

FIDEL DEL ROSARIO, PETITIONER, VS. PUBLIC SERVICE COMMISSION AND JUAN SANTOS, RESPONDENTS.

G.R. No. L-9819. September 28, 1956

Ponente: REYES, J.B.L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7d6ebe302776/>

REYES, J.B.L., J.:

On July 18, 1952, respondent Juan Santos filed an application with the Public Service Commission (Case No. 67556) for a certificate of public convenience to operate a TPU-service on the line and territory of Adela to Upper Mangyan via San Jose and Mangarin, Mindoro (now Occidental Mindoro), with the use of 10 units. The application was heard on November 5, 1952 with no opposition from any one, and at the hearing, respondent Santos testified that there were as yet no authorized operators on the line applied for. Nevertheless, no action was taken on the application, and it lay dormant until 1955.

Subsequently, on August 20, 1954, petitioner Fidel del Rosario was granted by the Commission in its Case No. 79719 a certificate of public convenience valid for 25 years to operate a TPU-service in Occidental Mindoro, with the use of three units on the line of Adela-Central-Camihaut and vice-versa, and two units on the line Caminait Pandurucan-Mangyan and vice-versa. Petitioner later filed another application for authority to operate additional trips along the same lines with the use of 10 more units (Case No. 81392), which was approved by the Commission on November 20, 1954 for "7 auto trucks only instead of 10," although it found that petitioner was "financially capable of purchasing the ten trucks applied for".

On July 19, 1955, the Commission rendered judgment on the 1952 application of respondent Juan Santos (Case No. 67556), granting him a certificate of public convenience to operate two auto-trucks along the line Adela-Upper Mangyan via San Jose and Mangarin and vice-versa in Occidental Mindoro for a period of five years. Learning of this decision, petitioner Del Rosario filed with the Commission on August 15, 1955 a motion for reconsideration thereof and for reopening of the case to be given opportunity to oppose the application of Santos. In said motion for reconsideration, petitioner, alleged that his present service of 12 units and 1 reserve along the same lines applied for by Santos was sufficient, adequate, and Satisfactory; that the authority given to Santos to operate 2 units along the same lines would result in ruinous competition to petitioner; and that the application of respondent Santos was granted without notice to petitioner and on the basis of testimony given before petitioner had been authorized to operate a total of 12 units on the lines applied for by Santos. Petitioner Del Rosario also opposed Santos' petition for substitution of his former equipment which "were no longer serviceable" with new and better equipment.

After hearing the arguments of both parties, the Commission issued on September 19, 1955 an order denying petitioner's motion for reconsideration and reopening of Case No. 67556 on the grounds that at the time the application of respondent Santos was filed, heard, and submitted, petitioner had not yet been granted a certificate of public convenience; that the Commission's decision granting the application of respondent Santos took into consideration its own records regarding petitioner's service on the same lines; and that the certificate granted to respondent Santos was only for five years, without extension of line or increase of equipment or trips. In the same

order, the Commission granted Santos' petition for substitution of equipment. From this order petitioner Fidel del Rosario appealed to this court by petition for review.

Considering the radical change of conditions that occurred during the pendency of the application of Santos, after it was heard in 1952, due to petitioner subsequent operation of his own line, and the need of protecting established operators and of avoiding the cutthroat competition whenever possible, in order that the service to the public may not suffer (*Batangas Transportation Co. vs. Biñan Transportation supra*, p. 934), we are of the opinion that the petitioner should be given ample opportunity to substantiate his objection against the authority granted to Santos. While the Commission stated in order appealed from that it has taken into account petitioner's service on the same lines, there may be relevant facts, though not on the record, that petitioner may introduce in evidence and which the Commission was not able to consider or to which it might have given the wrong emphasis.

The orders of July 9 and September 19, 1955, appealed from are hereby set aside, and the records ordered remanded with instructions for the Commission to reopen the proceedings and grant to the petitioner, Fidel del Rosario, opportunity to be heard and to substantiate his objections against the proposed service of respondent Juan Santos. Cost against the latter.

Paras, C. J., Padilla, Montemayor, Bautista Angelo, Labrador, Concepcion, Endencia and Felix, 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.