

ROMULO V. RAMOS, PETITIONER, VS. PEDRO M. LAT AND ANGELES M. LAT, RESPONDENTS.*G.R. Nos. L-14476 & 15773. May 23, 1960*

Ponente: BARRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/47ba77faabc1/>**BARRERA, J.:**

From the decision of the Public Service Commission in PSC Cases Nos. 103908 and 104384, allowing Pedro Lat and Angeles Lat to install, operate and maintain, in addition to their original 2-ton ice plant, a 5-ton unit in Digos, Davao, and dismissing the application of Romulo V. Ramos for a certificate of public convenience for the same purpose, the latter appealed to this Court by way of the instant petitions for certiorari in the two cases, questioning the findings of the Commission that the spouses Pedro and Angeles Lat, who were holders of a certificate of public convenience for the same purpose, the latter appealed to this Court by way of the instant petitions for certiorari in the two cases, questioning the findings of the Commission that the spouses Pedro and Angeles Lat, who were holders of a certificate of public convenience since 1949, had been rendering adequate and efficient service, thus justifying the granting of their application for the installation and operation of an additional 5-ton unit.

On February 7, 1957, Romulo V. Ramos filed an application with the Public Service Commission (PSC Case No. 103908) for a certificate of public convenience to install, operate and maintain in the municipality of Digos, province of Davao, an ice plant with a daily productive capacity of 5 tons, and for the sale and distribution of ice not only in Digos but also in the adjoining municipalities of Sta. Cruz, Dansalan, Hagonoy, Padada and Malalag, all of the same province.

This application was opposed by Pedro M. Lat and Angeles O. Lat, grantees of certificates of public convenience to operate ice plants not only in Digos, but also in Davao City and Magugpo, in the province of Davao, for the reasons that the ice plants owned by them were actually producing ice more than sufficient to meet the demands of the public; that oppositors had already filed, in Case No. 104384 (on February 19, 1957), an application to increase the daily capacity of their ice plant in Digos from 2 tons to 7 tons, which application was already heard by the Commission; and that to grant the application of Ramos would only cause ruinous competition. At the request of applicant Ramos, the Justice of the Peace of Digos, Davao, was commissioned to receive the evidence for applicant and oppositors.

The records show that on February 18 of the same year, the spouses Pedro and Angeles Lat sought authorization from the Public Service Commission (in PSC Case No. 104384) to increase the daily capacity of their ice plant in Digos, Davao, covered by a certificate of public convenience granted in 1949, from 2 tons to 7 tons, and to sell and distribute ice not only in the municipalities of Digos, Sta. Cruz, Limonso and Padada, but also in the municipality of Malalag (Davao). At the hearing of the aforesaid application, Romulo Y. Ramos appeared and opposed the same, on the ground that the purpose of the applicants Lat apparently was to control or monopolize the distribution of ice in Davao.

Considering the two applications and the oppositions thereto jointly, the Public Service Commission rendered a decision, in part reading as follows:

