

**R.C. LEDESMA, PETITIONER, VS. PUBLIC SERVICE COMMISSION,  
ANTONIO HERAS, MD TRANSIT, INC., AND DE DIOS  
TRANSPORTATION CO., INC., RESPONDENTS.***G.R. No. L-26900. February 27, 1970*

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7ab0317ef9fa/>**FERNANDO, J.:**

Petitioner R. C. Ledesma would have us review a decision of respondent Public Service Commission which authorized her to operate a passenger and freight jitney service from the corner of Banawe and Laong-Laan, Quezon City up to the corner of Laong-Laan and Governor Forbes, Manila, with the use of ten units instead of twenty as applied for. While Commissioner Enrique Medina of respondent Commission was of the opinion that she could operate her line as far as the Manila City Hall, as was sought by her, the then Associate Commissioner Gregorio C. Panganiban was for limiting her certificate only up to the corner of Laong-Laan and Governor Forbes. With the other Commissioner Filomeno C. Kintanar dissenting, the limitation of such service in accordance with the view of Commissioner Panganiban prevailed. Petitioner would have us, therefore, modify the same so that the position taken by Commissioner Medina be sustained and her application, as originally filed, be approved in its entirety. With our jurisdiction to set aside any order, ruling or decision of the respondent Commission being predicated on it clearly appearing that there was no evidence before it in support thereof or that the same is contrary to law or outside its jurisdiction, we cannot accede to petitioner's wishes.[1] Her plea for the modification of the decision now sought to be reviewed finds no support in the controlling legal provision as authoritatively construed by us.

As noted in the opinion of Commissioner Medina: "From the evidence adduced by the applicant at the hearing of this case, the Commission believes that the proposed service is the first to be established over the applied line due to the recent opening of the Laong Laan Street to traffic, thus precipitating the steady flow of vehiculars from Quezon City to Manila. While it is true that on the lower portion of the applied line that is from Quezon Boulevard to P. Burgos, this area is already considered saturated, nevertheless, it is important likewise to note that at present there is no authorized operator along the upper portion of the applied line. Consequently, it would rather be too expensive and too inconvenient on the part of the riding public to be transferring from one jitney to another if we are to limit applicant's operation up to the point where there are already numerous buses and jitneys operating thereto."[2]

Then came this portion: "It is therefore the considered opinion of the Commission that although the Quezon Boulevard (Manila)-P. Burgos, is already saturated and covered by the moratorium, we should not deprive the commuters of the Laong Laan and Banawe of an essential public service; a few more units to the Quezon Boulevard-P. Burgos (City Hall), can be tolerated as a part of the burden and sacrifices inherent in social and City life. The Commission, however, aware of the memorandum order regarding saturation, should limit the number of units authorized to the minimum and should be very careful not to allow any unit not absolutely necessary to meet the present demand of the riding public of the Laong Laan and Banawe, Quezon City."[3] It then found that public

convenience would be promoted in a proper and suitable manner by approval of petitioner's application, and that she is a Filipino citizen legally and financially capable to maintain and operate the proposed service. As set forth above, Commissioner Medina was fully agreeable to her application, except that the number of units was decreased from twenty to ten.

Why Commissioner Panganiban was not fully in agreement with the above views was explained by him in his concurring and dissenting opinion thus: "Since the portion of the line applied for from Dimasalang to City Hall has already been declared by this Commission to be saturated and a further grant of authority to operate thereon will aggravate the already congested condition in the area, it is the considered opinion of the undersigned that this application should be approved only from its northern terminal. Corner Banawe and Laong-Laan up to the southern end, Laong-Laan and Governor Forbes. Considering that there are already numerous jeepneys and buses presently rendering adequate service from the corner of Laong-Laan and Governor Forbes to the City Hall which can be availed of by commuters along the route proposed to be served whose destination is City Hall, the undersigned does not see any compelling reason to totally depart from the policy of the Commission in restricting the further entry of public utility vehicles to the saturated streets of Manila." [4] His concurrence was thus limited: "The undersigned, however, concurs in the observation in the decision that at present, there is no authorized operation from the Corner of Banawe and Laong-Laan up to the corner of Laong-Laan and Governor Forbes and it is for this compelling reason of public interest that the undersigned votes to approve the application only up to that said portion of the line." [5] As was mentioned earlier, it was the above view that obtained the necessary two votes thus constituting the decision now under review.

