

GMA NETWORK, INC., PETITIONER, VS. NATIONAL TELECOMMUNICATIONS COMMISSION, RESPONDENT.

G.R. Nos. 192128 & 192135-36. September 13, 2017

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CAGUIOA, J:

This is a Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court assailing the Decision[2] of the Court of Appeals[3] (CA) dated April 29, 2010 in CA-G.R. SP Nos. 109954, 110145 and 110148, denying the petitions filed by petitioner GMA Network, Inc. (petitioner GMA), against the assailed Orders issued by the respondent National Telecommunications Commission (respondent NTC) dated January 11, 2007, February 26, 2009 and May 25, 2009.

Facts

The Decision of the CA dated April 29, 2010 states the facts as follows:

Petitioner GMA Network, Inc. (GMA), formerly known as Republic Broadcasting System, Inc., is a Filipino-owned domestic corporation engaged in the business of radio and television broadcasting as a grantee of a legislative franchise by virtue of Republic Act (R.A.) No. 7252 enacted on March 20, 1992, to construct, install, operate and maintain radio and television broadcasting stations in the Philippines for a period of 25 years.

Respondent National Telecommunications Commission (NTC) is the government agency that exercises jurisdiction over the supervision, adjudication and control of all telecommunications and broadcast services in the country.

Following the enactment of R.A. No. 7252 and pursuant to Section 3 thereof, GMA filed before the NTC three (3) applications for Certificate of Public Convenience respectively docketed and entitled as follows:

- BMC Case No. 91-336 : "In Re: Application for Certificate of Public Convenience to Install, Operate and Maintain a VHF-TV Station in Dumaguete City."
- NTC Case No. 96-038 : "In Re: Application for a Certificate of Public Convenience to Install, Operate and Maintain DXLA-TV Station in Zamboanga City."
- BMC Case No. 96-499 : "Re: CPC for a 10KW Radio Station in Zamboanga City."

Pending the resolution of these applications, NTC granted GMA three Provisional Authorities ([PA]) to install, operate and maintain DXRC-AM broadcasting station and DXLA-TV Station both in Zamboanga City and a VHF-TV station in Dumaguete City. The said [PAs] were issued on and valid until the following dates:

Date issued

Valid Until

VHF-TV

September 16, 1996

November 16, 1998

DXRC-AM

December 9, 1996

June 9, 1998

DXLA-TV

January 27, 1997

July 27, 1998

Upon the lapse of their respective expiration dates, the [PAs] were not renewed and it took 4-5 years before GMA was able to file Ex-Parte Motions for Renewal of Provisional Authority - on September 29, 2003 for VHF-TV in BMC Case No. 91-336 and on September 3, 2003 for DXLA-TV in NTC Case No. 96-038. For its DXRC-AM broadcasting station, it filed an Ex-Parte Motion for the Issuance of a Certificate of Public Convenience (CPC) in BMC Case No. 93-499 on September 13, 2002[.]

Before acting on the motions in BMC Case No. 91-336 and NTC Case No. 96-038, the NTC scheduled the cases for clarificatory hearing and directed GMA to explain why it should not be administratively sanctioned for late filing and/or for operating with an expired [PA] No similar action was taken in BMC Case No. 93-499.

GMA filed two separate pleadings entitled Compliance containing substantially the same declarations in BMC Case No. 91-336 and NTC Case No. 96-038. GMA explained that its failure to renew the [PAs] on time was not done with deliberate intent but due to pure inadvertence in the maintenance of its records and confusion in the turn-over of documents from its previous handling lawyers. The delay was also allegedly caused by the economic crisis that hit the Philippines in 1998 and the consequent downturn in the broadcast industry which adversely affected GMA's expansion plans and existing projects. GMA also alleged that it can no longer be sanctioned for the late filing of the Motions because its violation already prescribed pursuant to Sec. 28, Chapter IV of Commonwealth Act No. 146 (C.A. No. 146) or the Public Service Act.

