



REPUBLIC OF THE PHILIPPINES
NATIONAL TELECOMMUNICATIONS COMMISSION
NTC Building, BIR Road, East Triangle, Diliman, Quezon City
Email: ntc@ntc.gov.ph; website: <http://www.ntc.gov.ph>

Proceedings Before the National Telecommunications Commission - Legal Branch During the State of Public Health Emergency

In light of Presidential Proclamation No. 922, s. 2020, the President declared a State of Public Health Emergency throughout the Philippines due to the Coronavirus Disease 2019 (COVID-19).

Thereafter, Republic Act No. 11469, otherwise known as the “Bayanihan to Heal As One Act”, was enacted to authorize the President to exercise powers that are necessary and proper to carry out the tasks needed to mitigate, if not contain the transmission of COVID-19 and its adverse effects to the lives of Filipinos.

The Civil Service Commission issued Memorandum Circular No. 10, s. 2020, on the Revised Guidelines for Alternative Work Arrangements and Support Mechanisms for Workers in the Government During the Period of State of National Emergency Due to COVID-19 Pandemic.

Pursuant to the authority vested in the Commission under existing laws, the Commission hereby promulgates these Interim Guidelines governing pleadings, practice and procedure before it.

These Interim Guidelines, which supplement the *2006 NTC Rules of Practice and Procedure before the National Telecommunications Commission*, shall be in effect during the duration of public health emergency declared by the President in accordance with existing law. Thus, these Interim Guidelines may be revised at any time should prevailing circumstances change, and until further notice.

I. Skeleton Workforce and Work-from-Home Arrangement

The Commission shall resume limited regular operations at its Central Office from 01 June 2020. To ensure delivery of service to the public, the Legal Branch at the Central Office shall be manned by a skeleton workforce and the schedule of hearing officers to take-over on a specific day.

II. Inquiries and Follow-ups

All inquiries on cases and transactions, including requests for documents and services, shall be initially coursed and acted upon only through the numbers **02-89243746** and **02-89243771**, and official electronic mail address at legal@ntc.gov.ph. No walk-in requests shall be entertained in the meantime.

III. Schedule of Hearings and Filing of Pleadings Falling Due During the Enhanced and Modified Enhanced Community Quarantine

The schedule of hearings before the Commission shall be posted in the Commission's website at ntc.gov.ph. The parties shall also be notified through their respective email addresses. For this purpose, parties are required to submit to the NTC at legal@ntc.gov.ph their respective official email addresses.

Hearings previously scheduled and postponed during the Enhanced Community Quarantine and/or Modified Enhanced Community Quarantine shall be rescheduled and parties will be notified through their respective email addresses.

Except for licenses, permits and certificates covered by Memorandum Order No. 3-3-2020 dated 18 March 2020, all petitions (except for renewal or extension of authorities), motions, pleadings and other submissions that fall due during the Enhanced Community Quarantine and/or Modified Enhanced Community Quarantine may be filed until 30 June 2020.

IV. Manner of Filing of Pleadings, Motions, Notices, Summons, Orders, Judgments and Other Submissions

Filing of pleadings shall be done by electronic mail or other electronic means as may be authorized by the Commission. In this case, the actual date of electronic transmission shall be considered as the date of filing. For purposes of filing by electronic mail or other electronic means, the same shall be done only during core business hours, Monday to Friday, 9:00 am to 4:00 pm. Those filed after the cut-off time shall be considered as having been filed on the following business day.

The formal offer of documentary evidence or object evidence shall

be made within fifteen (15) days upon the termination of the testimony of a party's last witness by filing two (2) copies of the same before the Commission Secretariat.

V. Modes of Service

Pleadings, Motions, Notices, Summons, Orders, Judgments, and other submissions shall be served personally or registered mail or accredited courier, electronic mail, facsimile transmission or other electronic means as may be authorized by the Commission.

VI. Service by Electronic Means and Facsimile

- a. Service by electronic means shall be made by sending an e-mail to the party's or counsel's duly designated electronic mail address, or through other electronic means of transmission as the parties may agree on, or upon direction of the Commission.
- b. Service by facsimile shall be made by sending a facsimile copy to the party's or counsel's given facsimile number.
- c. Service by electronic means or by facsimile shall be made within core business hours only, 9:00 am to 4:00 pm. Service done after the cut-off time shall be considered as served on the following business day.

VII. Change of electronic mail address or facsimile number

A party who changes his or her electronic mail address or facsimile number while the action is pending must promptly file, within five (5) calendar days from such change, a notice of change of email address or facsimile number with the Commission and serve the notice on all other parties.

