

PHILIPPINE LONG DISTANCE TELEPHONE CO., PETITIONER, VS. THE PUBLIC SERVICE COMMISSION AND LORETO T. CASTILLO, RESPONDENTS.

G.R. No. L-29022. May 26, 1977

Ponente: CASTRO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c46385e5273f/>

CASTRO, C.J.:

This is a review of the decision, dated December 8, 1967, in Case No. 75639-C of the Public Service Commission ruling that the herein petitioner Philippine Long Distance Telephone Company (hereinafter referred to as petitioner) may not charge its "joint user rate" against the herein private respondent Loreto T. Castillo (hereinafter referred to as respondent).

The respondent, a lawyer, practices his profession under the firm name "Castillo Law Offices" which, under that name, is listed as a subscriber of business telephone no. 3-35-31 in the books of the petitioner PLDT, paying P24.00 a month, the rate authorized in the 1950's by the Public Service Commission for such telephone service. The respondent is also a licensed real estate broker and conducts his business under the trade name "Castillo's Realty." The operations of both are conducted by the respondent in Room 26, Arguelles Building, Rizal Avenue, Manila.

Sometime in September 1958, the respondent received a notice from the petitioner requiring him to sign an application for a "Joint User" service and the payment of the additional sum of P7.00 a month therefor, the rate then authorized by the Commission, in order that the "Castillo's Realty" may be listed in the new 1959 directory that the petitioner was to issue. "Castillo's Realty" was then also listed separately in the 1958 telephone directory of the petitioner under the same number as "Castillo Law Offices" for which the respondent paid the required fee for such separate listing. The reconstituted records of the petitioner (the pertinent official documents were destroyed or lost during the Second World War) show that when it was authorized to provide joint user service in places other than Manila, the same was made applicable under the following conditions, to wit:

“1. The applicability of joint user service is determined by the obvious or actual use made of the service.

“2. The rate for joint user service includes listing in the telephone directory and applies in addition to the rates and charges for the facilities and all other services provided. Joint User service is applicable and is furnished upon application made by the subscribers as follows:

(a) Application for the use of the subscriber's service by any individual, firm, company or association occupying jointly or in part the premises on which the primary station is located. The subscriber's facilities or services are not to be extended off the premises to provide joint user service.

(b) Applications for the use of the subscriber's service for another business conducted by the subscriber and differing in character and subject to a different classification from that for which the facilities were provided."

The petitioner's joint user service was subsequently extended to Manila with the approval of the Public Service

Commission in PSC Case No. 16533. In PSC Case No. 31903 the PLDT requested and was authorized to increase its joint user rate from P6.00 per month to P7.00 per month.

The issues before this Court are as follows:

1. Whether the petitioner is authorized to charge its joint user service rate in the City of Manila;
2. Whether the "Castillo's Realty" should be considered as subject to the mentioned joint user service rate.

1. The first, primarily a factual one, has been raised before this Court because although proffered below, it was considered unnecessary by the Commission to resolve the same in view of its ruling that the "Castillo's Realty" may not be considered a joint user with the "Castillo Law Offices" of Telephone No. 3-35-31. This Court is of the considered opinion that this issue should be resolved squarely and in the affirmative. In the case at bar, the Commission offered no controversion to the assertion of the petitioner that it was authorized to charge its joint user service rate in the City of Manila; nor did it contest the correctness or validity of the pertinent rulings of the Commission with regards thereto which were attached by the petitioner to the records of the case at bar as integral parts thereof. Indeed, it would seem preposterous and downright ridiculous that there should be any dispute as to the authority of the petitioner to charge a joint user service rate when its authority to open a joint user service in Manila was not disputed below and PLDT is unquestionably not a purely charitable institution, but is as solid a business enterprise as any.

2. It is firmly settled in public utilities law that the findings and conclusions of fact of the Public Service Commission are binding on the Supreme Court and will not be disturbed unless not substantially supported by evidence.[1]

In the case at bar, the petitioner's position is based solely on the logical deduction that since the respondent is conducting two types of calling, one as a lawyer and the other as a realty broker, therefore, the telephone set in question is and will be receiving more calls than were the respondent merely putting himself out as a lawyer or realty broker. This reasoning may not necessarily be true, however, in the real state of the crafts, unless it can be demonstrated beyond reproach that all lawyers and realty brokers receive substantially the same number of calls per day so that it can be reasonably certain that the confluence of these two service lines in one individual holding office and doing his callings in just one small suite will result in substantially increased volume of calls per day.

We are not disposed to accept a presumption as this, especially in view of the findings of the Commission that the respondent, a lawyer and realtor, "occupied only one room and was doing business alone, and used his Telephone No. 3-35-31 in his double capacity as a lawyer and businessman;" and, that the telephone in question is a "single telephone for business purposes and for which he (respondent) is paying the corresponding fee as business telephone," Under such circumstances, this Court cannot but agree with the Commission that it will not be fair and equitable to a telephone subscriber, like the respondent, to be assessed under the petitioner's tariff schedule for joint users. What the petitioner should have done, as it had previously, was to charge the respondent the authorized fee for extra or separate listing in its telephone directory issues.

ACCORDINGLY, the decision of the Commission is affirmed. Costs against the petitioner.

Teehankee, Makasiar, Muñoz Palma, and Martin, JJ., concur.

[1] General Bus Corporation vs. Cunanan, L-15347, April 29, 1961, 1 SCRA 1259; Halili vs. Semana, L-15108, October 26, 1961, 3 SCRA 260; Vda. de Fariñas vs. Estate of Florencio P. Buan, L-12306-7, November 29, 1961, 3 SCRA 471; Pangasinan Transportation Co., Inc. vs. Feliciano, L-14401, August 31, 1962, 5 SCRA 1001; Flash

Taxicab Co., Inc. vs. Cruz, L-15464 & L-16255, March 30, 1963, 7 SCRA 518; La Mallorca and Pampanga Bus Co., Inc. vs. Mendiola, L-19558, November 29, 1963, 9 SCRA 594; Manila Yellow Taxicab Co., Inc. vs. Viluan, L-16243, March 31, 1964, 10 SCRA 486; Red Line Transportation Co., Inc. vs. Barrizo, L-19304, August 31, 1964, 11 SCRA 861; Republic Telephone Co., Inc. vs. Philippine Long Distance Telephone Co., Inc., L-21070, September 23, 1968, 25 SCRA 80; Caltex (Phil.), Inc. vs. Republic Telephone Co., Inc. L-21074, September 23, 1968, 25 SCRA 80; Philippine Long Distance Telephone Company vs. Republic Telephone Co., Inc., L-21075, September 23, 1968, 25 SCRA 80; Rizal Light & Ice Co., Inc. vs. Municipality of Morong, Rizal, L-20993, September 28, 1968, 25 SCRA 285.

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.