In an Order dated May 25, 2009 in NTC Case No. 96-038, NTC issued a Certificate of Public Convenience (CPC) for the operation of GMA's DXLA-TV Station in Zamboanga City. With respect to BMC Case Nos. 93-499 and 91-336, NTC issued Orders dated January 11, 2007 and February 26, 2009 respectively renewing GMA's [PA] to install, operate and maintain DXRC-AM broadcasting station in Zamboanga City and VHF-TV Station in Dumaguete City.

The three Orders also fined GMA for operating with an expired [PA] at the rate of Php 200 per day of violation for DXRC-AM and P100 per day of violation for VHF-TV and DXLA-TV computed from the date of expiration of [PA] until the date of filing of the Motions for Renewal of Provisional Authority/Issuance of CPC. The aggregate amount of the fine imposed for the three stations was Php 674,600.00 broken down as follows:

DXRC-AM Broadcasting Station, Zamboanga City:

06-09-98 (Date of expiration of [PA])

09-13-02 (Date when the Ex-Parte Motion for Issuance of Certificate of Public Convenience was filed.)

Computation:

06-09-98 to 12-31-98 (205 days x Php 200.00)

=

Php 41,000.00

01-01-99 to 12-31-99 (365 days x Php 200.00)

=

Php 73,000.00

01-01-00 to 12-31-00 (365 days x Php 200.00)

=

Php 73,000.00

01-01-[01] to 12-31-01 (365 days x Php 200.00)

=

Php 73,000.00

01-01-02 to 09-13-02 (257 days x Php 200.00)

=

Php 51,400.00

Php 311,400.00

VHF-TV Station, Dumaguete City:

11-16-1998 (Date of Expiration of [PA])

09-29-2003 (Date when the Motion for Renewal of Provisional Authority and/or Certificate of Public Convenience was filed)

Computation:

DUE DATE

DATE SUBMITTED

NO. OF DAYS OF DELAY

FINE PER DAY

TOTAL (T) (T = D x F)

Nov. 17, 1998

September 29, 2003

1,770

P100

Php 177,000.00

DXLA-TV Station, Zamboanga City:

July 27, 1998 (Date of Expiration of [PA])

Sept. 3, 2003 (Date when the Motion was filed)

Computation:

7/27/98 to 9/2/2003 = 1,862 days x P100.00 = P186,200.00

GMA moved for the partial reconsideration of the three Orders praying that the fine be lifted on the ground that GMA's violation already prescribed pursuant to Section 28 of C.A. No. 141 which states that violations of the terms and conditions of any certificate issued by the NTC shall prescribe after sixty (60) days. GMA also argued that the amount of fine imposed was [exorbitant] and contrary to Chapter IV of C.A. No. 141 which states that fines imposed against any public service corporation must not exceed the amount of P25,000.00. Finally, GMA maintained that although it operated with expired [PAs], it was granted the following temporary permits by the NTC during the period that the [PAs] for the subject stations were not renewed, viz:

For DXRC-AM Broadcasting Station, Zamboanga City:

Permit No.

Date issued

Period

BSD-0427-97 (NEW)

February 11, 1997

January 27, 1997 to January 29, 2000

BSD-0092-2000 (REN)

January 24, 2000

January 27, 2000 to January 29, 2003

BSD-0330-2003 (REN)

November 17, 2004

January 27, 2003 to January 26, 2006

BSD-0046-2006 (REN)

January 23, 2006

January 27, 2006 to January 26, 2009

BSD-0263-2009 (REN/MOD)

April 30, 2009

January 27, 2009 to January 26, 2012

For VHF-TV Station, Dumaguete City:

Permit No.

