

SAULOG TRANSIT, INC., PETITIONER, VS. JOSE SAMALA, RESPONDENT.

G.R. No. L-16232. March 30, 1962

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Appeal from a decision of the Public Service Commission.

Respondent Jose Samala, an authorized operator of twelve (12) TPU buses on the Lines Cavite City-Manila and Cavite City-Balara U.P. site), and vice-versa, sought authority to operate twelve (12) additional units on Mondays, Wednesdays, Fridays and Saturdays on the Lines Cavite City-Santa Cruz (Manila) and Cavite City-Divisoria (Manila). Petitioner, Saulog Transit, Inc., another authorized operator of TPU bus service between Cavite City and Manila, including the lines covered by respondent's application, objected thereto.

Samala introduced testimonial evidence to the effect that there are numerous students and employees who come to Manila from Cavite City on Mondays and return to Cavite City on Saturdays; that many people from Cavite attend religious services in Baclaran, on Wednesdays, and in Quiapo, on Fridays; and that the TPU buses covering the route in question are insufficient to accommodate the passengers, a good many of whom are left on the roads and have to suffer long delays.

Upon the other hand, the witnesses for Saulog Transit, Inc. testified that the increase in the volume of passengers on Mondays, Wednesdays, Fridays and Saturdays is not such as to be beyond the capacity of the units already authorized to operate on the lines aforementioned to accommodate.

In view of the conflicting nature of the evidence thus introduced, the Public Service Commission assigned two (2) of its agents to check the volume of passengers traveling along the aforementioned lines for one week. Upon submission of the report of said agents, the Commission rendered its decision granting Samala the authority to operate six (6) additional auto-trucks on the line Cavite City-Divisoria (Manila) on Mondays, Wednesdays, Fridays and Saturdays, in accordance with a time schedule which the Time Schedule Section of said Commission was thereby ordered to prepare for approval, within fifteen (15) days from notice of said decision. A reconsideration thereof having been denied, the case is now before us on petition for review by the Saulog Transit, Inc.

The decision appealed from, from which Commissioner Aspillera dissented, appears to have been decisively influenced by the increase in the number of passengers traveling on the line in question on Mondays, Wednesdays, Fridays and Saturdays. Thus, after noting that the volume of the traffic for the period covered by the checking made by the agents was:

"Tuesday —July 28, 1959 —9,240

passengers

Wednesday —July 29, 1959 —13,984

"

Thursday —July 30, 1959 —10,441

"

Friday —July 31, 1959 —14,258

"

Saturday —Aug. 1, 1959 —15,057

"

Sunday —Aug. 2, 1959 —5,557

"(1/2 day only)

Monday —Aug. 3, 1959 —18,019

"

the Commission said, in the decision appealed from:

"x x x Thus, it can be observed that the report of our checkers confirm the allegations and the evidence presented by the applicant that on Mondays, Wednesdays, Fridays and Saturdays there are really more passengers traveling between Cavite City and Manila than on the other days of the week. Considering this increase in the number of passengers and the existing number of units authorized for said line, we believe that public interest will be promoted in a proper and suitable manner by an increase of six (6) more units instead of the twelve (12) applied for to be operated only on Mondays, Wednesdays, Fridays and Saturdays."

The very report of said agents discloses, however, the fact that, despite the increase in the volume of the traffic on Mondays, Wednesdays, Fridays and Saturdays, most of the buses being operated on the line in question were only half-full. As Commissioner Aspillera observed in his dissent:

"x x x I think that the preponderance of the evidence establishes that there is at present adequate service between Manila and Cavite. Indeed, in previous cases the Commission had denied applications for new services on the same line because of a finding that transportation facilities now existing are sufficient. The opposition stresses that according to the checking made by the agent on the Commission for one week, it was observed that on Mondays, Wednesdays, Fridays and Saturdays more passengers were checked than on the other day, but it overlooks the fact that on the basis of the very report of checking it will be seen that those passengers were all accommodated in buses operating on the days of checking and with very very few exceptions the buses checked traveled on an average of less than half load, thus showing that even with this additional volume of traffic on Mondays, Wednesdays, Fridays and Saturdays all the passengers traveling can still be adequately accommodated in the buses presently authorized." (*Italics supplied.*)

WHEREFORE, the decision appealed from is hereby reversed and the petition of respondent Jose Samala, accordingly denied, with costs against the latter. It is so ordered.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Barrera, Paredes, Dizon, and De Leon, JJ., concur.

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