

BATANGAS TRANSPORTATION COMPANY, ET AL., PETITIONER, VS. LAGUNA TRANSPORTATION COMPANY, RESPONDENT.

G.R. No. L-9185. December 27, 1958

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for review of a decision of the Public Service Commission granting to Laguna Transportation Company three additional round trips from Pagsanjan, Laguna to Manila and another three additional round trips from Batangas Piers to Manila.

The application for increase was opposed by Laguna-Tayabas Bus Company and Batangas Transportation Company on the ground that they have already a bus service from Pagsanjan to Manila with buses starting from Pagsanjan as well as coming from the municipalities of Paete and Sta. Maria, and vice-versa, which is more than sufficient to satisfy the needs of the residents of Pagsanjan as well as of intermediate municipalities; and that the Batangas Transportation Company has likewise a bus service from Batangas Piers to Manila and vice-versa, which is also sufficient to take care of the present volume of traffic.

Both parties presented testimonial as well as documentary evidence, and after considering the same, the Commission granted the increase prayed for in the application. Hence the present petition for review.

The evidence presented by the applicant, according to the Commission, shows "that passengers at Pagsanjan have a hard time in getting accommodation at Pagsanjan as the buses coming from Sta. Maria, Paete or other points farther south, are already filled up upon reaching Pagsanjan; that the residents of Pagsanjan desire to start at Pagsanjan very early in the morning so that they can arrive at Manila and transact their business early, and then return on the same day to Pagsanjan; that the buses of the applicant are already full of passengers and freight upon starting from Pagsanjan, so that the passengers are forced to wait for other trips for one hour or more; that the buses of Lazaro Limjuco only go as far as Sta. Cruz, Laguna, while the other operator M. Ruiz Highway Transit Inc. has very few trucks left, so much so that it makes very few trips passing Pagsanjan; that the Bifian Transportation Company has abandoned its trips on the line Lumbang-Manila, thus lessening the number of trips, passing Pagsanjan; that there are numerous passengers disembarking at the Batangas Pier coming from the different boats plying between Mindoro and Batangas who can not be accommodated by the buses waiting at the Batangas-Pier; that residents of Lobo (Batangas) in order to go to Manila have to ride on sailboats as far as Batangas Pier, but upon arriving at the the Pier, there are no available trucks so they ride on jitneys or autocalesas up to the poblacion of Batangas and then transfer to other buses going to Manila; that residents of Lipa City, Malvar and San Jose (Batangas) have a hard time riding in buses as those coming from Batangas and other municipalities farther than Batangas are already full of passengers when passing their respective municipalities; that on their return trip to Batangas, passengers go to the station of oppositors at Azcarraga, but can not easily get accommodation as the buses are already full, and if they are successful in getting a ride, it is only after forcing themselves through and crowding with other passengers."

"On the other hand,-the Commission continued, the oppositors presented its evidence showing that they are already rendering an adequate service on the lines Pagsanjan-Manila and Batangas Pier-Manila; that there is not much traffic on said lines to warrant the increase of trips applied for by applicant as shown by the reports of the checkers who have been assigned to establish check points along the lines; that oppositors have suffered losses in the operation of its auto-trucks on the lines Pagsanjan-Manila, Paete-Manila and Batangas Piers-Manila; and that applicant has not been making trips from the Batangas Pier but are cutting its trips up to the poblacion of Batangas only."

After a careful consideration of the evidence submitted by both applicant and oppositors, the Commission made the following conclusion:

"After a careful consideration of the evidence presented by both parties, we believe that applicant has presented enough evidence to show the need for the additional trips applied for by it. The records of the Commission show that in July, 1953, the Binan Transportation Company asked for the cancellation of its Luxnban- Manila line to enable said company to utilize the two auto trucks authorized for this line on its Lemery-Manila line. And Maria Ruiz who was authorized to operate twenty-two (22) units in different municipalities in that part of Laguna, requested the reduction of her units to only ten. This, of course, has considerably reduced the number of trips in the region. The records of this Commission also show that oppositor Batangas Transportation Company haB filed application for certificates of public convenience on the lines Mataas Na Kahoy-Manila and Lobo-Manila as well as for increase of trips on its line San Juan de Bolbok-Manila, the greater portion of which lines are concurrent to the line Batangas Pier-Manila. As to the contention of oppositor Batangas Transportation Company that the applicant Laguna Transportation Company is cutting its Manila-Batangas Pier line only up to the Batangas poblacion, the evidence of record show that the buses of applicant proceed up to the pier. And this is also admitted by one of oppositor's witnesses.

"It is a matter of record in this Commission that on the line Batangas Pier-Manila, there are only three operators: the applicant Laguna Transportation Company with five round trips, the Binan Transportation Company with four round trips, and the oppositor Batangas Transportation Company with another four round trips. On this line, the average interval of trips is fifty (50) minutes, while at Pagsanjan, the interval of trips is at an average of more than ten (10) minutes. We, therefore, believe that there is still room for authorizing the additional trips applied for. Besides, the three additional trips applied for by applicant on the line Pagsanjan-Manila, will in a way take the place of the trips abandoned by the Binan Transportation Company and Maria Ruiz."