Date issued

Period

BSD-0388-96 (REN)

August 7, 1996

September 28, 1996 to September 27, 1999

BSD-0855-97 (MOD)

September 5, 1997

September 28, 1996 to September 27, 1999

BSD-0162-99 (REN)

September 21, 1999

September 28, 1999 to September 27, 2002

BSD-0236-2002

August 6, 2002

September 28, 2002 to September 27, 2005

BSD-0268-2005 (REN)

August 30, 2005

September 28, 2005 to September 27, 2008

BSD-0252-2008

August 27, 2008

September 28, 2008 to September 27, 2011

For DXLA-TV Station, Zamboanga City:

Permit

Date issued

Period

BSD-0835-97 (MOD)

September 5, 1997

January 1, 1997 to December 31, 1999

BSD-0167-99 (REN)

September 21, 1999

January 1, 2000 to December 31, 2002

BSD-0032-2003 (REN/MOD)

May 14, 2004

January 1, 2003 to December 31, 2005

BSD-0343-2005 (REN)

November 23, 2005

January 1, 2006 to December 31, 2008

BSD-0090-2009 (REN)

January 28, 2009

January 1, 2009 to December 31, 2011

The NTC partly granted GMA's motions for partial reconsideration by reducing the rate of the fine to Php 50 per day of violation for each of the three stations. In BMC Case No. 93-499, the NTC Order was dated August 4, 2009. In BMC Case No. 91-336, the NTC Order was dated July 17, 2009. In NTC Case No. 96-038, the Order was dated August 4, 2009. The total reduced fine for all the stations was Php 259,450.00, viz:

DXRC-AM Broadcasting Station, Zamboanga City:

DUE DATE

DATE SUBMITTED

NO. OF DAYS OF DELAY

FINE PER DAY

TOTAL (T)

(T=DXF)

June 9, 1998

Sept. 13, 2002

1557

P50

Php 77,850.00

VHF-TV Station, Dumaguete City:

DUE DATE**DATE SUBMITTED****NO. OF DAYS OF DELAY****FINE PER DAY**

TOTAL (T)

(T=DXF)

November 17, 1998

Sept. 29, 2003

1,770

P50

Php 88,500.00

DXLA-TV Station, Zamboanga City:

DUE DATE**DATE SUBMITTED****NO. OF DAYS OF DELAY****FINE PER DAY**

TOTAL (T)

(T=DXF)

July 27, 1998

Sept. 2, 2003

1862

P50

Php 93,100.00

Dissatisfied, GMA interposed the herein consolidated Petitions for Review respectively docketed as C.A. G.R. SP. No. 110148 assailing NTC Orders dated January 11, 2007 and August 4, 2009 in BMC Case No. 93-499; C.A. G.R. SP. No. 109954 assailing NTC Orders dated February 26, 2009 and July 17, 2009 in BMC Case No. 91-336; and C.A. G.R. SP. No. 110145 assailing NTC Orders dated May 25, 2009 and August 4, 2009 in NTC Case No. 96-038.[4]

The petitions filed before the CA was anchored on the following grounds:

- The NTC erred in imposing fines against petitioner GMA for allegedly operating with an expired Provisional Authority considering that the subject broadcasting stations were operated under temporary permits duly issued

by the NTC.

- The NTC erred in imposing a penalty of fine against petitioner GMA in spite of the fact that its violation, if any, has long prescribed under Section 28, Chapter IV of Commonwealth Act No. 146,[5] otherwise known as the Public Service Act.

- The imposition against petitioner GMA of a fine in an amount more than P25,000 is contrary to the policy implied in Chapter IV of the Public Service Act.[6]

The CA dismissed the petitions on the following disquisition:

The NTC proceedings in Sambrano and in the instant case are both administrative in nature as they involve the NTC's exercise of its regulatory powers over public service operators. Both cases entailed an examination of a public service operator's licenses and permits, the certificate of public convenience of PRBI and, in the present case, petitioner GMA's provisional authority to maintain and operate the subject broadcasting stations. Thus, the pronouncement in Sambrano in so far as Section 28 is concerned, is squarely applicable in the instant controversy. Hence, petitioner GMA cannot avoid payment of the fine, as the 60-day prescriptive period under Sec. 28 is available as a defense only in criminal or penal proceedings not in purely administrative proceedings, as in the case at bench.

