

GLOBE WIRELESS LTD., PETITIONER, VS. PUBLIC SERVICE COMMISSION AND ANTONIO B. ARNAIZ, RESPONDENTS.

G.R. No. L-27520. January 21, 1987

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

G.R. No. 27520 [Globe Wireless Ltd., vs. Public Service Commission and Antonio B. Arnaiz]. — Challenged in this petition for certiorari is the jurisdiction of the defunct Public Service Commission [PSC] under Section 21 of Commonwealth Act No. 146, as amended, to discipline and impose a fine upon petitioner, Globe Wireless, Ltd., a duly-organized Philippine corporation engaged in international telecommunication business under a franchise granted by Public Acts Nos. 3495, 3692 and 4150, as amended by Republic Act No. 4630.

A message addressed to Maria Diaz, Monte Esquina 30, Madrid, Spain, filed by private respondent Antonio B. Arnaiz with the telegraph office of the Bureau of Telecommunications in Dumaguete City was transmitted to the Bureau of Telecommunications in Manila. It was forwarded to petitioner Globe Wireless Ltd. for transmission to Madrid. Petitioner sent the message to the American Cable and Radio Corporation in New York, which, in turn, transmitted the same to the Empresa Nacional de Telecomunicaciones in Madrid. The latter, however, mislaid said message, resulting in its non-delivery to the addressee.

After being informed of said fact, private respondent Arnaiz sent to then Public Service Commissioner Enrique Medina an unverified letter-complaint relating the incident. The complaint was docketed as PSC Case No. 65-39-OC and petitioner was required to answer the same. Petitioner, in its answer, questioned PSC's jurisdiction over the subject matter of the letter-complaint, even as it denied liability for the non-delivery of the message to the addressee.

Hearing ensued, after which the PSC issued an order finding petitioner "responsible for the inadequate and unsatisfactory service complained of, in violation of the Public Service Act", and ordering it "to pay a fine of TWO HUNDRED [P200.00] PESOS under Sec. 21 of Com. Act 146, as amended." Petitioner was likewise required to refund the sum of P19.14 to the remitter of the undelivered message. [Annex "C", Petition, p. 23, Rollo].

Its motion for reconsideration having been denied, petitioner instituted the instant petition.

We find for petitioner.

Verily, Section 13 of Commonwealth Act No. 146, as amended, otherwise known as the Public Service Act, vested in the Public Service Commission jurisdiction, supervision and control over all public services and their franchises, equipment and other properties. However, Section 5 of Republic Act No. 4630, the legislative franchise under which petitioner was operating, limited respondent Commission's jurisdiction over petitioner only to the rate which petitioner may charge the public. Thus,

"Sec. 5. The Public Service Commission is hereby given jurisdiction over the grantee only with respect to the

rates which the grantee may charge the public subject to international commitments made or adhered to by the Republic of the Philippines." (Underscoring supplied.)

The act complained of consisted in petitioner having allegedly failed to deliver the telegraphic message of private respondent to the addressee in Madrid, Spain. Obviously, such imputed negligence had nothing whatsoever to do with the subject matter of the very limited jurisdiction of the Commission over petitioner.

Moreover, under Section 21 of C.A. No. 146, as amended, the Commission was empowered to impose an administrative fine in cases of violation of or failure by a public service to comply with the terms and conditions of any certificate or any orders, decisions or regulations of the Commission. Petitioner operated under a legislative franchise, so there were no terms nor conditions of any certificate issued by the Commission to violate. Neither was there any order, decision or regulation from the Commission applicable to petitioner that the latter had allegedly violated, disobeyed, defied or disregarded.

Too basic in administrative law to need citation of jurisprudence is the rule that the jurisdiction and powers of administrative agencies, like respondent Commission, are limited to those expressly granted or necessarily implied from those granted in the legislation creating such body; and any order without or beyond such jurisdiction is void and ineffective. The order under consideration belonged to this category.

ACCORDINGLY, the instant petition is hereby granted and the order of respondent Public Service Commission in PSC Case No. 65-39-OC is set aside for being null and void.

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