

MANILA RAILROAD COMPANY, PETITIONER, VS. PANGASINAN TRANSPORTATION CO., INC., RESPONDENT.

G. R. No. L-10152. July 31, 1958

Ponente: REYES, A., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/1da0d8b1e013/>

REYES, A., J.:

This is a petition to review an order of the Public Service Commission.

On January 31, 1948, the Pangasinan Transportation Co., Inc., which operates a fleet of buses from Pangasinan to other provinces and the city of Baguio, applied for a certificate of public convenience to operate a bus service between Urdaneta and Baguio and between Dagupan and Baguio, both via the Kennon Road. The application was published and individual notices were also served on other operators, and one of these, the Dangwa Transportation Co., actually filed an opposition. But the opposition was not pressed and the Public Service Commission, after hearing, which began on September 17, 1948, handed down its decision, dated June 5, 1955, granting the certificate of public convenience applied for.

In November, 1958—more than five months after the grant of certificate to the applicant—the Manila Railroad Company filed a motion to have the decision set aside and the case reopened, alleging that despite being an old operator on the lines in question it was not notified of the application, the hearings thereon and the orders issued in the case; that the grant of certificate to the application and its subsequent operation "have been proving to be prejudicial" to its interests; and that it believed the evidence it proposed to adduce at the rehearing would alter the decision already rendered.

Acting on this motion, the Commission under date of December 8, 1955, handed down an order, which says:

"Considering the motion of the Manila Railroad Company dated November 25, 1955 asking that the decision entered in this case on June 9, 1955 be set aside and this case reopened to enable the movant to present evidence in opposition, and finding no merit in the same inasmuch as the original order of hearing in this case was entered on October 14, 1948, when the Manila Railroad was not a registered operator in this Commission and it is only lately that the Manila Railroad has asked that it be notified of applications for bus services, for which reason the Railroad was not included in the list of affected operators; considering further that all thru the time that this case was pending hearing or pending decision, the Manila Railroad never asked for permission to intervene in this case, and it would be manifestly unfair to reopen all cases wherein the Manila Railroad had no interest at the time when they were decided simply because it subsequently chose to operate a service on identical lines, it is ordered that the said motion of the Manila Railroad Company be, as it is hereby, DENIED."

This is the order now before us for review.

The Public Service Law authorizes the Public Service Commission to grant, upon proper notice and hearing, certificate of public convenience for the operation of a public service whenever the said Commission finds that the operation of such service will promote the public interests in a proper and suitable manner. The rules of procedure in the Commission require an applicant for a certificate to operate a bus or TPU auto-truck service to

publish in two newspapers of general circulation the order setting his application for hearing and, in addition, "to, send by registered mail copy of the application and the order of hearing to all operators who may be affected thereby as appearing in the list furnished by the Commission." Those requirements have been duly complied with in the present case, for beside publishing in two newspapers of general circulation the application and the order setting it for hearing, the applicant also sent by registered mail copies of the said application and order to all operators appearing in the list furnished by the Commission. And as the Commission found after hearing that the operation of the service applied for would promote the public interests, the grant of the certificate to the applicant would appear to be in accordance with law and the regulation.

The Railroad company complains that it was not notified of the hearing and takes the Commission to task for not including it in the list of operators that should be notified. But for all that the company had only itself to blame. For, as explained in the order under review, the company was not a registered operator in the Commission and only lately had it asked "that it be notified of applications for bus services." Moreover, as the order also points out, "all thru the time that this case was pending hearing or pending decision, the Manila Railroad never asked permission to intervene" and this, we may add, notwithstanding the fact that both the application and the order setting it for hearing were duly published. Not only that, but it also appears that rehearing was not asked until more than five months after the decision granting the certificate was handed down. Having all those things in mind we think the Commission was right when it said that "it would be manifestly unfair to reopen all cases wherein the Manila Railroad had no interest at the time when they were decided simply because it subsequently chose to operate a service on identical lines."

We also note that the motion for reopening is not even under oath. And while it alleges that the grant of the certificates to the applicant and its subsequent operation on the lines applied for "have been proving to be greatly prejudicial to the interest" of the movant and that the latter has evidence sufficient to "alter the decision", it does not specify in what that prejudice consists or the kind of evidence the movant proposes to introduce. An unverified motion containing such generalities cannot, in our opinion, justify the setting aside of a decision handed down in response to a clear public need—the need for additional service on the lines herein applied for—there being evidence that the buses operated by the Railroad company cannot accommodate all the passengers on those lines.

Wherefore, the order under review is affirmed with costs against the Manila Railroad Company.

Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Endencia, and Felix, JJ., concur.

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.