Service through the email address or facsimile number of a party shall be presumed valid unless such party notifies the Commission of any change, as aforementioned.

VIII. Electronic mail and facsimile subject and title of pleadings and other documents

The subject of the electronic mail and facsimile must follow the

prescribed format: **case number, case title and the pleading, order or document title.**

The title of each electronically-filed or served pleading or other document, and each submission served by facsimile shall contain sufficient information to enable the Commission to ascertain from the title: (a) the party or parties filing or serving the pleading, (b) nature of the pleading, (c) the party or parties against whom relief, if any, is sought, and (d) the nature of the relief sought.

IX. Completeness of Service

- a. Personal service is complete upon actual delivery.
- b. Service by registered mail is complete upon actual receipt by the addressee, or after five (5) calendar days from the date he or she received the first notice of the postmaster, whichever date is earlier.
- c. Service by accredited courier is complete upon actual receipt by the addressee, or after at least two (2) attempts to deliver by the courier service, or upon the expiration of five (5) calendar days after the first attempt to deliver, whichever is earlier.
- d. Electronic service is complete at the actual date of the electronic transmission of the document, or when available, at the time within the core business hours that the electronic notification of service of the document is sent. Electronic service is not effective or complete if the party serving the document learns that it did not reach the addressee or person to be served.
- e. Service by facsimile transmission is complete upon receipt by the other party, as indicated in the facsimile transmission printout.

X. Proof of Filing (Electronic Mail or Other Electronic Means)

The filing of a pleading or any other submission shall be proven by its existence in the record of the case.

If the pleading or any other submission was filed by electronic mail, the same shall be proven by an affidavit of electronic filing of the filing party accompanied by a paper copy of the pleading or other document transmitted or a written or stamped acknowledgment of its filing by the Commission Secretariat. If the paper copy sent by electronic mail was filed by registered mail, paragraph (b) of this Section applies.

If the pleading or any other submission was filed through other authorized electronic means, the same shall be proven by an affidavit of electronic filing of the filing party accompanied by a copy of the electronic acknowledgment of its filing by the Commission.

XI. Proof of service (Electronic Mail or Other Electronic Means)

Proof of personal service shall consist of a written admission of the party served, or the official return of the server, or the affidavit of the party serving, containing a statement of the date, place, and manner of service.

In case of electronic mail, facsimile, or other authorized electronic means of transmission, proof shall be made by an affidavit of service executed by the person who sent the e-mail, facsimile, or other electronic transmission, together with a printed proof of transmittal.

XII. Hearings Through Video conferencing

Videoconferencing shall include all stages of the hearing, as stated in the 2006 NTC Rules of Procedure, presided by the hearing officer with one (1) stenographer, from jurisdictional hearing, until submission of the case for resolution.

Hearings through video conferencing shall be scheduled by the Commission and the parties shall be notified through their respective email addresses. The notification email shall indicate the time and date when the videoconferencing hearing shall be held, and contain a link or access code which the parties shall click to join the hearing. The proof of receipt of the notification email shall be properly recorded.

All on-line submissions from the parties, particularly those at issue during or relating to the videoconferencing hearing, must be received by the Commission at least three (3) days prior to the scheduled videoconferencing hearing, and all parties must be furnished with such copies, in accordance with existing rules and guidelines.

To ensure the speedy disposition of cases during this public health emergency, hearing officers and their respective designated stenographers shall physically report for work and conduct hearings through video conferencing at least twice a week. Hearings through video conferencing

shall be held from 9:00 to 11:30 in the morning and 1:30 until 4:00 in the afternoon.

Consistent with Item 3.1 of Civil Service Commission Memorandum Circular 10-2020, hearing officers and stenographers shall utilize the work-from-home working arrangement for the preparation and drafting of decisions, orders, transcripts of stenographic notes or the reports required to be submitted under these rules, as the case may be.

XIII. Confidentiality of Proceedings

Parties participating in the hearing **shall not record the proceedings**. The stenographer present during the hearing shall transcribe stenographic notes to be attached to the records of the case.

XIV. Reporting and Monitoring

All hearing officers and stenographers shall submit to the Commission a weekly report of all pertinent data and information regarding the videoconferencing hearings conducted and the output of any work-from-home working arrangement for proper monitoring of the implementation of these rules.

XV. Effectivity

These Interim Guidelines shall take effect immediately.

Quezon City, 01 June 2020.



GAMALIEL A. CORDOBA
Commissioner



EDGARDO V. CABARIOS
Deputy Commissioner



DELILAH F. DELES
Deputy Commissioner