

PANGASINAN TRANSPORTATION COMPANY, INC., PETITIONERS, VS. SIMPLICIO DE LA CRUZ, RESPONDENT.*G.R. No. L-6533. June 29, 1954*

Ponente: REYES, J.

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This is a petition to review a decision of the Public Service Commission.

The respondent Simplicio de la Cruz is an operator of a TPU auto-truck service between Urdaneta (Pangasinan) and Manila, Urdaneta and Baguio, and Urdaneta and Dagupan -under a certificate of public convenience granted by the Public Service Commission. Desiring to expand his operation, he has applied for authority to operate the same kind of service between Urdaneta and Dagupan via Manaoag, between Urdaneta and San Fernando (La Union), and between Urdaneta and San Jose (Nueva Ecija), using a total of fourteen units for that purpose. Notwithstanding the opposition of the PANTRANCO (Pangasinan Transportation Co., Inc.) and two other operators in that region, the Commission granted the application, but reducing the units to be used to two auto-trucks on the line Urdaneta-San Fernando, two auto-trucks on the line Urdaneta-San Jose, and one auto-truck on the line Urdaneta-Dagupan via Manaoag, or a total of five auto-trucks for the three lines.

From this decision, only the oppositor PANTRANCO has appealed through this petition for review, and the only questions raised are whether applicant is financially in a position to undertake the additional service applied for and whether there is still need for such additional service.

As to his finances, the applicant testified that, aside from his farm, he had an annual income of P5,000 from his business and he also had P10,000 invested in gasoline which he could readily convert into cash, PANTRANCO argues that P15,000 "is not enough to finance the fourteen units he intends to utilize." But it should be noted that, although applicant has asked for fourteen units, the Commission has authorized him only five, and according to applicant's testimony, he has already purchased two CHEVROLET trucks from one Bundalan (registration of which is awaiting the result of the present case) and one new CHEVROLET from Liddel & Co., having, in addition, concluded an agreement for the acquisition of ten more trucks from another bus operator, his uncle Maximo L. Cruz, who is losing in his business. With this un rebutted testimony, we cannot say that the Commission has erred in holding that the applicant is financially capable of maintaining and operating the proposed service.

On the question of public convenience or the need for the additional service applied for, only the applicant and the oppositor PANTRANCO have adduced evidence, which the Commission has summarized as follows:

"At the hearing of this application, applicant presented evidence to the effect that he is already the grantee of a certificate of public convenience valid for 25 years (Case No. 46714) which authorizes the operation of TPU auto-truck services on the lines Urdaneta- Dagupan, Urdaneta-Manila and Urdaneta-Baguio City with an authorized equipment of four (4) auto-trucks and one reserve unit; that on the lines applied for in this case traffic is heavy as shown in the photographs of passenger trucks (Exhibits 'D', 'D-1' to 'D-5'); that the needs of

the traveling public cannot be adequately served by the present TPU truck operators on the said lines; that in order to cope with the demands of the traveling public, applicant proposes to operate eight (8) auto-trucks on the line Urdaneta (Pangasinan)-San Fernando (La Union), 2 auto-trucks on the line Urdaneta-San Jose; that San Fernando (La Union), one of the towns to which applicant desires to operate from Urdaneta, is an air and naval base where many laborers and employees work; that the oppositor Pangasinan Transportation Co., Inc. has only direct local service between Urdaneta and Manaoag and passengers at Manaoag desiring to go to Dagupan have to wait for oppositor's buses coming from Binalonan and Pozorrubio; that passengers coming from Nueva Ecija and the Cagayan Valley bound for Urdaneta, Dagupan or other points in Pangasinan have to take TPU trucks at San Jose as they cannot be accommodated in the authorized TPU trucks which are always overloaded with passengers and freight; and that the services at present being rendered by the present TPU operators on the lines in question are entirely insufficient. For the services proposed in this case applicant stated that he will use three (3) CHEVROLET auto-trucks he has already purchased, the reserve unit authorized in his present TPU auto-truck operation and another the (10) units he will acquire from an uncle of his who presently operates them in the province of Pampanga.

"Among the oppositors the Pangasinan Transportation Co., Inc., was the only one who presented evidence in support of its opposition. This oppositor presented witnesses who testified that they can avail themselves of the buses of the said oppositor in the lines herein applied for whenever they travel therein; and that buses of said operator as well as other TPU operators are in fact already more than sufficient for the needs of the traveling public."

As we see it, despite conflict in the testimony, there is evidence reasonably to support the finding below that on the lines applied for "there is really need for the additional services to adequately serve the traveling public." And it also appears that in arriving at this conclusion, the Commission took into account its own record "on TPU auto-truck services already authorized" on those lines. In the circumstances, this Court would not be justified in substituting its own judgment for that of the Commission, just because the witnesses for the PANTRANCO have testified that the service being rendered by this oppositor and the other operators in that region is already adequate for present needs. It has been held time and again that where the Commission has reached a conclusion of fact after weighing the conflicting evidence, that conclusion must be respected, and this Court will not interfere unless it clearly appears that there is no evidence to support the decision of the Commission. (Moran, Rules of Court, Vol. I, 1953 ed., pp. 933-934 and cases therein cited.)

In view of the foregoing, the decision of the Public Service Commission is affirmed, with costs.

Paras, C. J., Pablo, Bengzon, Padilla, Montemayor, Jugo, Bautista Angelo, Labrador and Concepcion, JJ., concur.

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