

**ADRIANA DE BLANCO, PETITIONER, VS. STA. CLARA  
TRANSPORTATION CO., RESPONDENT.***G.R. No. L-14101. August 31, 1960*

Ponente: REYES, J.B.L., J.

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Petition for review of the orders of May 6, 1957, December 2, 1957 and March 26, 1958, and the decision, dated June 9, 1958, of the Public Service Commission in its Case No. 103017.

The petitioner Adriana de Blanco holds a certificate of public convenience for the operation of a TPU jitney service on the line Parañaque (Rizal)—Blumentritt (Manila) via Manila South Road, Taft Avenue, Sta. Cruz (McArthur Bridge) and Rizal Avenue, which certificate expires on December 18, 1975. The respondent Sta. Clara Transportation Co., on the other hand, is a grantee of a similar franchise to operate up to November 12, 1957 a TPU jitney service on the line Baclaran (Rizal)—Port Area (Manila) via Taft Avenue and F. B. Harrison with the use of 37 units, six (6) of which were reserves.

Upon petition of respondent and withdrawal of the oppositions thereto, the Public Service Commission, by order of May 6, 1957, granted the respondent a special permit valid until December 31, 1961 to operate 18 units on the line Baclaran—Blumentritt via Taft Avenue and the rest (19 units) on the line Baclaran—Blumentritt via F. B. Harrison. Petitioner Blanco moved for reconsideration, alleging that the lines authorized were different from those granted under the original certificate of the applicant; nonetheless by order of December 2, 1957, the Commission ruled that applicant could continue operating on both lines, but that six (6) of the total number of units authorized should be utilized by the applicant only as reserves. Oppositor thereupon filed a motion to reset the case for trial, a motion for reconsideration, and an omnibus motion; but by order of March 26, 1958, they were denied, except the motion to reset the case for hearing which was granted, in order to allow the oppositor to present her evidence in opposition to the application. After the hearing, and finding merit in the application, despite oppositor's claims, the Public Service Commission, in a decision dated June 9, 1958, finally resolved:

"Wherefore, the special permit granted to the applicant in the order of May 6, 1957 is hereby affirmed with the modification aforesaid that applicant shall operate only 15 jitneys on the line Baclaran—Blumentritt via Taft Avenue and 16 jitneys on the line Baclaran—Blumentritt via Harrison, the remaining 6 units to be used as reserve units."

Hence this petition for review.

In petitioner's sole assignment of error; it is urged that the Public Service Commission erred in granting respondent "a change of line and time schedule" in open contravention of its Memorandum-Order of March 8, 1957, the relevant provisions of which read:

"Whereas, the docket of the Commission shows that scores of applications for TPU services within Manila and from Manila to its environs have been filed and are now pending hearing and that similar applications continue to be filed daily, while on the other hand the records of our Transportation Division show that there is an

abundance of TPU services practically in all lines in Manila as well as from Manila to its environs \* \* \* so that it is necessary to adopt a definite policy as to these applications;

\* \* \* \* \*

"Therefore, the Commission hereby resolves to promulgate, through this Memorandum-Order, the following regulations to govern matters hereabove stated:

\* \* \* \* \*

"3. \* \* \* TPU services within the City of Manila and its environs under certificates valid for 5, 10 or 15 years which will expire before December 31, 1961 will be allowed to continue after their expiration under special permits which will be granted ex parte, allowing operation up to December 31, 1961; \* \* \* Provided, further, That in granting the special permit, there shall be no change in the lines, time schedules or number of units authorized in the certificate. The special permit shall be absolutely non-extendible and non-transferable and a condition to this effect shall be inserted in the special permit. All applications for certificates to operate TPU services within Manila and its environs, \* \* \* whether they are not being heard, or set for hearing, or pending hearing, or submitted for decision, shall be acted upon under this regulation. \* \* \*."

Interpreting the memorandum-order of March 8, 1957, the Public Service Commission itself has declared in the appealed order that the memorandum has no application where the authority to operate the service is "not granted to the applicant ex parte but on the basis of evidence presented by it, which evidence establishes the need for the service on the lines authorized"; and this interpretation is supported by the text of the Memorandum-Order itself, that expressly refers to special permits granted ex parte (supra). Unless actually without basis, the interpretation placed upon its orders by the Commission should not be disturbed by this Court.

In one case decided by this Court, the question arose as to the propriety of the construction given by the Commission to a prohibitory provision found in a certificate of public convenience and necessity it issued, and we held:

"It is especially the function of the Public Service Commission to interpret and decide the meaning of its own orders. \* \* \*" (Miguel Mateo vs. Manila Electric Company, 58 Phil., 409.)

We further take note of the fact that in this particular case, the appellant does not dispute the findings of the Commission that:

"It appears from the records of this Commission and the evidence presented by the applicant that prior to the filing of its application on January 11, 1957 it had made a study of the movement of passengers and vehicular traffic on the proposed extended line and found that the line of operation herein applied for will redound to the benefit of the traveling public especially students, employees and laborers; that by eliminating Port Area from its present authorized lines no prejudice will be caused the traveling public as there are not more than sufficient transportation facilities going to this area; that there are plenty of passengers commuting between Blumentritt and Baclaran and these people desire direct and continuous trips to their points of destination without the necessity of making transfers at Plaza Sta. Cruz \* \* \*" (Order of May 6, 1957)

"After an examination of the evidence, we find that public convenience will be promoted in a proper and suitable manner by permitting the applicant to continue operating 15 jitneys on the line Baclaran—Blumentritt via Taft Avenue and 16 jitneys on the line Baclaran—Blumentritt via Harrison and the balance of 6 jitneys to be used by it as reserve equipment, and for this reason the opposition of oppositor is hereby overruled." (Decision of June 9, 1958)

Since public convenience is the paramount consideration that should guide the actions of the Public Service Commission (see Cebu Ice & Cold Stores vs. Velez, 57 Phil., 309), the more reason exists to uphold the order

under review.

We find it unnecessary to resolve the other issues raised by the parties.

Wherefore the petition for review is dismissed, with costs against the petitioner.

Paras, C. J., Bengzon, Bautista Angelo, Labrador, Barrera, and Gutierrez David, JJ., concur.

Padilla, J., took no part.

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