

[Act No. 2362, February 28, 1914]

AN ACT AMENDING CERTAIN SECTIONS OF ACT NUMBERED TWENTY-THREE HUNDRED AND SEVEN: "AN ACT CREATING A BOARD OF PUBLIC UTILITY COMMISSIONERS AND PRESCRIBING ITS DUTIES AND POWERS, AND FOR OTHER PURPOSES," AND FOR OTHER PURPOSES.

By authority of the United States, be it enacted by the Philippine Legislature, that:

SECTION 1. Section one of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"SECTION 1. There is hereby created a Board which shall be designated and known as the Board of Public Utility Commissioners, and which shall be vested with the powers and duties hereinafter specified. Said Board shall consist of three persons, citizens of the United States or of the Philippine Islands, residents of the Philippine Islands, each of whom shall be at least thirty years of age and who shall be appointed by the Governor-General by and with the advice and consent of the Philippine Commission."

SEC. 2. Section two of Act Numbered Twenty-three hundred and seven, as amended by Act Numbered Twenty-three hundred and thirteen, is hereby amended to read as follows:

"SEC. 2. The members of the Board of Public Utility Commissioners first appointed shall hold office as follows: One for six years, one for four years, and one for two years, said periods to be computed from the date on which a member of said Board shall first qualify, and at the expiration of their respective terms a successor shall be appointed for the term of six years from the date of such expiration. All vacancies, except through expiration of term, shall be filled for the unexpired term only. The Governor-General may remove a member for neglect of duty or misconduct in office, giving him a copy of the charges against him and an opportunity of being publicly heard in person or by counsel in his defense upon not less than ten days' notice."

SEC. 3. Section four of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"SEC. 4. The members, secretary, and other employees of said Board shall be granted privileges similar to those granted by the revised Civil Service Act to officers and employees of the classified civil service of the Philippine Government. They shall also be entitled to receive from the Government of the Philippine Islands their necessary traveling expenses while traveling on the business of said Board, which shall be paid on proper voucher therefor, approved by the President of said Board, out of funds appropriated for the contingent expenses thereof."

SEC. 4. Section five of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"SEC. 5. The president shall be designated by the Governor-General. The Board is hereby authorized to appoint secretary, counsel, and such other employees as it may deem necessary and fix their duties, compensation, and terms of service."

SEC. 5. Section eight of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"SEC. 8. The Board is hereby authorized to purchase such of mate" furniture, stationery, maps, supplies, office appliances, materials, equipment, apparatus, and standard measuring instruments, as it may deem necessary."

SEC. 6. Section ten of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"SEC. 10. The Board shall have its office in the city of Manila at such place as may be designated by the Governor-General and shall meet at such times and places, within the Philippine Islands, as it may provide by rules or otherwise."

SEC. 7. Section eleven of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"SEC. 11. The Board shall have the power to make needful rules for its government and other proceedings not inconsistent with this Act and shall adopt a common seal; and judicial notice shall be taken of such seal."

SEC. 8. Section twelve of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"SEC. 12. The members of the Board are hereby ,empowered to sit singly for the purpose of taking testimony in any proceeding. Any two of the members of said Board shall form a quorum and may transact any of the business of the Board; and in the absence of a quorum the member present may adjourn the Board from time to time with the same effect as if all were present; the concurrence of at least two of the members of the Board shall be necessary to the making of any order."

SEC. 9. Section thirteen of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"SEC. 13. The Board shall report annually, as soon as Annual report, practicable after the first of January of each year, to the Governor-General, making such recommendations as it may deem proper, which report shall be laid before the Legislature."

SEC. 10. Section fourteen of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"SEC. 14. The Board shall have general supervision and regulation of, jurisdiction and control over, all public utilities, and also over their property, property rights, equipment, facilities and franchises so far as may be necessary for the purpose of carrying out the provisions of this Act. The term 'public utility' is hereby defined to include every individual, copartnership, association, corporation or joint stock company, whether domestic or foreign, their lessees, trustees or receivers appointed by any court whatsoever, that now or hereafter may own, operate, manage or control within the Philippine Islands any common carrier, railroad, street railway, traction railway, steamboat or steamship line, shipyard, marine railway, marine repair shop, ferry, freight or any other car service, public warehouse, ice, refrigeration, cold storage, canal, express, subway, pipe line, gas, electric light, heat, power, water, oil, sewer, telephone, wire or wireless telegraph system, plant or equipment, for public use: *Provided*, That ice plants, cold storage plants, shipyards, marine railways, and marine repair shops shall be exempt from the operation of this Act so long as the Insular or Federal Governments shall have any interest or participation in establishments of a like character or nature: *And provided further*, That in case the Insular or Federal Governments alienate the ice plants, cold storage plants, shipyards, marine railways, and marine repair shops which they possess at present, these shall come under the operation of this Act and therefore under the control of the Board of Public Utility Commissioners."