x x x x

In the present case, the fine imposed on GMA pursuant to Section 21 is an administrative fine because, as stated above, it involved the NTC's regulatory and supervisory powers over GMA's legislative franchise. The determinant factor in the application of Section 28 is the nature of the proceedings and the forum which imposed the fine and not the nature of the statute imposing it. The Orders imposing the fine stemmed from GMA's Ex-Parte Motions to Renew Provisional Authority and Certificate of Public Convenience and not from any criminal complaint or information seeking to prosecute GMA for violation of the penal provisions of the Public Service Law, specifically Sections 23, 24, 25 and 26 thereof.

x x x x

Again, We disagree. A reading of the foregoing provisions readily shows that petitioner's interpretation is self-serving and misplaced. It is clear that Section 23 speaks of fine that is imposable by court as a criminal sanction and not the administrative fine imposed by Section 21. Hence the Php 25,000.00 ceiling provided under Section 23 is not applicable to the fine imposed under Section 21.

We thus concur with the NTC in that the monetary fine imposed under Section 21 of the Public Service Act is an administrative sanction imposed by the NTC on a service provider on the latter's violation or failure to comply with the terms and conditions of its authorization, or any other order, decision or regulation. On the other hand, the P25,000.00 fine specified under Section 23 is a penal sanction imposed by the courts in addition to imprisonment of the responsible officer of the service provider when it fails to perform, commit, or do any act or thing forbidden or prohibited or shall neglect, fail or omit to do or perform any act or thing required by the Public Service Act to be done or performed.

x x x x

The fine imposed on petitioner is also not exorbitant or unconscionable. As a matter of fact, We find the same to be rather conservative considering the prot[r]acted duration of petitioner's violation. The Php 674,600.00 original amount of fine imposed by NTC was in accordance with the P200 daily rate mandated by Section 21. This was even modified to Php 259,450.00 at the reduced rate of P50 per day of violation.

Finally, petitioner states that its operation of the subject broadcasting stations was authorized by the NTC thru Temporary Permits which covered the period during which GMA was operating on expired Provisional

Authorities.

This argument deserves no consideration as it is inconsistent with GMA's admission that its failure to timely renew the Provisional Authorities was due to sheer inadvertence and confusion in the handling of its corporate documents, x x x:

x x x x

As can be gleaned from the attached copies of petitioner's Provisional Authorities and Temporary Permits, their purposes and extent are different. A Provisional Authority is issued by the NTC to a franchise holder authorizing the latter to operate [as] a public utility for a limited period pending the issuance of its Certificate of Public Convenience (CPC). It is general in scope in contrast to a Temporary Permit which specifically contains the necessary particulars of a broadcasting station such as the call sign, authorized power, frequency/channel, class station, hours of operation, points of communication and equipments used together with their serial number and frequency range. Simply stated, a Provisional Authority is GMA's authority or license to operate a broadcasting station while a Temporary Permit pertains to the details and specifications under which GMA will undertake the operation of a broadcasting station. The concurrence of both is imperative for the lawful operation of the GMA broadcasting stations. In fact, in the Provisional Authorities initially issued, GMA was obligated to secure the necessary permits for its equipment and facilities, x x x.[7]

The dispositive portion of the CA Decision states:

WHEREFORE, for lack of merit, the Petitions are hereby DISMISSED.

SO ORDERED.[8]

Petitioner GMA did not file a Motion for Reconsideration questioning the subject CA Decision. Instead, it directly filed this Petition for Review on Certiorari under Rule 45 of the Rules of Court.

Issues

- Whether petitioner GMA violated Section 21 of the Public Service Act;
- Whether the prescription set forth in Section 28 of the Public Service Act applies to administrative proceedings for violations of orders, decisions and regulations of respondent NTC or the terms and conditions of the certificate issued by the latter; and
- Whether the P25,000.00 limit set under Section 23 of the Public Service Act shall apply to the fines that may be imposed by respondent NTC under Section 21.

