

[Act No. 1779, October 12, 1907]

AN ACT TO CREATE A BOARD FOR THE REGULATION OF RATES CHARGEABLE BY PUBLIC-SERVICE CORPORATIONS IN THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES.

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

SECTION 1. A board is hereby created and established, to be known as the "Board of Rate Regulation," which shall be composed of the Governor-General, the Secretary of Commerce and Police, and one other person to be appointed by the Governor-General, with the advice and consent of the Philippine Commission. The Governor-General shall be the chairman of the Board. The said Board shall have a secretary, who shall be appointed by the Governor-General, with the advice and consent of the Philippine Commission, at a salary not to exceed four thousand pesos per annum, and who need not be subject to the Civil Service Law and rules. The secretary shall perform such duties as may be required of him by the Board.

SEC. 2. The said Board shall have an office in the city of Manila Meetings and pro- for the transaction of its business, but it may at any time meet at any other place in the Philippine Islands as its duties may require. The Board may conduct its proceedings in such a manner as may best conduce to the proper dispatch of business and to the ends of justice.

SEC. 3. The said Board shall have a seal with the words "Board of Rate Regulation" around the margin thereof, and with such design in the center as it may select; and all orders, acts, and certificates of the Board shall be authenticated by its seal and judicial notice shall be taken of such seal.

SEC. 4. A majority of the members of said Board shall constitute a quorum for any purpose; but an investigation or hearing may be undertaken or held before any one or more members of the Board, and such hearing shall be as valid as if held by the whole Board, and any order made by one or more members of the Board, when approved and confirmed by the Board, shall be deemed to be the order of the Board.

SEC. 5. The said Board shall exercise a watchful and careful supervision over the rates of every public-service corporation, and the said Board shall have the power and it shall be its duty to fix, revise, resolute, reduce, or increase the said rates from time to time as justice to the public and the corporation may require. The Board shall have the power, and it shall be its duty, to examine into and keep informed as to the compliance of public-service corporations with the orders of the Board and with all provisions of law and of their charters and franchises as to rates.

SEC. 6. The said Board is hereby authorized to demand and require from every public-service corporation all information which it may deem necessary to enable it intelligently to discharge its duties: and it shall be the duty of every public-service corporation to make full and complete reports to the said Board upon all matters required by the Board, and, at the request of said Board, to furnish it with all information necessary to enable the Board to perform its duties and carry out the purposes of this Act; such reports shall be under oath, if so required by the Board,

and shall be made at such times as may be fixed by the Board, on blank forms prescribed and furnished by it; and if any public-service corporation subject to the provisions of this Act shall fail to make and file such reports within the time specified by the Board, it shall forfeit to the Government of the Philippine Islands the sum of two hundred pesos for each and every day it shall continue to be in default with respect thereto.

The forfeitures provided for in this section shall be recoverable in the manner hereinafter provided for the recovery of forfeitures under the provisions of this Act.

SEC. 7. The several members of said Board, in the discharge of their duties, may examine witnesses under oath, and for this purpose the members may administer oaths to witnesses and take affidavits on any bearing, investigation, or inquiry as to rates required in the performance of their duties under this Act. In making examination of witnesses the members of the Board shall not be obliged to observe the technical rules of evidence. Any person who shall testily falsely or make any false affidavit or oath before the Board or before any of its members shall be guilty of perjury, and, upon conviction thereof in a court of competent jurisdiction, shall be punished as provided by law.

SEC. 8. 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, and require the production of all books, papers, tariffs, contracts, agreements, and 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 and shall be executed and returned by any officer authorized by law to serve the process of Courts of First Instance, and under like penalty of law for failure to execute or return the process of such courts.

SEC. 9. In case of disobedience to a subpoena, the Board may invoke the aid of any court 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 Act; and any Court of First Instance of the Philippine Islands within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any public-service corporation subject to the provisions of this Act, or to any other person, issue an order requiring such public-service corporation 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.

SEC. 10. Upon the application of any member of said Board to any Court of First Instance, or to any judge of the Supreme Court, a subpoena may be issued directing any person in the Philippine Islands to appear as a witness before said Board and to produce for the inspection of the Board, or any member thereof, any books, papers, documents, records, or other records or things in his possession. Any witness failing to obey such subpoena shall be liable to punishment by the Supreme Court, or the Court of First Instance, as the case may be, in the same manner and to the same extent as if he had disobeyed a subpoena issued out of the Supreme Court or the Court of First Instance in a matter pending before either of said courts.

SEC. 11. Witnesses appearing before said Board in obedience to a subpoena or

subpoena duces tecum shall be entitled to receive the same fees and mileage allowance' as witnesses attending Courts of First Instance in civil cases; witnesses summoned on behalf of the Board shall be paid by the Insular Government under regulations prescribed by the Insular Auditor, and witnesses summoned on behalf of any public-service corporation shall be paid by such corporation.

SEC. 12. The said Board may also order testimony to be taken by deposition in any proceeding or investigation. Such depositions may be taken in the manner provided in the Code of Civil Procedure.

SEC. 13. In any proceeding had before said Board or in any civil or criminal proceeding in any court in the Philippine Islands, growing out of any alleged violation of law or regulation under the provisions of this Act, concerning any public-service corporation, no person shall be excused from appearing and testifying as a witness or from producing before said Board, or any member thereof, or any court, any books, papers, tariffs, contracts, agreements, or other document or things called for by the Board, or any member thereof, or by any court, upon the ground or for the reason that the evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture; but no such person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, before said Board or any member thereof, or any court: *Provided, however,* That no such person so testifying shall be exempt from prosecution or punishment for perjury committed in the course of any proceeding or investigation before such Board or any member thereof, or any court: *And provided further,* That such immunity shall extend only to a natural person who in obedience to a subpoena gives testimony under oath or produces evidence, documentary or otherwise, under oath.

SEC. 14. Any person who shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce before the Board, or any member thereof, books, papers, tariffs, contracts, agreements, and documents, or other thing called for by said Board, or any member thereof, if in his power to do so, in obedience to the subpoena or lawful requirement of the Board, shall be guilty of an offense, and, upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine of not less than two hundred pesos nor more than ten thousand pesos, or by imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 15. Any person who shall obstruct the Board, or any one of its members, in the discharge of official duty, or who conduct himself in a rude, disrespectful, or disorderly manner toward the Board, or any member thereof, while engaged in the official duty, shall for each offense, upon conviction in a court of competent jurisdiction, be punished by a fine, not exceeding one thousand pesos or by imprisonment not exceeding or by both such fine and imprisonment, in the discretion of the court.

SEC. 16. The said Board is authorized and empowered and it shall be its duty whenever, after full hearing, it shall be of the opinion that any of the rates charged by any public service corporation subject to the provisions of this Act for any service rendered or to be rendered, or that any regulations or practices whatever of such public-service corporation affecting such rates, are unjust or unreasonable, or unjustly administrative, or unduly preferential or prejudicial, or otherwise in