department/division of the Commission.

SECTION 2. Publication and Service — The applicant shall cause the notice of hearing to be published once in one (1) newspaper of general circulation at least fifteen (15) days before the date of hearing and to serve copies of the same with copies of the application to the affected parties, as furnished by the Commission.

The submission of compliance with the jurisdictions requirements of publication and notice to affected parties shall be in accordance with Memorandum Circular No. 6-3-91 dated 15 March 1991. In this connection, the initial hearing referred to in said Memorandum shall be the Mandatory preliminary conference/s.

#### RULE 9

##### Opposition

SECTION 1. Contents — Within the time stated in the notice of hearing, a written opposition, not a motion to dismiss, may be filed against an application with a copy served upon the applicant, in which the oppositor shall state concisely his right or interest affected by the application and the ultimate facts constituting all his grounds of opposition.

#### PART III

##### Procedure in Complaints

#### RULE 10

##### Complaints

SECTION 1. How Commenced — Any action, the object of which is to subject a holder of a certificate of public convenience or authorization or any person operating without authority from the Commission to any penalty that may be imposed, or to a disciplinary or other measure that may be taken in the public interest by the Commission, for violation by such holders or such person of the provisions of the act, or the terms and conditions of his certificate or any order, decision, or regulation of the Commission shall be commenced by the filing of a complaint.

SECTION 2. Filing — All complaints based on the official report of the Commission or any other person deputized in writing shall be filed in the name of the appropriate unit of Commission, including all complaints based on the sworn statement of any public utility user other private individual, and those made by any competing operator.

SECTION 3. Sufficiency of Complaints — A complaint is sufficient if it contains the name of the complainant or offended party; the name of the respondent; a reference, whenever practicable, of the provisions of the Public Service Act, as amended, certificate, order, decision or regulation violated; the acts or omissions complained of as constituting the offense; and the date, hour and place of the commission of the offense.

SECTION 4. Separate Allegations — Whenever two or more offenses are charged in one (1) complaint, each offense must be separately alleged.

#### RULE 11

##### Summons

SECTION 1. Duty of the Secretariat of the Commission — After the appropriate unit of the Commission has

certified that the complaint is sufficient in form and substance in accordance with these Rules, it shall be the duty of the Secretariat of the Commission to promptly issue the summons together with a copy of the complaint to the respondent.

SECTION 2. Contents — The summons shall be under the signature of the Chief of the Secretariat and the seal of the Commission, directing the respondent to answer the complaint within five (5) days from receipt of the summons and to appear and produce evidence on the date and hour stated therein.

#### RULE 12

##### Answer

SECTION 1. Contents — Within the time stated in the summons, a written answer not a motion to dismiss, shall be filed with the Secretariat, and a copy thereof served by the respondent to the complainant. The respondent, in his answer, shall admit or deny specifically the material allegations in the complaint, and the state all his lawful defenses, including all grounds for a motion to dismiss.

#### RULE 13

##### Summary Orders to Show Cause

SECTION 1. When Applicable — Based on the report of an authorized personnel of the Commission, or the credible sworn statement of any offended party, the Commission instead of acting according to the procedure indicated for complaints, may issue an order directing a respondent operator to appear before it within seventy-two (72) hours from his receipt of a copy of the Order and show cause why his certificate should not be cancelled or suspended.

This summary proceeding shall apply, in the discretion of the Commission, only in cases where the continued acts of the public utility operator shall cause serious detriment to public interest.

This summary proceeding shall also be applicable in cases of willful or contumacious refusal by an operator to comply with an order, rule, or regulation of the Commission, or any provision of the Public Service Act, as amended.

The Commission, for good cause, may prior to the hearing suspend for a period not exceeding thirty (30) days any certificate or the exercise or any right or authority issued or granted under the Act by order of the Commission, whenever such step shall in its judgment be necessary to avoid serious and irreparable damage or inconvenience to the public or to private interests.

SECTION 2. Contents — The order to show cause shall include a statement in substance of the violation reported or complained of; and, whenever practicable, there shall be appended to it a copy of the report or complaint upon which the order is based.

