

AN ACT TO AMEND SECTIONS THREE, FOUR AND THIRTY-TWO OF COMMONWEALTH ACT NUMBERED ONE HUNDRED AND FORTY-SIX, AS AMENDED, OTHERWISE KNOWN AS THE PUBLIC SERVICE ACT.

REPUBLIC ACT NO. 723, June 06, 1952

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

SECTION 1. Section three of Commonwealth Act Numbered One hundred and forty-six, as amended by section one of Republic Act Numbered One hundred and seventy-eight, is hereby further amended to read as follows:

"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 Commissioners, the Secretary of Justice may designate such number of Judges of the Court of First Instance, or such number of attorneys of the legal division of the Commission, as may be necessary, to sit temporarily as Commissioners in the Public Service Commission.

All the powers herein vested upon the Commission shall 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 the affirmative vote of at least two Commissioners shall be necessary for the promulgation of a decision or a non interlocutory order in all contested cases, and in all cases involving the fixing of rates: And provided, further, That all motions for reconsideration of orders or decisions in contested cases shall be heard by the Commission in banc, and the affirmative vote of at least two Commissioners shall be necessary to promulgate an order resolving a motion for reconsideration."

SEC. 2. Section four of Commonwealth Act Numbered One hundred and forty-six, as amended by Republic Act Numbered One hundred and seventy-eight, is hereby further amended to read as follows:

"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; the chief attorney for the legal division an annual compensation of six thousand six hundred pesos, and each of the other five attorneys of the legal division, five thousand four hundred pesos."

SEC. 3. Section thirty-two of Commonwealth Act Numbered One hundred and forty-six is hereby amended to read as follows:

"SEC. 32. The Commission may, in any investigation or hearing, by its order in writing, cause the deposition of witnesses residing within or without the Philippines to be taken in the manner prescribed by the Rules of Court. Where witnesses reside in places distant from Manila and it would be inconvenient and expensive for

them to appear personally before the Commission, the Commission may, by proper order, commission any clerk of the Court of First Instance, municipal judge or justice of the peace of the Philippines to take the deposition of witnesses in any case pending before the Commission. It shall be the duty of the official so commissioned, to designate promptly a date or dates for the taking of such deposition, giving timely notice to the parties, and on said date to proceed to take the deposition, reducing it to writing. After the depositions have been taken, the official so commissioned shall certify to the depositions taken and forward them as soon as "possible to the Commission. It shall be the duty of the respective parties to furnish stenographers for taking and transcribing the testimony taken. In case there are no stenographers available, the testimony shall be taken in long hand by such person as the clerk of court, the municipal judge or justice of the peace may designate. The Commission may also commission a notary public to take the depositions in the same manner herein provided.

"The Commission may also, by proper order, authorize any of the attorneys of the legal division or division chiefs of the Commission, if they be lawyers, to hear and investigate any case filed with the Commission and in connection therewith to receive such evidence as may be material thereto. At the conclusion of the hearing or investigation, the attorney or division chief so authorized shall submit the evidence received by him to the Commission to enable the latter to render its decision."

SEC. 4. In addition to the sum already appropriated for the Commission under the General Appropriation Act for the fiscal year nineteen hundred and fifty-two and nineteen hundred and fifty-three, the sum of ten thousand one hundred pesos, or so much thereof as may be necessary, is hereby authorized to be appropriated out of any funds in the National Treasury not otherwise appropriated for carrying out the purpose of this Act.

SEC. 5. All acts or parts of acts inconsistent with the Provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect on its approval.

Approved, June 6, 1952.

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