The Court's Ruling

The petition is denied.

While petitioner GMA admits that it failed to file its Motion for Extension of Provisional Authority on time,[9] it argues that it should nonetheless not be sanctioned for operating without the authority of respondent NTC because respondent NTC allowed it to operate under the temporary permits it had issued in its favor.

Respondent NTC, on the other hand, anchors its imposition of fines against petitioner GMA on Section 21 of the Public Service Act, which states:

Sec. 21. Every public service violating or failing to comply with the terms and conditions of any certificate or any orders, decisions or regulations of the Commission shall be subject to a fine of not exceeding two hundred pesos per day for every day during which such default or violation continues; and the Commission is hereby authorized and empowered to impose such fine, after due notice and hearing.

The fines so imposed shall be paid to the Government of the Philippines through the Commission, and failure to pay the fine in any case within the time specified in the order or decision of the Commission shall be deemed good and sufficient reason for the suspension of the certificate of said public service until payment shall be made. Payment may also be enforced by appropriate action brought in a court of competent jurisdiction. The remedy provided in this section shall not be a bar to, or affect any other remedy provided in this Act but shall be cumulative and additional to such remedy or remedies. (Emphasis supplied)

Assuming arguendo that its failure to apply for an extension of its Provisional Authority is a violation of the terms and conditions of its previously issued Provisional Authority, petitioner GMA posits that such failure is within the ambit of the phrase "violations of xxx the terms and conditions of any certificates issued by the Commission" under Section 28 of the same law, and therefore subject to the prescriptive period set by the said provision.[10] Petitioner GMA asserts that the 60-day prescriptive period in Section 28 is available as their defense in administrative proceedings that may result into penal sanctions.[11]

Petitioner GMA maintains that Section 21 of the Public Service Act is expressly limited by Section 28 of the same chapter of the same law, which provides:

Sec. 28. Violations of the orders, decisions, and regulations of the Commission and of the terms and conditions of any certificates issued by the Commission shall prescribe after sixty days, and violations of the provisions of this Act shall prescribe after one hundred and eighty days. (Emphasis supplied)

The Court disagrees.

The Sambrano[12] case, cited by petitioner GMA, has already settled that the 60-day prescriptive period under Section 28 of the Public Service Act can be availed of as a defense only in criminal proceedings filed under Chapter IV thereof and not in proceedings pertaining to the regulatory or administrative powers of the NTC over a public service utility's observance of the terms and conditions of its Provisional Authority:

This Court has already held, in *Collector of Internal Revenue et al. vs. Buan*, G. R. L-11438; and *Sambrano vs. Public Service Commission*, G. R. L-11439 and L-11542, decided on July 31, 1958, that the 60-day prescriptive period fixed by section 28 of the Public Service Law is available as a defense only in criminal or penal proceedings filed under Chapter IV of the Act. Consequently, the Public Service Commission is not barred from receiving evidence of the prescribed violations for the purpose of determining whether an operator has or has not faithfully kept the conditions of his certificate of permit, whether he failed or not to render the services he is required to furnish to the customers, and whether or not the infractions are sufficient cause to cancel or modify the certificate. Proceedings of this kind are held primarily to ensure adequate and efficient service as well as to protect the public against the operator's malfeasances or abuses; they are not penal in character. True, the cancellation of the certificates may mean for an operator actual financial hardship; yet the latter is merely incidental to the protection of the traveling public. Hence, in refusing to admit evidence of prescribed violations as part of the complainant's case against the Philippine Rabbit Lines for a modification or cancellation of the latter's permit, we hold that the Commission committed error.[13] (Emphasis and italics supplied)

In *Globe Telecom, Inc. v. The National Telecommunications Commission*,[14] the Court ruled that the NTC's imposition of a fine pursuant to Section 21 of the Public Service Act is made in an administrative proceeding, and thus, must comply with the requirements of notice and hearing. The same ruling also categorized the fine imposed under Section 21 as a sanction, regulatory and punitive in character, viz.:

Section 21 requires notice and hearing because fine is a sanction, regulatory and even punitive in character. Indeed, the requirement is the essence of due process. Notice and hearing are the bulwark of administrative due process, the right to which is among the primary rights that must be respected even in administrative proceedings. The right is guaranteed by the Constitution itself and does not need legislative enactment. The

statutory affirmation of the requirement serves merely to enhance the fundamental precept. The right to notice and hearing is essential to due process and its non-observance will, as a rule, invalidate the administrative proceedings.

