

[REPUBLIC ACT NO. 2677, June 18, 1960]

AN ACT TO AMEND SECTIONS TWO, THREE, FOUR, TEN, THIRTEEN, AND FOURTEEN OF COMMONWEALTH ACT NUMBERED ONE HUNDRED FORTY-SIX, AS AMENDED, OTHERWISE KNOWN AS THE PUBLIC SERVICE ACT, AND FOR OTHER PURPOSES.

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

SECTION 1. Sections two, three, four, ten, thirteen, and fourteen of Commonwealth Act Numbered One hundred forty-six, as amended, otherwise known as the Public Service Act, are hereby amended to read as follows:

"SEC. 2. There is created under the Department of Justice a commission which shall be designated and known as the Public Service Commission, composed of one Public Service Commissioner and five 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 mean 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 anyone of the Associate Commissioners.

"The Public Service Commissioner and the Associate Public Service Commissioners shall be natural born citizens and residents of the Philippines, not under thirty years of members of the Bar of the Philippines, with at least five years of law practice or five years of employment in government service requiring a lawyer's diploma; and shall be appointed by the President of the Philippines, with consent of the Commission on Appointments of the Congress of the Philippines: *Provided, however,* That the present Commissioner and the personnel of the Commission shall continue in office without the necessity of reappointment.

"The Commissioners shall have the rank and privilege of retirement of Judges of the Courts of First Instance."

"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: *Provided, however,* That upon retirement, any Commissioner or Associate Commissioner shall be entitled to all retirement benefits and privileges for Judges of the Courts of First Instance or under the retirement law to which he may be entitled on the

date of his retirement. 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 Courts 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.

"The Public Service Commission shall sit individually or as a body *en banc* or in two divisions of three Commissioners each. The Public Service Commissioner shall preside when the Commission sits *en banc* and in one division. In the other division, the Associate Commissioner with seniority of appointment in that division shall preside. Five Commissioners shall constitute a *quorum* for sessions *en banc* and two Commissioners shall constitute a *quorum* for the sessions of a division. In the absence of a *quorum*, the session shall be adjourned until the requisite number is present.

"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 case assigned to each or to their respective divisions, or to the Commission *en banc* as follows: uncontested cases, except those pertaining to the fixing of rates, shall be decided by one Commissioner; contested cases and all cases involving the fixing of rates shall be decided by the Commission in division and the concurrence of at least two Commissioners in the division shall be necessary for the promulgation of a decision or non-interlocutory order in these cases: *Provided, however,* That any motion for reconsideration of a decision or non-interlocutory order of any Commissioner or division shall be heard directly by the Commission *en banc* and the concurrence of at least four Commissioners shall be necessary for the promulgation of a final decision or order resolving such motion for reconsideration,"

"SEC. 4. The Public Service Commissioner shall receive an annual compensation of thirteen thousand pesos; each of the Associate Commissioners an annual compensation of twelve thousand pesos. The Commissioners shall be assisted by one chief attorney, one finance and rate regulation officer, one chief utilities regulation engineer, one transportation regulation chief, one secretary, and two public utilities advisers, who shall receive an annual compensation of seven thousand two hundred pesos each; five assistant chiefs of division who shall receive an annual compensation of six thousand pesos each, and eleven attorneys who shall receive an annual compensation of five thousand four