

RAYMUNDO TRANSPORTATION CO., INC., PETITIONER TEOFILO CERDA, RESPONDENT.

G.R. No. L-7880. May 18, 1956

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/03484950c690/>

BAUTISTA ANGELO, J.:

Teofilo Cerda is a holder of a certificate of public convenience granted him by the Public Service Commission to operate a bus service for the transportation of passengers and freight on the line Binangonan (Rizal) to Manila and vice versa. This certificate is but a conversion into a permanent one of the emergency certificate previously given him by the Commission way back in 1947. On September 12, 1953, he asked for authority to increase his present number of trips by eight additional round trips with the use of three additional buses on the ground that public convenience required the operation of the additional trips. His application was opposed by Raymundo Transportation Co., A. Gergaray Tanchingco and the Hatill Transit alleging that the services they are rendering on the same line are more than sufficient to satisfy the needs of the traveling public, and hence there is no need for the additional trips on the same line.

At the hearing, the applicant presented the testimony of Sisenando Sison, Pedro Fineza, and Fernando Flores, all residents of Binangonan, Rizal, while on the part of the oppositors, only the first two submitted evidence in support of their opposition, and on the strength of the evidence submitted, the Commission found that the preponderance of evidence "justifies the authorization of additional trips on the line although not in the number asked by the applicant" and granted him authority to operate only four additional round trips with one auto-truck subject to certain specified conditions. From this decision, oppositor Raymundo Transportation Co. interposed the present petition for review.

It is contended for petitioner that the decision of the Public Service Commission is erroneous because (1) there is no need for the service applied for because the present service rendered by petitioner and other operators is more than enough to satisfy the needs of the traveling public; (2) the four additional round trips granted to respondent would result in ruinous competition with the service of petitioner; and (3) if there is any need for additional service, petitioner should be given the preference of rendering it being an old operator.

With regard to the first point, the evidence submitted by applicant and the oppositor is conflicting. Yet the Commission took pains in weighing the credibility of the witnesses and found that the preponderance was in favor of the applicant. Thus, the Commission found that "there are hours of the day when the means of transportation are not sufficient because of the volume of traffic at such hours which can be remedied by authorizing a few additional trips to take care of the needs of the public. The reports of the checking made at Taytay of the buses passing by that place and the number [of passengers carried by each bus indicate that there is a reasonable number of passengers carried throughout the day but that at certain hours passengers traffic is much heavier." This finding is supported by sufficient evidence, and following the well-known precedent that when the decision of the Public Service Commission is supported by some evidence, the same should be left undisturbed, it can readily be seen that the first point taken by petitioner cannot be entertained.

The contention that the additional service might spell ruin to the business of petitioner has also no basis for the evidence shows that the traffic on the line applied for is of such a volume that warrants the granting of the additional trips. Moreover, there is enough evidence to show that if petitioner had suffered some losses they are due not to competition but to bad roads and to poor management of the business. The claim that respondent should not be allowed to undertake additional trips because he does not have the financial means to do so has also no merit for the Commission has found that he has such means and as a matter of fact he had already acquired one reserved unit at the time he filed the present application.

As to the claim that petitioner should be given the privilege of rendering the additional service because it is an old operator, suffice it to say that this rule only applies when the old operator offers to meet the increase in the demand the moment it arises and not after another operator had offered to render the additional service as was done in the present case (*Angat-Manila Trans. Co., Inc. vs. Victoria Vda. de Tengeo*, 95 Phil., 58). The rule protects those who are vigilant in meeting the needs of the traveling public.

The decision appealed from is affirmed, with costs against petitioner.

Paras, C J., Bengzon, Padilla, Reyes, A., Jugo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

Montemayor, J., concurs in the result.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.