#### PART IV

##### Proceedings Common to All Cases

#### RULE 14

##### Procedure in the Hearing of Cases

SECTION 1. Hearing Before the Commission — All cases filed before the Commission shall be equitably distributed among the Commissioner, Deputy Commissioners and Legal Officers of the Legal Services Department including its Chief for purposes of hearing the same. In this connection, cases shall be classified as Common Carrier Authorization (CCA), Broadcast Authorization (BCA), Cable Television Authorization (CATV), and Administrative Complaints (ADM). The distribution of cases shall be made in such a manner that each Hearing Officer shall handle classifications equally.

SECTION 2. Mandatory Preliminary Conference — All Hearing Officers shall conduct a preliminary conference on all contested authorization cases, as well as administrative complaints assigned to them. This preliminary conference shall be conducted to consider and encourage an amicable settlement, the simplification of the issues, the necessity or desirability of amendment to the pleadings, the possibility of obtaining stipulations or admissions of facts and documents, the limitation of the number of witnesses, and such other matters as may aid in the prompt disposition of the case.

The preliminary conference shall be conducted within fifteen (15) days from filing of the comment or opposition by affected parties in authorization cases, or the answer by the respondent in the administrative complaint.

All parties and their attorneys shall attend the preliminary conference. The presence of the party is indispensable unless he is represented by counsel duly authorized to enter into compromise agreement on any or all matters taken up during the preliminary conference.

SECTION 3. Judgment on the Pleadings and Judgment Based on Compromise — If at the preliminary conference, the Hearing Officers find that facts exist or were duly admitted/stipulated upon which a decision may be made, a judgment based thereon or a summary judgment may be rendered as justice may require. Should the parties arrive at any agreement as to the whole or any part of the dispute, the same shall be reduced to writing and signed by the parties and their respective counsels, if any, before the Hearing Officer. The settlement shall be approved by the Commission after being satisfied that it was voluntarily entered into by the parties.

A compromise agreement entered into by the parties not in the presence of the Hearing Officer before whom the case is pending shall be approved by the Commission if, after confronting the parties, it is duly ascertained that they understand the terms and conditions of the settlement and that it was entered into freely and voluntarily by them, and the agreement is not contrary to law, morals, and public policies.

SECTION 4. Proceedings Before the Officer Hearing the Case — Should the parties fail to agree on an amicable settlement, either in whole or in part, during the preliminary conference, the Hearing Officer shall issue an Order stating therein the matters taken up and agreement upon during the conferences, and shall direct the parties to appear at a formal hearing on a date and time mutually agreed upon.

Proceedings before the Officer Hearing the case are summary in nature. Whenever practicable, cases shall be resolved on the basis of pleadings, affidavits, and other documents submitted by the parties and their witnesses. Only verified pleadings and documents shall be accorded probative value.

SECTION 5. Order of Presentation — As far as practicable, the direct testimony of the witnesses presented by the parties shall be contained in an affidavit which shall be submitted to the Hearing Officer at least three (3) days before the scheduled hearing with proof of actual service to the opposing party/counsel. All documents referred to or mentioned in the affidavit of the witness shall be attached thereto. The following order of presentation of evidence shall be followed:

- (a) The party initiating the proceedings shall present his evidence by offering the affidavits and supporting documents of his witnesses and such additional evidence as he may wish to present. In consolidated proceedings, all parties initiating the consolidated proceeding shall first present their evidence;
- (b) The party or parties opposing the grant of the relief sought shall then present their evidence;
- (c) The witnesses may be cross-examined by the opposing party subject however to the control and discretion of the Hearing Officer as to the pertinence, materiality, and relevance of the questions propounded; and
- (d) Presentation of rebuttal or surrebuttal evidence may be allowed in the discretion of the Hearing Officer.

SECTION 6. Uncontested Proceedings — The Commission may, when it appears to be in public interest to grant the relief or authority requested in the initial pleading, and there being no opposition or contest, forthwith dispose of the case based on the pleadings, as well as the supporting affidavits and documents attached thereto.

SECTION 7. Consolidation — The Commission on its own initiative, or upon motion by a party, may consolidate cases involving common questions of fact or law, or may conduct joint hearings thereon. However, upon motion of the interested party, a separate hearing may be held on issues peculiar only to the movant.

SECTION 8. Appearances — Any party to a hearing may appear in person or by an attorney admitted to practice law in the Philippines who is a member in good standing of the Philippine Bar.

