

## **PUBLIC UTILITIES LAW**

- a public utility is engaged in public service providing basic commodities and services indispensable to the interest of the general public
- A business or service engaged in regularly supplying the public with some commodity or service of public consequence such as electricity, gas, water, transportation, telephone, or telegraph service.

### **2 Aspects**

#### **1. Public**

- it touches its patrons and its employees

#### **2. Private**

- it touches all other members of the community in which it operates
- subject to all those duties and responsibilities under which every citizen lies like complying with the laws relating to public health and public safety, must not commit crimes and must be a law-abiding member of the community

“Public use” – means use by the public

- essential feature is that it is not confined to privilege individuals, but is open to the indefinite public
- it is this indefinite or unrestricted quality that gives its public character

### **How to determine whether a USE is PUBLIC**

- consider the character of the business and the proposed mode of doing it
- public benefit must be the primary purpose and not mere incidental

### **Public Service, Elements:**

1. The person must own, operate, manage, or control in the Philippines public services which may include distribution of goods or rendering services to the public (such as “common carrier, railroad, street railway, traction railway, subway motor vehicle, either for freight passenger, shipyard, marine railways, marine repair shop, (warehouse) wharf or dock, ice plant, ice-refrigeration plant, canal, -irrigation system, gas, electric light, heat and power water supply and power, petroleum, sewerage system, wire or wireless communicate system, wire or wireless broadcasting stations”);
2. the ownership, operation, management or control must be for hire or compensation;
3. the ownership, operation, management or control must be for general business purposes.

### **Characteristics of a public service**

1. it is not required that the business is permanent because the operation may be “permanent, occasional or accidental”;
2. The business may be with general or limited clientele.

### **Characteristics of carriers considered as public service**

1. they transport either freight or passenger or both;
2. their service is with or without fixed route; and
3. their classification may be freight or carrier service of any class, express service, steamboat or steamship line, pontines, ferries, and water craft.

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