In citing Section 21 as the basis of the fine, NTC effectively concedes the necessity of prior notice and hearing. Yet the agency contends that the sanction was justified by arguing that when it took cognizance of Smart's complaint for interconnection, "it may very well look into the issue of whether the parties had the requisite authority to operate such services." As a result, both parties were sufficiently notified that this was a matter that NTC could look into in the course of the proceedings. The parties subsequently attended at least five hearings presided by NTC.

That particular argument of the NTC has been previously disposed of. But it is essential to emphasize the need for a hearing before a fine may be imposed, as it is clearly a punitive measure undertaken by an administrative agency in the exercise of its quasi-judicial functions. Inherently, notice and hearing are indispensable for the valid exercise by an administrative agency of its quasi-judicial functions. x x x[15] (Emphasis supplied)

Contrary to the position taken by petitioner GMA, the P25,000.00 limit provided under Section 23 does not also apply in this case. Section 23 of the Public Service Act provides:

Sec. 23. Any public service corporation that shall perform, commit, or do any act or thing herein forbidden or prohibited or shall neglect, fail, or omit to do or perform any act or thing herein required to be done or performed, shall be punished by a fine not exceeding twenty-five thousand pesos, or by imprisonment not exceeding five years, or both, in the discretion of the court. (Emphasis supplied)

Respondent NTC asseverated that a careful reading and comparison of Section 21 and Section 23 would clearly show that the monetary fine imposed under Section 21 at the rate of P100.00 per day is an administrative sanction imposed by respondent NTC on a service provider for the latter's violation or failure to comply with the terms and conditions of its authorization, or any other order, decision or regulation of respondent NTC.[16] Respondent NTC explained that the P25,000.00 monetary fine specified under Section 23 of the same Public Service Act is a penal sanction imposed by the court of law in addition to imprisonment on the responsible officer of a service provider when it fails to perform, commit, or do any act or thing forbidden or prohibited, or shall neglect, fail or omit to do or perform any act or thing required by the Public Service Act to be done or performed.[17]

The case of *GMA Network, Inc. v. National Telecommunications Commission*[18] (GMA Network) pertaining to petitioner GMA's failure to renew its Provisional Authority to operate a radio station in Puerto Princesa, Palawan, is illustrative:

The argument is untenable.

The applicable provision is Section 21 of the Public Service Act as it specifically governs the NTC's imposition of a fine not exceeding P200.00 per day for every day during which the public service utility's violation or non-compliance with the terms and conditions of the certificate/s issued by the NTC continues. On the other hand, Section 23 of the Public Service Act deals with a public service corporation's performance, commission or doing of any forbidden or prohibited act under the same law, as well as its neglect, failure or omission to do or perform an act or thing required thereunder. As earlier mentioned, the proceedings under Section 23 pertain to criminal proceedings conducted in court, whereby the fine imposed, if so determined, is made in the court's discretion, whereas Section 21 pertains to administrative proceedings conducted by the NTC on the grounds stated thereunder. As the present case evidently involves the latter violation, Section 21 and not Section 23 of the Public Service Act applies. Thus, finding that the fine imposed by the NTC at the reduced rate of P50.00 per day is consistent with the P200.00 per day limitation under Section 21 of the Public Service Act, the fine of P76,500.00 for GMA's failure to comply with the terms and conditions of its PA for a period of 1,521 days was proper. The conscionability of the amount imposed should not be at issue as it is the

law itself which had provided the allowable threshold for the amount therefor.[19] (Emphasis supplied)

