

VICTORY LINER, INC., PETITIONER VS. SAULOG TRANSIT, INC., AND PUBLIC SERVICE COMMISSION, RESPONDENTS.

G.R. No. L-7266. June 28, 1956

Ponente: ENDENCIA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/6fdead448f13/>

ENDENCIA, J.:

On February 6, 1953, respondent Saulog Transit, Inc. applied with the Public Service Commission for a certificate of public convenience to operate four (4) units of auto buses for a TPU Express service between Cavite City and Olongapo, Zambales. The application was opposed by Mariano Medina, holder of a certificate of public convenience to operate a passenger and freight service from Silang, Cavite, to Olongapo, Zambales, passing Cavite City; by Soledad Verzosa, a holder of a certificate of public convenience to operate a passenger, and freight service from Manila to Olongapo, Zambales, and vice-versa; and by the herein petitioner, the Victory Liner, Inc., a holder of a certificate of public convenience to operate a passenger and freight service along the same routes as Soledad Verzosa.

On the same day, February 6, 1953, the herein respondent amended his application stating therein, among other things, that "he proposes to operate said express service in accordance with a time schedule" which he attached to said amended application.

After the parties had joined issues, the case was properly tried on the basis of the amended application and time schedule attached thereto and the oppositions filed by the oppositors. And the Public Service Commission, after considering all the evidence presented by the parties, rendered a decision, the pertinent portions of which are as follows:

"From the evidence adduced by applicant, it appears that there are many employees working in the Olongapo Naval Base who are residents of Cavite City who continued working at the Naval Base when it was transferred from Cavite to Olongapo; that in the previous years, these employees from Cavite would avail of the direct bus services rendered by the Green Diamond, Osteria Transit and the Cavite Motor Bus Line, but that these operators have already stopped operating from Cavite to Olongapo; that these employees go home to Cavite not only on Friday afternoons, but also on other days of the week, because of overtime work or when they are given leaves of absence; that at present there is no direct service from Cavite City to Olongapo except that of Mariano Medina whose buses come from Silang, as a result of which said buses are already filled with passengers and cargoes when they pass Cavite City, and passengers from Cavite City have to take the buses of applicant from Cavite City to its terminal in Manila at Florentino Torres Street; that from this terminal, passengers have either to walk or take a taxi when they have packages with them, up to the Try-V-Tran station at Oroquieta, as there are no jitneys operating between the two stations.; that this system of transfer causes the passengers unnecessary delay and additional expenses in going from one station to another, and this difficulty of transportation is aggravated especially during rainy or stormy weather; and that during the time that the Green Diamond, the Osteria Transit and the Cavite Motor Bus Line were operating from Cavite City to Olongapo, a direct trip lasts around four hours, whereas by riding in the regular trips of the Saulog Transit from Cavite City to Manila, and of the Try-V- Tran or Victory Liner from Manila to Olongapo, it takes the

passengers at least six hours.

"On the other hand, the Victory Liner tried to prove that the present operators are rendering an adequate and sufficient service for the needs of the passengers from Cavite City to, Olongapo; that the previous operators operating on the line applied for were forced to abandon their service because of the lack of passengers obtaining on the line; that the bulk of passengers is heavy only in Fridays when the employees from the Naval Base go home to Cavite, and on Sundays when the employees have to return to Olongapo to report for duty on Mondays; that because the buses do not carry any passengers on Fridays on their way to Olongapo, and on Monday mornings from Olongapo to Cavite, they were forced to pick local passengers from Manila along the way to Olongapo and vice-versa; that even if the few passengers from Cavite to Olongapo have to drop at Manila, they have a ready and available means of transportation either from the Victory Liner or from the Try-V-Tran from Manila to Olongapo where both operators maintain an hourly service.