Appearances by counsel or attorney shall be in accordance with the Rules of Court.

SECTION 9. Notice and Proof of Service — All mandatory preliminary conferences and hearings shall be conducted with notice to all parties on record of the time and place for such conference or hearing. Proof of service of notice shall be in accordance with Section 4 Rule IV of this Revised Rules.

SECTION 10. Deposition — Where the witnesses reside in places distant from the office of the Commission and it would be inconvenient and expensive for them to appear personally before the Commission, upon the written request of any party, the Commission may authorize a municipal or city judge, or a Clerk of Regional Trial Courts to take the deposition of witnesses in any case pending before the Commission, substantially in accordance with the provisions of Rule 14 of the Rules of Court.

Unless the Commission orders otherwise, case in which depositions are taken according to the procedure stated above, shall be considered submitted for decision on the basis of such depositions after the completion of their filing with the Secretariat of the Commission.

SECTION 11. Records of Proceedings — All conferences and hearings may be stenographically recorded by the official stenographer of the Commission, and then transcript of stenographic notes shall be part of the records of the case. Parties desiring copies of such transcript may obtain the same from the official stenographer upon payment of the required fees.

However, the Hearing Officer may proceed with the conference or hearing even in the absence of a stenographer, provided, he shall make a written summary of the matters taken up during the conference or hearing, including the substance of the evidence presented, in consultation with the parties. The written summary shall be signed by the parties and the Hearing Officer and shall form part of the records.

SECTION 12. Non-Appearance of Parties at Conference or Hearing — (a) Two (2) successive absences at a conference/hearing by the complainant, applicant or petitioner, who was duly notified thereof, may be sufficient cause to dismiss the case without prejudice. Where proper justification, however, is shown by proper motion to warrant the reopening of the case, the Hearing Officer shall call a second hearing and continue the proceedings until the case is finally decided. Dismissal of the case for the second time due to the unjustified non-appearance of the complainant, applicant or petitioner who was duly notified thereof shall be with prejudice.

(b) In case of two (2) successive non-appearances by the respondent, contestant or oppositor despite due notice during the presentation of evidence of the complainant, applicant or petitioner shall entitle the latter to present evidence ex-parte. Upon completion of the ex-parte presentation of evidence another notice of hearing shall be issued for the reception of evidence of the respondent, contestant or oppositor, with warning that failure to appear shall be construed as submission of the case for resolution.

(c) In case of two (2) successive unjustified non-appearance by the respondent, contestant or oppositor during his

term to present evidence, despite due notice, the case shall be considered submitted for decision on the basis of the evidence so far presented.

SECTION 13. Revival/Re-opening of Dismissed Case — A party may file a motion to revive or reopen a case dismissed without prejudice, within ten (10) calendar days from receipt of the order dismissing the same; otherwise, his only remedy shall be to re-file the case.

SECTION 14. Postponements of Hearing — The parties and their counsel shall be prepared for continuous hearing. Postponements or continuance of hearing shall be allowed only on meritorious ground and shall not exceed fifteen (15) days from the date of resetting.

SECTION 15. Period of Hear Cases — Hearings in all authorization cases, whether contested or uncontested, as well as administrative complaints shall, as much as practicable be completed within ninety (90) calendar days from the date of the first hearing. For this purpose, the period for the conduct of the mandatory preliminary conference shall be excluded from the ninety (90) calendar-day within which to complete the hearings.

## PART V

### Decisions and Orders

#### RULE 15

##### Decisions and Orders

SECTION 1. How rendered In all cases falling under jurisdiction of the Commission, the orders, resolutions and/or decisions shall be rendered by the Commissioner. In this regard, all orders, resolutions and/or decisions shall be signed by the Commissioner.

SECTION 2. Form and Contents — All orders, rulings, decisions, and resolutions determining the merits of matters within the jurisdiction of the Commission shall be in writing stating clearly and distinctly the facts and the law on which it is based. They shall be filed with the Secretariat of the Commission which shall immediately cause true copies thereof to be served upon their counsel, if any; otherwise upon the parties.

SECTION 3. Provisional Relief — Upon the filing of an application, complaint, or petition or at any stage thereafter, the Commission may, at its discretion, grant the relief prayed for, upon motion of the applicant or petitioner based on the pleading, together with the affidavits and supporting documents attached thereto, without prejudice to a final decision after completion of the hearing on the case.

