

[REPUBLIC ACT NO. 723, June 06, 1952]

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.

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."