

PAMPANGA BUS COMPANY, INC., Petitioner VS. ALBERTO GUINTO RESPONDENT.*G. R. No. L-6180. November 29, 1954*

Ponente: PADILLA, J.

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In 1946 Alberto Guinto was granted an emergency certificate valid up to 31 December 1948 only. It authorized him to operate an auto-truck service between Lamao (Bataan)-Manila and Tarlac (Tarlac)-Manila. On 11 January 1949, Alberto Guinto filed a petition for conversion of his emergency certificate, which had expired on 31 December 1948, into a regular certificate (Case No. 46202). The petition was set for hearing on 8 August 1950 and submitted for decision on 25 August, same year. Meanwhile, upon proper representations Alberto Guinto was allowed to continue the operation of the auto-truck service under his emergency certificate until after his application for conversion into a regular certificate shall have been decided. On 7 March 1952, on the ground that Alberto Guinto had completely abandoned his authorized service during the year 1951 and from January 1952, the Pampanga Bus Company Inc. filed a motion to cancel the operation of the service under the emergency certificate or provisional authority and to dismiss the application for the granting of the regular certificate in Case No. 46202. On the date set for hearing of the motion for cancellation of the emergency certificate, the Pampanga Bus Company Inc. did not present any witness as it had none. Alberto Guinto admitted to the commission that although there were interruptions in his service, the same were not voluntary but due to causes beyond his control, such as difficulty in securing tires and spare parts of the trucks, and also due to the unsettled peace and order condition as a result of the army operations against Hukbalahaps in the province of Bataan. After hearing, the Commission did not deem wholly satisfactory the explanation made by Alberto Guinto as regards the interruption of the service without previous authority from the Commission and for that reason imposed upon him a fine of P50. A motion for reconsideration of the last order of 28 April 1952 was filed by the Pampanga Bus Company, Inc., and at the hearing of the motion evidence was presented by it consisting of the testimony of Jose Gonzales Jr., a maintenance foreman (capataz) in the Bureau of Public Works stationed at Mabatang, Balanga, Bataan, and of Virgilio Celis, agent of the Commission in charge of checking the trips of operators in Balanga.

The testimony of both witnesses does not prove complete interruption by Alberto Guinto of the service during 1951 and from January to March 1952. Such being the case and pursuant to section 25 of Com. Act No. 146, the order complained of should be sustained and affirmed.

The fact that after the decision was rendered in the case for conversion of the emergency into a regular certificate, Alberto Guinto sold his rights to Florencio P. Buan is not relevant to the question at issue in this incident. The authority of the Public Service Commission to impose a fine as well as to “compromise any case that may arise under this Act in such manner and for such amount as it may deem just and reasonable” are provided for in sections 21 and 22, respectively, of Com. Act. No. 146.

Although the petition prays for a review not only of the orders of 28 April 1952, the latter denying motion for reconsideration of the former, but also of the decision rendered on 2 May 1952, granting a certificate of public

convenience to Alberto Guinto, it is, however, clear that the question in this incidents concerns the first two orders only and not the decision of 2 May 1952, notice of which, according to the very allegation of the Pampanga Bus Company, Inc., has never been served upon it, in spite of the fact that it is a party to the case. After notice thereof, the Pampanga Bus Company, Inc. may take legal steps to have the decision review if it so desires.

The orders of 28 April and 23 August 1952 are affirmed, without pronouncement as to cost.

Paras, C..J., Pablo, Bengzon, Montemayor, Reyes, A., Jugo, Bautista Angelo, Labrador, Concepcion and Reyes, J.B.L., JJ. concur

Mr. Justice Montemayor took no part.

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