

MANILA YELLOW TAXICAB CO., INC., VS. FRANCISCA VILUAN, RESPONDENTS.

G.R. No. L-16243. March 31, 1964

Ponente: DIZON, J.

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DIZON, J.:

This is a petition filed by the Manila Yellow Taxicab Co., Inc. for the review of a decision of the Public Service Commission in Case No. 117725 rendered on October 14, 1959, granting Francisca Viluan a certificate of public convenience to operate five automobiles for taxicab service within San Fernando, La Union, and therefrom to any point in the island of Luzon accessible by motor vehicle, and vice versa.

On May 18, 1957 petitioner applied for a certificate of public convenience with the Public Service Commission to operate thirty automobiles for taxicab service within San Fernando, La Union, and from said place to any point in Luzon. The application was approved but only for ten units. In August 1957 petitioner commenced operations.

On September 19, 1957, petitioner applied for twenty additional units, alleging that its units at the time were insufficient to meet the demands of the riding public in said municipality. Pending said application, respondent Francisca Viluan filed her own application for a certificate of public convenience to operate ten automobiles for taxicab service within petitioner's territory. The latter opposed the application claiming (1) that the ten units operated by it, together with the proposed increase of twenty units, were more than sufficient to meet the needs of the riding public in the subject territory; (2) that the approval of respondent's application would create ruinous cut-throat competition between them; and (3) that petitioner's application for an increase of units should be given preference, it being an old operator.

On the date set for the hearing of respondent's application, petitioner moved for the postponement thereof pending final determination by the Commission of its application for an increase of units. The Commission denied the motion and proceeded with the reception of respondent's evidence.

Meanwhile, on October 28, 1958, petitioner's application for increase was granted but only for fifteen units instead of the twenty applied for. In view thereof, petitioner moved for the dismissal of respondent's application alleging that the grant of an increase of only fifteen units was a conclusive finding of fact that there was only a need of an increase of 15 units in San Fernando, La Union. The Commission denied the motion as was petitioner's motion for reconsideration.

On October 14, 1959, after hearing respondent's application, the Commission rendered the decision under review.

The issue to be resolved is whether or not the Public Service Commission, committed a reversible error in granting respondent a certificate of public convenience to operate five automobiles for taxicab service, as stated heretofore, after granting: petitioner's application for increase but only for fifteen units instead of the twenty additional units applied for.

Upon the evidences before us, we are of the opinion and so hold that the order appealed from must be affirmed.

In the first place, the real question involved is one of fact, namely, whether or not the circumstances prevailing in the area covered by the application filed by respondent sufficiently justify the granting of her application. In this connection we have heretofore held that the law has invested the Public Service Commission, in the exercise of its power of supervision and control over public transportation, with broad discretion, and we are not supposed to interfere with that discretion and to substitute our opinion for that of the commission, except in a case of clear abuse thereof - which has not been shown in the case at bar. (*Estate of Buan etc., vs. Pampanga Bus Company*, 53 O.G. 8553; *Raymundo Transportation Co. vs. Cerda*, 53 O.G. 3580, May 18, 1956)

In the second place, it is to be noted that petitioner's application for increase was granted on October 28, 1958, while respondent's application was granted on October 14, 1959. During the intervening one year period, it is entirely possible—as the Commission must have found—that the pertinent conditions and circumstances in the area had sufficiently changed to justify the granting" of respondent's application.

WHEREFORE, the order appealed from is hereby affirmed, with costs.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes J. B. L., Paredes, and Makalintal, JJ., concur.

Barrera, J., reserves his vote.

Regala, J., took no part.

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