

FORTUNATO F. HALILI, PETITIONER VS, ELEUTEEIO SEMANA, RESPONDENT.*G.R. No. L-15108. October 26, 1961*

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/bc366c321501/>**LABRADOR, J.:**

Appeal from a decision of the Public Service Commission in its Case No. 113,629, entitled Eleuterio Semana, applicant, granting the applicant a certificate of public convenience for the operation of four TPU buses on the line Blumentritt Street in Manila to Novaliches in Quezon City via Bonifacio Street, for the transportation of freight and passengers, in accordance with a schedule set forth in the decision.

When the petition was filed herein petitioner Fortunato F. Halili presented an opposition, alleging that the line applied for is sufficiently covered by his TPU buses operating on the following lines: Manila—Novaliches (5 roundtrips); Bagumbong—Manila via Novaliches; Manila—Amparo Subdivision via Novaliches; Malaria—Manila via Novaliches; San Jose del Monte (Bulacan)—Manila via Novaliches; Ipo—Manila via Novaliches. All of the said lines except the first pass through Novaliches.

At the hearing of the application, Semana, the applicant, presented the following witnesses: Emilio Peralta, mechanic and residing at Novaliches, Quezon City since 1927; Alipio Llarenas, Director of Facoma and barrio lieutenant of Gulod, Novaliches, Quezon City; Magno de Leon, merchant and resident of Bagbag, Novaliches, Quezon City; Urbano Roque, farmer and towner, resident of Bag-bag, Novaliches, Quezon City; Felixberto Baborol, messenger working in Congress and resident of Sta. Monica, Novaliches, Quezon City; Hector Biglang-awa, student and resident of Bagbag, Novaliches, Quezon City; Filemon Cueto, operator, residing at 1769 Taft Avenue, Pasay City; and the applicant Semana himself. These witnesses declared that during the early morning hours during work days, i.e., from Monday to Saturday, the buses of the petitioner herein Halili are crowded such that there are no convenient spaces for them and other passengers. A written petition of the residents of Novaliches, Exh. "D", was also presented, alleging also that the buses plying between Novaliches and Manila are few and are not sufficient to cope with the volume of passengers. Witness Cueto also testified that along the line proposed, there are many factories employing workers and laborers, residing in Novaliches and other neighboring places, who ride in the buses and jitneys plying between Novaliches and Blumentritt. A representative of the Commission, by the name of Emilio Moral, established a checkpoint at Tandang Sora Avenue, Quezon City from July 8 to July 14, 1958, and at Baesa, Bagbag and Balong Bato, all in Novaliches, Quezon City, from July 21 to July 25, 1958, to determine the volume of passengers along the line, and his report shows that the buses passing through the places where he had established checkpoints are loaded with passengers at the rate of 78% of their authorized load. In addition to the above evidence, photographs of Halili buses, Exhs. "H", "H-I" to "H-18", were presented to the Commission to prove that the Halili buses along the line from Blumentritt, Manila to Novaliches, Quezon City, were overloaded, thereby corroborating the testimonies of the witnesses presented by the applicant.

The oppositor for his part, submitted his own evidence, consisting of the testimonies of witnesses and reports of

two agents of the Public Service Commission. The witnesses declared that the trips of the Halili buses are frequent; that the buses start from Divisoria, Manila, and passes through Teodora Alonso street, Azcarraga, Doroteo Jose, Oroquieta, Tayabas, Rizal Avenue, Blumentritt, A. Bonifacio, and then Novaliches; that the petitioner has been losing financially on all lines from Manila passing through and ending at Novaliches. An agent of the Public Service Commission also testified that he checked the volume of passengers at the intersection of Balintawak-Novaliches road (Quirino Highway) and Tandang Sora Avenue, Quezon City, from October 10 to October 16, 1958, and that he and his co-agent found that the average load of buses along the line in question is only 39% of their authorized capacity.

After considering the above evidence, the Commission granted the applicant four buses with Blumentritt, Manila and Novaliches, Quezon as terminals.

A study of the evidence submitted by both parties shows that the conflicting testimonies of the witnesses on both sides can be reconciled. It may be true that when the buses of petitioner herein Halili start from Bagumbong; Amparo Subdivision, Malaria, San Jose del Monte and Ipo, they may not yet be filled to capacity, but it is most probable that when they reach Novaliches they are already full and can not take any more passengers. So that the residents of Novaliches have to rely for their transportation on petitioner's two buses whose terminal is at that place and several jitneys plying along the line, which are shown to be inadequate to cope with the volume of passengers. The same situation may also exist on the Manila end of the line. It may be true that the buses of petitioner herein which start at Divisoria, Manila are not loaded when they start at their terminals, but as they pass through the streets of Manila, they take in passengers, so that upon reaching Blumentritt, or at any other point before Novaliches, said buses can no longer take additional passengers waiting at Blumentritt or Novaliches.

Regarding the checking reports of Agents Augusto Ocampo and Pelicisimo Rivera, we consider the same not absolutely accurate, for it is possible that the buses may be full before reaching the checkpoints established by them, as many passengers may have already alighted before the buses reach said checkpoints, and then again many passengers may ride after passing said checkpoints. We, therefore, consider the results of the checking not to be conclusive as to the volume of passengers. As to the losses incurred by petitioner, the same is no proof that additional service is not needed at Blumentritt and Novaliches.

We are inclined to agree with the testimonies of the witnesses for the applicant that petitioner's buses are always full when passing through Novaliches and there are no more spaces for passengers riding in that place. It is, perhaps, for this reason that the Public Service Commission granted the applicant four units to operate from Blumentritt, Manila to Novaliches, Quezon City.

Finding that the decision of the Public Service Commission is supported by the weight of the evidence, we hereby affirm the same, with costs against petitioner Fortunato F. Halili.

Bengzon, C. J., Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Paredes, and De Leon, 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.