

**GENEROSO VILLANUEVA TRANSPORTATION CO., INC., PETITIONER,
VS. LETICIA B. LOCSIN, AND PUBLIC SERVICE COMMISSION,
RESPONDENTS.***G.R. No. L-31460. July 25, 1975*

Ponente: FERNANDO, J.

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This certiorari and prohibition proceeding arose from an order of respondent Public Service Commission which dismissed the opposition of petitioner to an application filed by private respondent Leticia B. Locsin. The order reads as follows: "It is an admitted fact that the base of operation of the Generoso Villanueva Trans. Co., Inc., represented by Atty. Ocampo, is in Bacolod City which is more or less 15 kilometers away from the prospective base of operation of the herein application of Leticia Locsin which is Silay City. While it is true that the certificate of public convenience includes the whole island of Negros as the territorial limit within which the existing operator can operate, yet it is equally true that any taxi belonging to the existing operator can only go to places other than Bacolod City if it has passengers. In other words, in the place applied for by Leticia Locsin, nobody is legally authorized to operate. While it may be true that the existing operator may remotely be affected by the existence of a new operator, the Court observes such an effect is very remote. To interpret, the right of existing operator to oppose any application filed within the territorial boundary granted, far away as the place is, would be stretching that right too far because the public would certainly be affected by the absence of operator in that place applied for. Wherefore, it is the considered opinion of this Court that the opposition of the existing operator, represented by Atty. Ocampo, being based only in Bacolod City which has a distance of 15 kilometers from the base of operation of herein applicant cannot legally be entertained. If an existing operator is the holder of a certificate of public convenience of PUB, wherein a fixed route is prescribed and a time schedule is observed, then the opposition by the existing operator is feasible. But the existing operator in this case is only a taxi operator with a fixed base in a certain locality. In view thereof, the opposition is dismissed. Let this case proceed as uncontested." [1] It was assailed on the ground of its having been rendered without or in excess of the jurisdiction of the now defunct Public Service Commission or at the very least with grave abuse of discretion. The respondents were required to file an answer. In the same resolution, a preliminary injunction was issued by this Court. Subsequently, the parties filed their respective memoranda and the case was submitted for decision.

Then, on March 21, 1975, there was a motion by private respondent Locsin to dismiss the petition: "That in the petition for certiorari, prohibition with writ of preliminary injunction filed on January 9, 1970 by Generoso Villanueva Transportation Co., Inc., (G.V. Transportation for short) against the private respondent and the now defunct Public Service Commission, it is alleged: 1. That petitioner x.x.x is a grantee of a certificate of public convenience to operate taxicab service within the City of Bacolod and from said place to any point in the Island of Negros open to motor vehicle traffic * * * (par. 1) 1; 2. That subsequently and in Civil Case No. 11402 entitled 'Teodoro Baldado, et al. petitioners vs. Generoso Villanueva Transportation Co., Inc., et al., respondents,' petitioners therein who were taxicab drivers and mechanics of the taxicabs of the G.V. Transportation filed a case

for Mandamus against said company alleging that it illegally dismissed petitioners therein from their employment; 3. That in its answer to the petition, said transportation company alleged that it had closed shop and was no longer in the taxicab transportation business since April 3, 1974; 4. That these facts are evidenced by the order dated June 28, 1974 in said Civil Case No. 11402 issued by the Court of First Instance of Negros Occidental, [with a copy of the order attached.]; 5. That as a matter of fact none of the taxicab units of petitioner herein have been making trips conformably with the certificate issued in its favor by the defunct Public Service Commission because, as may be gathered from the contents of the order Annex 'A', all the taxicab drivers and mechanics of herein petitioner were dismissed by the latter because it 'stopped or shut down their business * * * and because of the closure of the business of the respondent since April 3, 1974 . . . (p. 2, Annex 'A'); 6. That it is evident from the above that petitioner has no longer any legal interest in the present case because its petition is based on the premise that it is a grantee of a certificate of public convenience to engage in the taxicab business in Negros Occidental but it has closed and abandoned its taxicab business since April 3, 1974." [2] The petitioner was required to comment, and it did so. There was no denial that as set forth in the motion to dismiss, it alleged that it was no longer in the taxicab transportation business as of April 3, 1974. It would however seek to escape from the legal effects of such an admission well-nigh conclusive in nature by the allegation that it could be construed merely as its response to a labor dispute possibly as a means of extricating itself from possible financial liability. Under the circumstances, the motion to dismiss is more than clearly warranted for whatever legal interest that could serve as the basis for an adjudication on the validity of an order of dismissal of an opposition to an application by respondent Public Service Commission no longer exists. It would appear then that the case has become moot and academic.

WHEREFORE, this petition for certiorari and prohibition is dismissed for being moot and academic. The preliminary injunction issued by this Court on January 28, 1970 is lifted and is no longer of any force or effect.

Barredo, Antonio, Aquino, and Concepcion, Jr., JJ., concur.

[1] Order dated June 25, 1969, Appendix "F" to Petition.

[2] Motion to Dismiss Petition dated March 5, 1975.

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