"The need for the additional production in Digos is not at issue here. The evidence clearly establishes that there is a need for more ice for use in Digos and the towns proposed by the applicants in view of the development of the fishing industry in those towns and the considerable increase in population. It appears that there is an overall population of about 60,000 people in all the towns which will be served by the ice plant in Digos. The evidence of both applicants also establish those need, and the only question is which of the two applicants should be allowed the additional production considering that we believe that there is no need for allowing both applicants to put up a plant of 5 tons each. Applicant Ramos had adduced evidence to show that operators Pedro and Angeles Lat have been negligent in rendering their service and that they have overlooked the increasing or growing needs of the public for ice and that the Lats did not think of applying for additional production until they know that applicant Ramos had filed his application for a 5-ton plant. We do not find this contention correct because the evidence shows that as early as October, 1956 applicants Lat instructed their counsel in Manila to file an application for an additional 5-ton unit to be installed in Digos and the corresponding order for the equipment was placed with the Industrial Equipment Company, and in the letter of that company to Pedro Lat dated September 29, 1956 the former quoted to the latter specifications for a 5-ton unit pursuant to the request made by said Pedro Lat. This evidence confirms the claim of the applicants that they took steps even before the filing of the Ramos application to put up an additional unit in Digos. There is also the claim of the applicant Ramos that the Lats are no longer interested in their Digos plant because they have sold the land where the plant is installed to another party. There is such a deed of sale of the land but this fact certainly does not prove that the Lats have given up the operation of their ice plant because the land may be sold but they may still retain the ownership of the plant, and that this is so is shown by circumstance that they are willing to put up an additional investment of about P80,000.00 to increase the production of the plant. We also find satisfactory the evidence of applicants Lat that they have been rendering ice delivery service in Digos and the other towns whenever such service was needed by the public. In consonance with the principle that, all things being equal, the pioneer operator is entitled to preference in authorizing an additional service in his territory when such service is shown to be needed by the public there being no showing that the Lats have been negligent or careless in attending to the needs of the public, we believe that in the present cases the authority for the additional 5-ton production should, as it is hereby, given to applicants Pedro and Angeles Lat for authority to increase the capacity of their ice plant in Digos by 5 additional tons, and dismissing the application of Romulo V. Ramos."

Petitioner admits that the question raised herein is purely factual, and, fully aware of the definite stand of this Court in appeals of this nature,[1] he claims that the finding of the Public Service Commission is not supported by evidence, thus justifying the removal of these cases from the sphere of application of the general rule. As we have already held,[2] where the appeal from a decision of the Public Service Commission involves factual findings, the only question that should be determined is whether the evidence on record substantially supports said findings and conclusions, without necessity of examining the proof de novo to find out whether such findings or conclusions are supported by preponderant evidence.

In controverting the findings of the Commission in the cases at bar, petitioner insists that it failed to take into account the facts that there were occasions when, to replenish their stock in Digos, respondents had to get the excess ice produced by their ice plant in Davao City; that no ice deliveries were being made by the respondents; and that although they were grantees of a certificate of public convenience since 1949, respondents sought authority to increase the capacity of their ice plant in Digos only in 1957, although the population of the affected areas had allegedly been increasing since 1949. After considering these allegations, which were already made and presented by petitioner during the hearing, the Public Service Commission expressly found the services rendered by respondents satisfactory. This conclusion is evidently based, on the one hand, on the testimony of Pedro Lat

and his witness, Eufronio Felix — tending to establish the sufficiency and efficiency of the services of respondents in the past, and the need for the increase of the same to meet the growing demand of the public for the commodity — and, on the other, the absence of evidence, other than petitioner's own testimony, to prove the alleged negligence and indifference of respondents to the needs of the public. Under the circumstances, we perceive no reason to disturb the finding of the Commission in these cases and substitute the same with one of our own.

Wherefore, the decision appealed from is hereby affirmed, with costs against the petitioner in both instances.

So ordered.

Paras, C.J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, and Gutierrez David, JJ., concur.
Reyes, J.B.L., J., on leave, took no part.

[1] The Supreme Court will not substitute its judgment for that of the Public Service Commission on questions of fact and will interfere only when it is clear that there is no evidence to sustain its decision. (*Angat-Manila Transportation Co. v. Vda de Taongco*, L-5005, May 26, 1954; *Surigaro Express Co. v. Mortola*, L-4816, March 25, 1954, *Pangasinan Transportation Co. v. De la Cryuz*, L-6533, June 29, 1954; *Javellana v. Bariela*, L-4347, Jan. 31, 1953; *Espiritu v. Los Baños*, L-7121, July 30, 1955; *Manila Yellow Taxicab Co. v. Danon*, 58 Phil. 65; *Padua v. Ocampo*, L-7579, Sept. 17, 1955; *Raymundo Trans. Co. v. Carda*, L-7880, May 16, 1956; *Guico v. Bachrach Motor Co.*, L-9570, July 29, 1957; *Halili v. Aldea*, L-15433, Dec. 29, 1959.

[2] *Bachrach Motor Co. v. Guico*, L-12619-12620, August 28, 1959.

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.