

BACHRACH TRANSPORTATION CO., INC., VS. GAVINO CAMUNAYAN, RESPONDENT.*G.R. No. L-21168. December 16, 1966*

Ponente: CONCEPCION, C.J.

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On April 23, 1962, Gavino Camunayan filed with the Public Service Commission an application for authority to operate a bus service, for the transportation of passengers and freight, on the line Cordon (Isabela)—Buguey (Cagayan), with 15 auto-trucks. Soon thereafter, Bachrach Transportation Co., Inc.—a domestic corporation engaged in the business of operating and maintaining a fleet of buses for the transportation of passengers and freights between Manila and different points in the provinces of Nueva Ecija, Nueva Vizcaya, Isabela and Cagayan—objected to said application. After appropriate proceedings, the Commission rendered judgment on March 5, 1963, directing the issuance to Camunayan of a certificate of public convenience to operate a PUB auto-truck service on the line Ilagan (Isabela)—Buguey (Cagayan) via Tuguegarao and Aparri and vice-versa, with 15 units. Hence, this petition for review by said corporation, upon the ground that the Commission has erred: "in granting the respondent" the aforementioned certificate of authority to operate; "in holding that public convenience will be served in a proper and suitable manner by granting" said authority; and "in overruling the opposition of the petitioner" herein.

In this connection, the decision appealed from says:

"From the foregoing evidences adduced by the parties, the Commission believes that applicant has sufficiently proved that there is public need for the proposed service. It is quite inconceivable that the Rural Transit could have survived in its transportation business in the Cagayan Valley through all these years if it were true that the usual load of its buses is only from 2 to 12 passengers. No evidence was presented by the oppositor to show that they have been suffering phenomenal losses on the line in question due to the negligible volume of passengers. Besides, if oppositor's claim is true, it could at least have presented its records to show the actual passenger load of its buses on said line. Moreover, it appears that there are no operators providing a direct service from Ilagan to Buguey. Significantly, majority of the witnesses of oppositor are its own employees whose testimony cannot be accorded much weight because of their special relationship with the oppositor.

"On the whole, the Commission finds the weight of the evidence is in favor of the applicant. Consequently, the opposition filed by the oppositor herein is hereby OVERRULED.

"In view hereof, and considering that public convenience will be served in a proper and suitable manner by the approval of this application, and their being sufficient evidence that applicant is a Filipino citizen and financially capable, the Commission hereby rules that the application herein applied for may be, as it is hereby GRANTED to applicant and certificate of public convenience be issued authorizing him to operate a PUB auto-truck service on the line Ilagan (Isabela)—Buguey (Cagayan), and vice versa, with the use of fifteen (15) units x x x."

It is well settled, however, that findings of fact of administrative bodies will not be interfered with by courts of

justice in the absence of a grave abuse of discretion on the part of said bodies or unless the aforementioned findings are not supported by substantial evidence (*La Mallorca & Pampanga Bus Co., Inc. vs. Mercado*, G. R.No. L-19120, November 29, 1965; *Halili vs. Daplas*, G. R. No. L-20282, May 19, 1965; *West Leyte Trans. Co. vs. Salazar*, G. R. No. L-15418, September 30, 1963; *Pangasinan Trans. Co. vs. Feliciano*, G. R. No. L-14401, August 31, 1962; *A.L. Ammen Trans. Co. vs. Desuyo*, G. R. No. L-10372, May 14, 1953; *Guico vs. Buan*, G.R. No. L-9769, August 30, 1957; *Laguna Tayabas Bus Co. vs. Vegamore*, G. R. No. L-9445, April 29, 1957; *Pangasinan Trans. Co. vs. De la Cruz*, 95 Phil. 273; *Manila Yellow Taxicab Co. vs. Danon*, 53 Phil. 75). Petitioner herein has not established, either the absence of such evidence, or said abuse of discretion.

Indeed, petitioner argues that "the decision of the Commission granting respondent authority to operate on the line Ilagan (Isabela) to Buguey (Cagayan) via Tuguegarao and vice-versa, is not reasonably supported by the evidence and contrary to law"; that "the decision in question by the Public Service Commission is contrary to a long line of decisions of this Honorable Court and, therefore, contrary to law, and, thereafter, to declare and hold that said decision of the Commission is not reasonably supported by evidence"; and that "the Commission in its decision have (has) completely disregarded the testimonies of the witnesses for the petitioner and gave credibility to the testimonies of the witnesses of the respondent, who are mere casual observers whose observations are limited to occasional trips during their travels, compared to the actual observations every day on different hours of the day and night by persons whose main and sole concern is transportation business." (*Italics ours.*)

In other words, petitioner merely assails the conclusions of the Commission as regards the credibility of the opposing witnesses. (*Red Line Trans. Co. vs. Barrizo*, G. R. No. L-19304, August 31, 1964; *Flash Taxicab Co. vs. Cruz*, G. R. Nos. L-15464 and L-16255, March 30, 1963; *Raymundo Trans. Co. vs. Cervo*, 91 Phil. 313; *Halili vs. Ice & Cold Storage*, 77 Phil. 823; *Espiritu vs. San Miguel Brewery*, 63 Phil. 615; *Estate of Buan vs. Pampanga Bus Co.*, 53 Off. Gaz. 8553,) Apart from the fact that such conclusions are, in general, not reviewable in a proceeding of this nature, the record before us fails to show that said Commission had erred in relying upon the testimony of the witnesses for Camunayan and in giving no credence to that of petitioner's witnesses. In fact, whereas most of the latter were its own employees, the former, excluding Camunayan, did not appear to have any improper motive to testify as they did. What is more, respondent's witnesses were Ricardo Paguirigan, Mayor of Ilagan, Cesar N. Comin, the Chief of Police thereof, Severino Torres, an Agricultural Machinery salesman of GAMI, with official station in Tuguegarao, Cagayan, who covers the whole area of the Cagayan Valley, and Jerundio Tarobal, an old resident of Ilagan, Isabela, and a farmer by occupation, whose testimony discloses nothing that would impair their veracity.

It is urged, however, that the Commission granted appellee a line longer than that applied for; but, this is not a fact, for the line covered by the application was Cordon (Isabela)—Buguey (Cagayan), which was shortened to Ilagan (Isabela)—Buguey (Cagayan). It is true that the line granted was via Tuguegarao and Aparri, instead of via Dugo Junction, as stated by respondent's counsel in open court. But, this is of no consequence, inasmuch as the application was for a direct line from Cordon (Isabela) to Buguey (Cagayan), without specifying whether it should be via Dugo Junction or via Tuguegarao and Aparri.

WHEREFORE, the decision appealed from is hereby affirmed, with costs against petitioner Bachrach Transportation Co., Inc.

IT IS SO ORDERED.

Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

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