Petitioners now contend that the Commission erred, among others, (a) in disregarding the report of its own agents regarding the volume of traffic that their buses usually carry which is less than fifty percent of their passenger capacity; (b) in disregarding the financial loses of petitioners; (c) in disregarding the cut-throat competition existing on the lines applied from among the different existing operators; and (d) in not giving credit to the testimony of the agents of the Public Service Commission that respondent has been cutting most of its trips from Batangas Piers to Manila.

In connection with the first contention, petitioners argue that applicant merely presented two witnesses in support of its claim that there is need for the three additional round trips it now seeks from the Commission whose testimony is not sufficient to warrant the granting of said additional trips. This is contrary to the record for the same shows that besides witnesses Nicomedes Nicolas and Feliciano Amadin who testified that they had to wait long in order to be able to ride in the buses operating between Pagsanjan and Manila, applicant also presented Antonio Liwanag, its supervising-inspector, who testified that as early as 3:00 o'clock in the morning passengers already wait at the parking place in order to take the first trip that starts at 4:00 o'clock a.m. going to Manila but that the buses cannot accommodate all the passengers, and that the trucks starting from Pagsanjan or from other places when they pass Pagsanjan are already loaded which makes it impossible for them to accommodate those

that go to the parking place. And this testimonial evidence is supported by Exhibits E and F, the first being a resolution adopted by the Municipal Council of Pagsanjan, and the latter a petition of the people of Pagsanjan supporting the petition for additional trips in the line Pagsanjan-Manila.

It is well-settled that "Where after a full hearing the Public Utility Commissioner makes finding of fact, and there is a material conflict in the evidence, such findings will not be disturbed where they are reasonably supported by testimony" (*Inchausti Steamship Co. vs. Public Utility Commissioner*, 44 Phil., 363). It was also held that "Whether public necessity and convenience warrant the putting up of additional services* on the part of the appellee, is a question of fact which the Public Service Commission has found in the affirmative. This finding, being supported by sufficient evidence, should not be disturbed" (*Raymundo Transportation Co. vs. Cervo*, 91 Phil., 313). This Court even went to the extent of holding that it "will refrain from substituting their discretion on the weight of the evidence for the discretion of the Public Service Commission on questions of fact and will only reverse or modify such orders of the Public Service Commission when it really appears that the evidence is insufficient to support their conclusions" (*Manila Yellow Taxicab Co. and Aero Taxicab Co. vs. Danon*, 58 Phil., 75; See also *Padua vs. Ocampo, et al.*, G. R. No. L-7579, September 17, 1955).

The claim of petitioners that the reports of the checkers submitted by them were disregarded by the Commission may be true, but such is partly due to the fact that the trips authorized to respondent were at 3:00 a.m., 5:47 a.m., and 7:23 a.m., whereas the checkers' reports refer to checking made at 8:00 or 8:30 a.m., which certainly cannot cover the authorized trips (Exhibits 2). Moreover, those reports may not entirely disprove the fact that there are more passengers than what the buses can accommodate for they only show that the load of the buses at the starting point was fifty percent and no one can tell how many more passengers they can pick up on the way in their trip to Manila.

It is true that there is evidence showing that the present operators of buses on the lines Pagsanjan-Manila and Sta. Cruz-Manila agreed to cut the rates of P0.01 and P0.05 per passenger per kilometer to a flat rate of P0.80 per passenger from Sta. Cruz and P0.85 from Pagsanjan to Manila, but this does not necessarily reflect the existence of a cut-throat competition among said operators for precisely because of that reduction a substantial increase in the volume of passengers was registered induced by such reduction for which reason the additional round trips were found necessary by respondent.

The claim of petitioners that they are losing in the operation of their Paete-Manila via Pagsanjan line and Pagsanjan-Manila line is belied by their own witness Hinagpis who said that the net profit realized by them in their joint operation of their lines for the year 1954 is over P700,000 and by Exhibit 18 of petitioners covering the period from January to June 30, 1954 showing that their net profit was P370,080.34. This fact runs counter to their claim that there is a dearth of passengers on the lines they operate and which now serves as basis of their opposition to the petition of respondent.

Petitioners' contention that the Commission in granting the additional trips from Batangas Piers to Manila to respondent did not take into account the checkers' reports Exhibits 11, 12, and 13, is sufficiently answered by respondent's counsel in this wise: "The reports of the checkers themselves show precisely that from the starting point where they check at either the poblacion of Batangas or at San Jose, the TPU buses still carry a load of about 50 percent. This load is already a good load for TPU operation from starting points, for those buses could still pick passengers on the way up to Manila, which has a distance of about 100 kilometers from the poblacion of Batangas to Manila, about 85 kilometers from San Jose where another checking point was made by the agent, to Manila, and approximately over 70 kilometers from Lipa City to Manila. This fact, alone, refutes the contention of petitioners, that the checkers' reports prove the contrary, for even the agents of the Commission who were placed at the witness stand, Messrs. Atienza and Dantayana, admitted on cross-examination that the passengers

dropped before their check point, as well as the passengers after the check point, are not reflected in the number of passengers specified in their checkers reports. They likewise, admit, further, that the trips made by TPU operators before the opening of their check point, as well as the trips made after the closing of the check point, are also not recorded in their checkers' report."

The foregoing makes it unnecessary to discuss the other points raised by petitioners in their brief.

Wherefore, the decision appealed from is affirmed, with costs against petitioners.

Paras, C. J., Bengzon, Padilla, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

Decision affirmed.

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