

G.R. No. L-10372

[G.R. No. L-10372. May 14, 1958]

A.L. AMMEN TRANSPORTATION CO., INC., PETITIONER, VS. FRANCISCO DESUYO, RESPONDENT.

D E C I S I O N

BENGZON, J.:

This is the appeal of A.L. Ammen Transportation Co, (Alatco for short) from the decision of the Public Service Commission granting Francisco Desuyo's request for a new certificate of public convenience to continue operating^[1] his TPU autotruck service along the lines

Bacon-Bulan via Boton (all in Sorsogon province) and Bacon-Tiwi (Sorsogon and Albay provinces).

The first route covering a distance of 73 kilometers passes through Sorsogon (municipality) Casiguran, Juban and Irosin, in that order. The second covers 110 kilometers passing through Sorsogon, Guinlajong, Castilla, Putico, Daraga, Legaspi, Libog, Manlilipot, Tabaco and Malinao.

The grant was issued after regular hearing upon proper application, despite Alatco's opposition.

According to the Commission, petitioner's evidence showed that "numerous merchants, farmers, employees, students and other travelers made trips on the line applied for; that quite frequently TPU vehicles serving these lines were either full or overloaded with passengers and many other travelers along the road could not readily be accommodated in passing TPU vehicles."

The above findings rested on the testimony of Jose Dacog, a lumber dealer of Sorsogon, who had frequently travelled along the Sorsogon-Bulan or the Bacon-Bulan roads, and of Jose Bansale, a resident of Tabaco, who was engaged in

buying and selling fish, and had to journey along the Legaspi-Tiwi routes, and who had also travelled often to Sorsogon.

They also rested on the sworn statements of Francisco Desuyo who spoke of his trips from Sorsogon to Legaspi as follows:

“Q.- On the road from Sorsogon to Legaspi, what passenger cars do you see along the road?”

“A. - Many of them: Alatco, Nicol, Soriano, Margallo and other operators, operating pick ups”

” x x x x.”

“A.- I always observe that these cars coming from Legaspi which I meet on the way are filled with passengers, some of them being overloaded. It is because the barrios along the way from Legaspi to Sorsogon are very thickly populated, and there are always plenty of passengers in these barrios along the way.”

In line with our policy of non-interference with the findings of the Commission where some evidence reasonably supports its findings as to necessity and convenience of the authorized public utility, we must decline in this appeal to overrule the Commission determination. Specially is this so where Alatco’s very witness, Rufino Soler, in the words of the Commission, “admitted that the services of the oppositor and other TFU operators in that region are not adequate to meet the demand of travelers on the lines applied for, because they do not operate direct or continuous trips on these lines,” unlike the applicant in this case. The aforesaid witness deposed:

“Q. -Are these operators, other than Desuyo, able to meet the demand of the riding public along the lines from Bacon to Bulan and vice versa and from Bacon to Tiwi via Legaspi and vice versa?”

“A. - No.”

“Q.- What do you mean by your answer no?”

“A.-Because there are no operators operating directly from Bacon to Legaspi and Bacon to Bulan.”

And there is no question that Alatco does not undertake direct trips from Bacon to Bulan, nor from Bacon to Tiwi via Legaspi, its lines being those of Sorsogon-Bacon, Sorsogon-Bulan, Sorsogon-Legaspi, Legaspi-Tabaco and Tabaco-Tiwi.

No argument is needed to show that one long continuous trip serves the traveler’s convenience better than several short trips, what with the elimination of the cumbersome and expensive transfers from one bus to another at the terminals of the connecting lines.

On the business aspect of the matter, the Commission must have thought, properly indeed, that if after five years’ service the petitioner, still in good financial position, wished to continue and the Alatco exhibited no adverse effects from his competing activities, there must have been no ruinous competition in that area, with sufficient room for the simultaneous operation of both transportation services - for the benefit, naturally, of those who may need accommodation for themselves and/or their merchandise. Needless to add, “public convenience must have the first consideration,” (San Miguel Brewery v. Lapid, 53 Phil. 539.)

There being no clear error nor abuse of discretion in the appealed decision, the same is hereby affirmed, with costs against petitioner. So ordered.

Paras, C.J., Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Endencia, and Felix, JJ.,
concur.

^[1]He had been operating for five years under a proper permit along the same lines.

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