

AN ACT TO AMEND CERTAIN SECTIONS OF COMMONWEALTH ACT NUMBERED ONE HUNDRED FORTY-SIX, AS AMENDED, OTHERWISE KNOWN AS THE PUBLIC SERVICE ACT, SO AS TO INCREASE THE NUMBER OF COMMI...

REPUBLIC ACT NO. 178, June 21, 1947

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Sections two, three, four, six, ten and thirty-eight of Commonwealth Act Numbered One hundred and forty-six, as amended, are hereby further amended to read as follows:

"SEC. 2. There is created a Commission which shall be designated and known as the Public Service Commission, composed of one Public Service Commissioner and two Associate Commissioners, and which shall be vested with the powers and duties hereafter specified. Whenever the word 'Commission' is used in this Act, it shall be held to the Public Service Commission, and whenever the word 'Commissioner' is used in this Act it shall be held to mean the Public Service Commissioner or either of the Associate Commissioners.

"The Public Service Commissioner and the Associate Public Service Commissioners shall be citizens and residents of the Philippines, not under thirty years of age-members of the Bar of the Philippines, and shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments of the Congress of the Philippines."

"SEC. 3. The Commissioner and Associate Commissioners shall hold office until they reach the age of seventy years or until removed in accordance with the procedure prescribed in section one hundred and seventy-three of Act Numbered Twenty-seven hundred and eleven, known as the Revised Administrative Code. In case of the absence for any reason, of the Public Service Commissioner, the Associate Commissioner with seniority of appointment shall act as Commissioner. If on account of absence, illness, or incapacity of any of the Commissioners, or whenever by reason of temporary disability of any Commissioner or of a vacancy occurring therein, the requisite number of Commissioners necessary to render a decision or issue an order in any case is not present, or in the event of a tie vote among the Commissioner, the Secretary of Justice may designate such number of Judges of the Court of First Instance, as may be necessary, to sit temporarily as Commissioners in the Public Service Commission.

"All the powers herein vested upon the Commission shall be considered vested upon any of the Commissioners, acting either individually or jointly as hereinafter provided. The Commissioners shall equitably divide among themselves all pending cases and those that may hereafter be submitted to the Commission, in such manner and form as they may determine, and shall proceed to hear and determine the cases assigned to each: Provided, however That (1) all contested cases, (2) all cases involving fixing of rates, and (3) all petitions for reconsideration of orders or decisions shall be heard by the Commission in banc, and the affirmative vote of at least two Commissioners shall be necessary for the promulgation of a decision or a noninterlocutory order: And provided further, That in cases (1) and (2) the Commission may delegate the reception of the evidence to one of the Commissioners, who shall report to the Commission in bane, the evidence so received by him to enable it to render its decision."

"SEC. 4. The Public Service Commissioner shall receive an annual compensation of eleven thousand pesos; each of the Associate Commissioners an annual compensation of ten thousand pesos."

"SEC. 6. The Secretary of Justice, upon recommendation of the Public Service Commissioner, shall appoint a secretary of the Commission and such other officers and employees as may be provided in the Appropriation Act. The Public Service Commissioner shall have general executive control, direction, and supervision over the work of the Commission and of its members, body and personnel, and over all administrative business."

"SEC. 10. The Commission shall have its office in the City of Manila at such place as may be designated, and may hold hearings on any proceedings at such times and places, within the Philippines, as it may provide by order in writing: Provided, That during the months of April and May of each year, one of the Commissioners shall be on duty and the other two Commissioners shall be on vacation in such manner that once every three years one of them shall be on duty during April and May: Provided, however, That in the interest of public service, the Secretary of Justice may require one or both of the other two Commissioners not on duty to render services and perform their duties during the vacation months.

"SEC. 38. The chief of the legal division or any other attorney of the Commission shall represent the same in all Judicial proceedings. It shall be the duty of the Solicitor General to represent the Commission in any judicial proceeding if, for special reasons, the Commissioner shall request his intervention.

"There is hereby created under the administrative supervision of the Secretary of Justice an office to be known as the Office of the People's Counsel in the Public Service Commission. The People's Counsel shall have two assistants and such number of employees as may be necessary to perform the functions hereinafter specified. The People's Counsel and his assistants shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the Congress of the Philippines. The employees of the Office of the People's Counsel shall be appointed by the Secretary of Justice upon recommendation of the People's Counsel.

"The People's Counsel and his assistants shall possess the qualifications of a provincial fiscal. The People's Counsel shall receive compensation at the rate of seven thousand two hundred pesos per annum, and the First and Second Assistant People's Counsels, at the rate of six thousand pesos per annum each.

"The People's Counsel, his assistants, and the employees of the Office of the People's Counsel shall not, during their continuance in office, intervene directly or indirectly in the management or control of, or be financially interested directly or indirectly, in, any public service as defined in this Act.

"It shall be the duty of the People's Counsel (1) to institute proceedings before the Commission, in behalf of the public, for the purpose of fixing just and reasonable rates or charges to be followed and observed by public services as herein defined, whenever he has reason to believe that the existing rates or charges of such public services are unjust and unreasonable or unjustly discriminatory; (2) to represent and appear for the public before the Commission or any court of the Philippines in every case involving the interests of users of the products of, or service furnished by, any public service under the jurisdiction of the Commission; (3) to represent and appear for petitioners appearing before the Commission for the purpose of complaining in matters of rates and services; (4) to investigate the service given by, the rates charged by, and the valuation of the properties of, the public services under the jurisdiction of the Commission, and such other matters relating to said public services as affect the interests of users of the products or service thereof, and to take all the steps necessary for the protection of the interests of the person or persons or of the public affected thereby. In connection with such investigation he is hereby empowered to issue subpoena or subpoena duces tecum.

"The People's Counsel is authorized to call upon and obtain such assistance as he may deem necessary in the performance of his duties from any officer or employee of any Department, Bureau, office, agency, or instrumentality of the Government, including corporations owned, controlled or operated by the Government."

SEC. 2. The term "Deputy Commissioner" appearing in sections five, twenty-nine and thirty—(c) of

Commonwealth Act Numbered One hundred and forty-six is hereby amended to read "Associate Commissioners."

SEC. 3. The sum of eighty thousand pesos, or so much thereof as may be necessary, is hereby appropriated out of any funds in the National Treasury not otherwise appropriated for carrying out the purposes of this Act.

All balances of the sum herein appropriated remaining unexpended on June thirty, nineteen hundred and forty-eight, shall revert to the National Treasury and shall not be available for expenditure except pursuant to an appropriation by the Congress of the Philippines.

SEC. 4. All acts or parts of acts inconsistent with the provisions of this Act, are hereby repealed.

SEC. 5. This Act shall take effect upon its approval.

Approved, June 21, 1947.

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