

CENON P. CORDERO AND PEDRO CORDERO, PETITIONERS, VS. THE PUBLIC SERVICE COMMISSION, FRANCISCO CAGUICLA AND MANUEL OPU-LENCIA, RESPONDENTS.

G.R. No. L-32489. March 28, 1983

Ponente: VASQUEZ, J.

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VASQUEZ, J.:

Petitioners have taken this appeal from a decision of the respondent Public Service Commission authorizing the private respondents to sell ice and supply cold storage for the province of Batangas and the City of Lipa. The petitioners are holders of a certificate of public convenience to operate an ice-plant in the municipality of Bauan and to sell the ice produced therein in the municipalities of Bauan and Mabini, province of Batangas.

In assailing the validity of the decision appealed from, the petitioners contend that the decision is null and void due to the lack of the requisite notice of hearing, and the hearing having been delegated to an official of the respondent Commission who is not a member of its legal division nor a chief of a division.

The lack of notice adverted to by the petitioners is the failure of the notice of hearing to be served individually by registered mail or personal delivery on "all affected parties" mentioned in the list supposed to be attached to the notice of hearing. Such a requirement is expressly indicated in the notice of hearing itself. The respondents, on the other hand, contend that petitioners may not complain that they were not notified of the hearing inasmuch as the notice of hearing was published in two newspapers of general circulation in the province of Batangas; and that the requirement of individual notices to the affected parties appearing in the list attached to the notice of hearing could not have been complied with by the private respondents inasmuch as no such list was attached to the notice of hearing issued by the hearing officer; besides, the usual practice in the hearing of cases in the respondent Commission was not to send such individual notices to affected parties.

The question herein presented is not new, it having been previously resolved in the closely analogous case of Olongapo Jeepney Operators Association vs. Public Service Commission, 13 SCRA 303. In said case, the notice of hearing of an application for a certificate of public convenience to operate a public utility service was published in two newspapers of general circulation in the province, but no individual notices were sent to the operators affected. Under those facts, the following pronouncement was made:

"In this instance, respondent applicant contends that the publication of the notice of hearing in 2 newspapers of general circulation in the province of Zambales is notification not only to the interested parties, but to the whole world in general. This is inaccurate. The order required, in addition to publication, individual notice to the operators affected by the application and whose names appeared in the list attached to the order. The requirement, therefore, is not in the alternative, but conjunctive. It cannot be disputed that this requirement of the Public Service Commission itself in connection with an application for a certificate of public convenience, is within the power of the Commission to impose. The inadequate notification to the interested parties in this case, which resulted in the oppositors' failure to be present during the hearing, deprived them of their day in court. The decision rendered in disregard of said right, consequently, is null and void."

We consider it unnecessary to discuss the other issue raised by the petitioners regarding the alleged illegal delegation of the hearing of the case to the official who heard the same.

WHEREFORE, the decision appealed from is hereby REVERSED and SET ASIDE. Private respondents shall pay the costs.

SO ORDERED.

Teehankee (Chairman), Melencio-Herrera, Plana, Relova and Gutierrez, Jr., JJ., concur.

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