"After a careful consideration of the evidence presented by the parties, the Commission believes that there is really a need for authorizing the direct service applied for from Cavite City to Olongapo. We have consistently held that a direct service is more convenient to the travelling public than one which involves a transfer at some intermediate point, and this is true especially on long distance trips. In the present case, it has been proved that the difference in travelling time between the direct service and the one with transfer is two hours because the passengers have to avail themselves of the service of two operators, one from Cavite City to Manila and another from Manila to Olongapo. Besides, the oppositor Victory Liner is serving only a portion of the line applied for and therefore cannot give the same service sought for in the present application.

"Convinced from the evidence of record that the approval of the present application will promote public interests in a proper and suitable manner; and that the applicant is a corporation duly organized and existing under the laws of the Philippines, and is already an authorized TPU operator, and financially qualified to maintain and operate the proposed service, the oppositions filed in this case are hereby overruled, and it is ordered that under the provisions of Section 15 of Commonwealth Act 146, as amended, a certificate of public convenience be issued to applicant, * * *."

Not satisfied with the aforequoted decision, the herein petitioner has appealed therefrom assigning the following errors:

- (1) "That the certificate of public convenience granted to the herein respondent is broader and beyond the scope of either the original application, or the supplemental applications and is, therefore, a gross abuse of discretion amounting to lack of jurisdiction;
- (2) "That the respondent commission erred in not holding that the evidence adduced during the hearing has not clearly established the necessity of the service applied for, much less the service allowed in the decision applied from;
- (3) "That the said decision is unjustly prejudicial to the rights and interest of the herein petitioner, because the operation of the Saulog is giving the former an unfair and ruinous competition.

Under the first assignment of error, it is claimed that the Public Service Commission has granted additional trips that were not sought in the original application nor mentioned in the supplemental application; that no hearing was held thereon and, therefore, the public Service Commission, in motu proprio granting such additional trips, committed gross abuse of discretion amounting to lack of jurisdiction. We find this contention meritless, for the case was heard after the amended application with the time schedule attached thereto had been filed, and we presume that the trips and time schedule in question have been properly touched by the evidence presented by the parties and considered and weighed by the Public Service Commission before granting the application. It is unquestionable that the Public Service Commission has the authority and duty to determine the trips and their time schedule in granting a certificate of public convenience to an applicant to operate autobus service for the

transportation of passengers and freight on a given line. In the instant case, the Public Service Commission has exercised such authority and duty on the basis of the evidence presented by the parties and after properly taking into consideration the public convenience, and therefore when it granted the disputed additional trips, it did not commit gross abuse of discretion as pretended by the herein petitioner. In the case of *Mateo vs. Public Service Commission*, 84 Phil., 483, 47 Off. Gaz.; No. 2, 708, this Court held that "When the surrounding circumstances demand, and it would promote the convenience of the travelling public, the application of an operator for additional equipments, trips and extension of line of service will properly be, granted." In the case of *Halili vs. Cam Transit Co.*, L-7494, November 29, 1955, this Court also held that "Regardless of the purpose for which a certificate of public convenience may have been issued, the Public Service Commission may authorize the re-routing of the buses^ under said Certificate of Public Convenience, if the public convenience so demand."

With regard to the second and third assignments of error, suffice it to say that it has repeatedly been held that "this Court should not attempt to substitute its judgment for the judgment of the Public Utility Commission if there be evidence before it reasonably supporting its order." (*Mojica vs. Public Utility Commission*, 49 Phil., 774).

And because the Public Service Commission considered all the evidence presented by both parties before reaching the conclusion that the respondent *Saulog Transit Inc.* should be granted a certificate of public convenience to operate on the line applied for, there is no reason for disturbing said decision, for "the jurisdiction of the Court to set aside a decision of the Commission is limited to cases where it clearly appears that there is no evidence to support reasonably such a decision or that the same is contrary to law or that it is without the jurisdiction of the Commission."

Wherefore, finding no error in the decision appealed from, the same is hereby affirmed without any pronouncement as to costs.

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

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.