SEC. 11. Subsection (a) of section sixteen of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"(a) To comply with the laws of the Philippine Islands and with any provincial resolution or municipal ordinance relating thereto and to conform to the duties imposed upon it thereby or by the provisions of its own charter, whether obtained under any general or special law of the Philippine Islands."

SEC. 12. Subsection (f) and subsection (g) of section seventeen of Act Numbered Twenty-three hundred and seven are hereby amended to read as follows:

"(f) Capitalize any franchise to be a corporation; capitalize any franchise in excess of the amount, 'exclusive of any tax or annual charge, actually paid to the Government of the Philippine Islands or any political subdivision thereof as the consideration of such franchise; capitalize any contract for consolidation, merger, or lease; issue any bonds or other evidence of indebtedness against or as a lien upon any contract for consolidation, merger, or lease, unless permitted so to do by the Board in writing: *Provided, however*, That the provisions of this section shall not prevent the issuance of stock, bonds, or other evidence of indebtedness subject to the approval of the Board by any lawfully merged or consolidated public utilities not in contravention of the provisions of this section.

"(g) Hereafter, directly or indirectly, without previous authority of the Board of Public Utility Commissioners, issue, give or tender any free ticket, free pass or free or reduced rate transportation for passengers, except to its officers, agents, employees, attorneys, physicians and

surgeons, and members of their families; inmates of hospitals or charity institutions, and persons exclusively engaged in charitable work; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to the necessary caretakers, going and returning, of live-stock, poultry, fruit, and other freight under uniform and nondiscriminatory regulation; to employees of sleeping car corporation, express corporation, and telegraph and telephone corporation; railway and marine mail service employees, when traveling in the course of their official duty, post-office inspectors, customs officers and inspectors, and immigration inspectors when engaged in inspection; to witnesses attending any legal investigation in which the carrier is interested, persons injured in accidents or wrecks, and physicians and nurses attending such persons; to peace officers, to officers and men of regularly constituted municipal fire departments, and to the members of the Board of Public Utility Commissioners, their officers and employees, when in the performance of their official duties; but nothing herein contained shall prevent the entry into any public conveyance or in or upon the property of any such public utility as herein defined of any officer or employee of the Government of the Philippine Islands, or any political subdivision thereof, in the pursuit of his public duties. Nothing in this Act shall be construed to prevent the interchange between said public utilities and common carriers of passes or franks for their employees, officers, agents, surgeons, physicians, attorneys-at-law and their families."

SEC. 13. Section twenty-six of Act Numbered Twenty-three hundred and seven is hereby amended to read as follows:

"SEC. 26. (a) The said Board, or any member thereof, may issue subpoenas and subpoenas duces tecum, for witnesses in any matter or inquiry pending before the Board or any member thereof; and require the production of all books, papers, tariffs, contracts, agreements, and all other documents, which the Board or any member thereof may deem necessary in any proceeding. Such process shall be issued under the seal of the Board, signed by one of the members thereof and by the secretary, and may be served by any person of full age. In case of disobedience to such subpoena, the Board may invoke the aid of the Supreme Court, or of any Court of First Instance of the Philippine Islands in requiring the attendance and testimony of witnesses and the production of books, papers and documents under the provisions of this chapter; and the Supreme Court or any Court of First Instance of the Philippine Islands within the jurisdiction of which such inquiry is carried on, shall, in case of contumacy or refusal to obey a subpoena, issue to any public utility subject to the provisions of this Act, or to any other person, an order requiring such public utility or other person to appear before the Board (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(b) Upon the application of any member of said Board or to any Court of First Instance, or to the Supreme Court, a subpoena may be issued