SECTION 4. Final Decision — The Commission shall render a final decision, order, or resolution in all applications, petitions, or complaints within thirty (30) days from the date the case was considered submitted for decision on the merits.

In all final orders, resolutions or decisions, the Commission may grant such other reliefs, impose such conditions or fix such terms may be deemed necessary to promote public interest.

SECTION 5. Execution or Order, Ruling, Decision or Resolution — All orders, decisions, or resolutions of the Commission shall take effect immediately and unless there is an appeal, shall become final upon expiration of thirty (30) days from notice thereof to all parties.

SECTION 6. Compilation and Publication of Decisions — The Secretariat of the Commission shall compile all orders, decisions, and resolutions, including final decisions of the Supreme Court on appeal, if any, and shall cause them to be printed by the Bureau of Printing in bound and numbered volumes.

## PART VI

### Reopening, Reconsideration, and Appeal

## RULE 16

### Motions for Reopening or Reconsideration

SECTION 1. Motion for Reopening — Notwithstanding the provisions of Section 13, Rule 14, any party may file a motion for reopening of the proceeding at any time after the presentation of evidence has been completed but before promulgation of a decision, order, or resolution, if during that period there should occur or arise transactions, events or matters, whether factual or legal resulting in a changed situation of the parties.

SECTION 2. Motion for Reconsideration of Final Decisions — A party adversely affected by a decision, order, or resolution may within fifteen (15) days from receipt of a copy thereof, file a motion for reconsideration. No more than one motion for reconsideration by each party shall be entertained, unless otherwise permitted by the Commission.

SECTION 3. Service and Hearing — The motion allowed by this Rule shall be served upon all parties on record and shall be set for hearing not less than three (3) days from service thereof.

SECTION 4. Opposition — Any party to the proceeding may file an opposition to the motions allowed by this rule accompanied by supporting affidavits and documents, serving a copy thereof upon the movant.

## RULE 17

### Appeal

SECTION 1. Mode and Period — Any party adversely affected by an order, decision or resolution of the Commission, may within thirty (30) days from notice thereof, petition the Supreme Court to review the same under Rule 44 of the Rules of Court. In proper cases, the aggrieved party may avail of the petition for certiorari under Rule 65 of the Rules of Court.

SECTION 2. Effect of Appeal — Unless the Supreme Court directs otherwise, appeal shall not stay the execution of the order, ruling, decision, or resolution.

SECTION 3. Procedure for Appeal — Until the Supreme Court provides otherwise, the procedure provided for in Rule 44 of the Rules of Court shall be allowed.

## PART VII

### Reconstitution of Records

## RULE 18

### Reconstitution

SECTION 1. Petition — Any interested party, may, by petition apply for the reconstitution of the lost or destroyed records of any case or proceeding before the Commission, or of the defunct Board of Communication or Public Service Commission.

SECTION 2. Contents — The petition shall be in writing, with a copy served upon all affected parties, and shall state the title, and the parties in the case of the proceeding desired to be reconstituted, together with the case number, the reason or reasons for its destruction or loss, if known; and that party seeking its reconstruction has exhausted all means to locate said records but to no avail.

SECTION 3. Notice and Publication — The provision of Rule 8 of these Rules shall be observed in the issuance and publication of the notice of hearing of the petition for reconstitution unless otherwise certified by the Commission having jurisdiction on the subject matter of the records sought to be reconstituted.

SECTION 4. Applicability of Certain Rules — The rules governing application for the issuance of certificate of public convenience as provided in Part II of the Rule shall be applicable, for the reconstitution of lost or destroyed

records.

SECTION 5. Order — After hearing the parties, the Commission on the basis of available records and testimonies of witnesses, may grant or deny the petition or issue such orders as justice may require.

#### PART VIII

##### Miscellaneous Provisions

RULE 19 - All prior rules, regulations, guidelines or practices followed before the Commission which are inconsistent herewith are hereby repealed.

##### RULE 20

##### Effectivity

This Revised Rules shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Adopted: 5 Jan. 1993

(Sgd.) MARIANO E. BENEDICTO II  
Commissioner

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