Four errors were assigned by petitioner but discussed jointly inasmuch as they all could be summed up in the allegation insistently pressed on us that in thus arriving at the aforesaid decision, the interest, comfort and convenience of the traveling public were sacrificed to protect the big operators who were the oppositors to such a petition. [6]

As thus set forth, the contention of petitioner is bereft of the necessary persuasive force to overturn the conclusion reached by the respondent Commission. The objection raised is at bottom factual in character and our consistent course of decisions, from *Philippine Shipowners' Association v. Public Utility Commission* [7] to *Philippine Rabbit Bus Lines, Inc. v. Gabatin*, [8] decided barely a year and a half ago, has been to consider ourselves bound by such findings and conclusions of fact unless, in accordance with the statute, there is no reasonable support in the evidence of record. As was stated in the *Gabatin* decision: "Where the petition for review disputes merely the sufficiency of the evidence, the finding cannot be disturbed. It is not for this Court to determine credibility and preponderance of proof nor to examine the proof de novo and determine for itself whether or not the preponderance of evidence really justifies the decision. It is not to substitute its discretion for that of the Public Service Commission on questions of fact. The lack of wisdom of the conclusion reached by the Public Service Commission affects neither its authority to decide nor the validity of its decision." [9]

WHEREFORE, the decision of respondent Commission of August 12, 1966, now under review, is affirmed. With costs against petitioner R. C. Ledesma.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Ruiz Castro, and Barredo, JJ., concur.  
Teehankee, J., in the result.

Villamor, J., files a separate concurring and dissenting opinion.

---

[1] Sec. 35 of Commonwealth Act No. 146, approved on November 7, 1936, reads: "The Supreme Court is hereby given jurisdiction to review any order, ruling or decision of the Commission and to modify or set aside such order,

ruling or decision when it clearly appears that there was no evidence before the Commission to support reasonably such order, ruling or decision, or that the same is contrary to law, or that it was without the jurisdiction of the Commission. The evidence presented to the Commission, together with the record of the proceedings before the Commission, shall be certified by the Secretary of the Commission to the Supreme Court. Any order, ruling, or decision of the Commission may likewise be reviewed by the Supreme Court upon a writ of certiorari in proper cases. The procedure for review, except as herein provided, shall be prescribed by rules of the Supreme Court."

[2] Brief for the Petitioner, Appendix A, pp. 14-15.

[3] Ibid, p. 16.

[4] Ibid., Appendix A-1, pp. 27-28.

[5] Ibid, p. 28.

[6] The oppositors were Antonio Heras, MD Transit and Taxi Co., Inc., CAM Transit, Inc. and De Dios Transportation Co., likewise named respondents.

[7] 43 Phil. 328 (1922).

**[8] L-24472, 24 SCRA 411.**

[9] Ibid, pp. 418-419.

---

RC Ledesma vs Public Service Commission : L-26900 : February 27, 1970 : J. Villamor : Concurring and Dissenting Opinion Normal 150 Clean Clean 6 pt 6 pt 0 3 MicrosoftInternetExplorer4 st1:.\*{behavior:url(#ieooui)} /\* Style Definitions \*/ table.MsoNormalTable {mso-style-name:"Table Normal"; mso-tstyle-rowband-size:0; mso-tstyle-colband-size:0; mso-style-noshow:yes; mso-style-parent:""; mso-padding-alt:0in 5.4pt 0in 5.4pt; mso-para-margin:0in; mso-para-margin-bottom:.0001pt; mso-pagination:widow-orphan; font-size:10.0pt; font-family:"Times New Roman";}

## CONCURRING AND DISSENTING OPINION

### VILLAMOR, J.:

I concur in the majority opinion insofar as it sustains the decision of respondent Public Service Commission authorizing petitioner to operate only ten units instead of twenty as applied for, the said opinion being predicated on respondent Commission's finding that to allow the twenty units to operate would saturate the route concerned.

However, I beg to differ insofar as the decision would allow petitioner to operate only from the corner of Banawe and Laong-Laan, Quezon City, to the corner of Laong-Laan and Governor Forbes, Manila. The reason of the majority for their stand is that there is as yet no authorized operator from the corner of Banawe and Laong-Laan to the corner of Laong-Laan and Governor Forbes, while there is a sufficient number of jeepneys and buses operating from the last mentioned point to as far as City Hall, Manila. In considering an application for a certificate of public convenience, the paramount consideration should necessarily be the interest and convenience of the public. It is common knowledge that many of the passengers who board jeepneys and buses at the corner of Banawe and Laong-Laan have Quiapo, or any point between the corner of Laong-Laan and Governor Forbes and Quiapo, as their destination. If petitioner is allowed to operate only up to the corner of Laong-Laan and Governor Forbes, the said passengers, instead of having to pay only one fare, will have to pay two fares; one fare from the

corner of Banawe and Laong-Laan to the corner of Laong-Laan and Governor Forbes, and another from the latter point to Quiapo. And if a passenger coming from the corner of Banawe and Laong-Laan has as his destination any point between Quiapo and the City Hall of Manila, he may have to pay three fares. The question is not, however, purely pecuniary in character, but also one of convenience, for when the jeepneys and buses reach Governor Forbes, they are usually fully loaded, especially during the rush hours in the morning and in the afternoon. Needless to say, the passengers' inconvenience will naturally be manifold during the rainy season. The route between the corner of Laong-Laan and Governor Forbes and Quiapo is but a short one; and for this reason I believe that ten more jeepney units plying the same (conceivably at different times) cannot in any appreciable manner aggravate the problem of saturation.

In view of these considerations, I am for modifying the decision under review in the sense that petitioner's ten units should be authorized to operate up to Quiapo.

**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.