

FORTUNATO F. HALILI PETITIONER, VS. ANTONIO A. BALANE, RESPONDENT.

G. R. No. L-3364. April 10, 1951

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a27af5d01dd3/>

BENGZON, J.:

Petition to review an order of the Public Service Commission granting to Antonio A. Balane a regular certificate of public convenience to operate sixteen (16) passenger auto-trucks in the City of Manila along a line that starts from the San Andres railroad crossing, passes thru San Andres, Dart, General Luna, California, Taft Avenue, Padre Burgos, Plaza Lawton, Sta. Cruz Bridge, Plaza Goiti and terminates at Plaza Sta. Cruz and vice-versa.

The order was promulgated after hearing Balane's corresponding application, which was opposed by Fortunato F. Halili, pre-war operator of several lines, two of which begin at Vito Cruz and stop at Plaza Sta. Cruz, passing thru Singalong and General del Pilar and then along the same streets covered by Balane's line, except a portion of about 500 meters, i.e., the part of San Andres Street between General del Pilar and the railroad crossing.

It is unquestioned that for some time before this application Antonio A. Balane had been operating three buses on practically the same line, under a temporary permit. His financial ability and satisfactory operations have been attested. This application was, in effect, a request for additional buses and for a permanent certificate of public convenience.

In approving Balane's application, the Commission found that the evidence presented by the applicant tends to prove that on the line applied for, there is a great volume of passengers which cannot be adequately handled by the present operators; that he has been operating his service continuously and satisfactorily since 1947; that his operation starts from a point within the San Andres Subdivision, a thriving and progressive community with thousands of residents who have built their permanent homes; that oppositor, Fortunato F. Halili, does not operate his buses as far as the place.

The Commission said that "convinced from the evidence of record that public interests will be promoted in a proper and suitable manner by the approval of the present application; and that applicant is a Filipino citizen and financially able to operate and maintain the services proposed by him with sixteen (16) units, it is ordered that, under the provisions of Section 15 of Commonwealth Act 146, as amended, a certificate of public convenience applied for be issued to the applicant * * *."

Insisting on his opposition, Fortunato Halili commenced the instant proceedings.

Where no question of jurisdiction or of law is involved, as in this case, we generally refuse to interfere with the resolution of the Commission except when no evidence is found reasonably to support it.[1]

Adhering to the above policy we examined the recorded testimony of the two witnesses introduced on behalf of the applicant. It appears that his public service vehicles are intended to serve the San Andres Subdivision (at the end of his line) wherein there are about 18,000 inhabitants or about ten thousand voters; that plenty of people in

that locality need additional transportation facilities, because from 6 to 9 in the morning, from 12 to 1 at noon and from 4 to 9 in the afternoon the jeepneys and buses are loaded to capacity, often overloaded, whereas in the intervening hours they are occupied 60 or 70 percent.

It would seem therefore that the Commission's stamp of approval is not without foundation. The residents of the San Andres Subdivision, and others who must make the trip to Santa Cruz, or vice versa, would naturally prefer to ride on the Balane's auto-trucks than on Halili's buses, because they would thereby save the time and energy spent in a half-kilometer walk along the portion of San Andres from General del Pilar to the railroad crossing.

Wherefore, in overruling Halili's opposition, the Commission fairly ruled that the permission granted to Antonio A. Balane would serve to enhance the convenience of the public. We note particularly, that although there are other operators on the identical line awarded to Balane, none of them interposed any objection to his additional passenger trucks.

The order of the Commission is affirmed, with costs.

So ordered.

Paras, C. J., Feria, Tuason, Montemayor, Jugo and Bautista Angelo, JJ., concur.

[1] Jaro Express Co., Inc. vs. Lopez, 38 Off. Gaz. 1905; Manila Yellow Taxicab Co., Iiic. vs. Daun, 58 Phil., 75.

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.