

Court of Appeals Grants Petition for Mandamus Filed By Newsnet Against NTC

Press Release
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Manila, Philippines

The Special Eighth Division of the Court of Appeals (CA) GRANTED the Petition for Mandamus filed by News and Entertainment Network Corporation (NEWSNET) against National Telecommunications Commission (NTC) and its Commissioner, Gamaliel A. Cordoba.

NEWSNET is an affiliate of NOW Corporation.

The Petition for Mandamus sought NTC and Cordoba to comply with the Order of the Anti-Red Tape Authority (ARTA) dated February 12, 2020 that automatically approved the NEWSNET's application for the issuance of a Certificate of Public Convenience (CPC) to install, operate, and maintain a Local Multi-Point Distribution System (LMDS) to deliver interactive Pay Television and multimedia services in South Luzon, North Luzon, Visayas, and Mindanao in the 25.35 GHz - 26.35 GHz frequency range with authority to charge rates therefor.

In earlier manifestations, NTC said that ARTA had no jurisdiction over NTC, among its many arguments.

However, in its Decision, the Court of Appeals found the petition to be meritorious, citing that the ARTA, indeed, has jurisdiction over the NTC. In a 33-page Decision, the CA cited the Ease of Doing Business Act which states that ARTA's jurisdiction applies to all government offices and agencies that provide services covering business and nonbusiness related transactions including NTC.

The CA also ruled that the February 12, 2020 Order of the ARTA which deemed automatically approved Newsnet's application is already final and executory. Judgements, once final and executory, are incontestable and unappealable, based on the 33-page Decision. In granting the petition, the CA directed the NTC to faithfully and immediately comply with the said ARTA Order.

The Decision dated July 20, 2022 was penned by Associate Justice Perpetua Susana T. Atal-Paño, with concurrence by Justices Ruben Reynaldo G. Roxas and Maximo M. De Leon.

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