The Court sees no reason here to deviate from the unequivocal clarifications made in *GMA Network*.^[20]

Petitioner GMA finally insists that the subject broadcasting stations were operated with the knowledge and direct authority of respondent NTC, as evidenced by the temporary permits issued in their behalf. But this argument was likewise disregarded in *GMA Network* when the Court ruled that a temporary permit does not substitute for a Provisional Authority, viz.:

[A] [Provisional Authority] refers to an authority given to an entity qualified to operate a public utility for a limited period during the pendency of its application for, or before the issuance of its Certificate of Public Convenience (CPC). It has a general scope because it is akin to a provisional CPC in that it gives a public utility provider power to operate as such and be bound by the laws and rules governing public utilities, pending issuance of its actual CPC.

On the other hand, a [T]emporary [P]ermit is a document containing the call sign, authorized power, frequency/channel, class station, hours of operation, points of communication and equipment particulars granted to an authorized public utility. Its scope is more specific than a [Provisional Authority] because it contains details and specifications under which a public utility [like petitioner] should operate [its tv/radio station] pursuant to a previously updated [Provisional Authority]. x x x^[21] (Emphasis and underscoring in the original omitted; emphasis supplied)

The Court has held that the respondent NTC, being the government agency entrusted with the regulation of activities coming under its special and technical forte, and possessing the necessary rule-making power to implement its objectives,^[22] is in the best position to interpret its own rules, regulations and guidelines.^[23] The Court has consistently yielded and accorded great respect to the interpretation by administrative agencies of their own rules unless there is an error of law, abuse of power, lack of jurisdiction or grave abuse of discretion clearly conflicting with the letter and spirit of the law.^[24]

In fine, the Court agrees with respondent NTC that, notwithstanding the temporary permits issued in its favor, petitioner GMA was operating on an expired Provisional Authority, in violation of Section 21 of the Public Service Act.

WHEREFORE, the Petition is hereby DENIED for lack of merit.

SO ORDERED.

Carpio, (Chairperson), Peralta, Perlas-Bernabe, and Reyes, Jr., JJ., concur.

[1] Rollo, pp. 36-344, including Annexes.

[2] *Id.* at 12-32. Penned by Associate Justice Portia Aliño-Hormachuelos, with Associate Justices Japar B. Dimaampao and Jane Aurora C. Lantion concurring.

[3] Second Division.

[4] Rollo, pp. 13-20.

[5] AN ACT TO REORGANIZE THE PUBLIC SERVICE COMMISSION, PRESCRIBE ITS POWERS AND DUTIES, DEFINE AND REGULATE PUBLIC SERVICES, PROVIDE AND FIX THE RATES AND QUOTA OF EXPENSES TO BE PAID BY THE SAME AND FOR OTHER PURPOSES, otherwise known as the "Public Service Act," November 7, 1936.

[6] Rollo, pp. 20-21.

[7] Id. at 23-30.

[8] Id. at 31.

[9] Id. at 124.

[10] Id. at 61; italics supplied.

[11] Id.

[12] *Sambrano v. PSC and Phil. Rabbit Bus Lines, Inc.*, 116 Phil. 552 (1962).

[13] Id. at 554-555.

[14] 479 Phil. 1 (2004).

[15] Id. at 38-39.

[16] Rollo, p. 143.

[17] Id.

[18] 728 Phil. 192 (2014).

[19] Id. at 206-207.

[20] *Supra* note 18.

[21] Id. at 207-208.

[22] COM. ACT NO. 146, Sec. 11, as amended; EXECUTIVE ORDER NO. 546, Sec. 15.

[23] *Eastern Telecommunications Philippines, Inc. v. International Communication Corporation*, 516 Phil. 518, 521 (2006).

[24] Id. at 521, citing *Melendres, Jr. v. COMELEC*, 311 Phil. 275, 292 (1999).

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