

DEL PILAR TRANSIT, INC. PETITIONER, VS. JOSE M. SILVA, RODOLFO M, SILVA AND PUBLIC. SERVICE. COMMISSIONER, RESPONDENTS.

G. R. No. L-21547. July 15, 1966

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

As of December 11, 1962, the following persons filed applications for a certificate of public convenience before the Public Service Commission, thus:

- Jose Silva, for additional auto-trucks for the transportation of passengers and freight on the following lines:

Cupang (Muntinglupa, Rizal) - BBB via Alabang, Superhighway, Highway 54 (E. de los Santos Avenue), Baclaran Rotonda, Harrison, A. Mabini, Taft Avenue, Sta. Cruz Bridge, Rizal Avenue and vice versa. Cupang (Muntinglupa, Rizal) - BBB via Alabang, Superhighway, Highway 54 (E. de los Santos Avenue), Taft Avenue, Sta. Cruz Bridge, Rizal Avenue, and vice versa. A total of 20 units or 10 units each route would be used daily from 3:00 A.M. to 12 midnight with Intervals of 15 minutes per trip both ways.

- Rodolfo Silva, for the operation of public utility auto-trucks on the following lines:

Cupang (Muntinglupa, Rizal) - BBB via Alabang, Superhighway, Highway 54, (E. de los Santos Avenue) Taft Avenue, Sta. Cruz Bridge, Rizal Avenue and vice versa. Cupang (Muntinglupa, Rizal) - BBB via Alabang, Superhighway, Highway 54 (E. de los Santos Avenue), Baclaran Rotonda, Harrison, A. Mabini, Taft Avenue, Sta. Cruz Bridge, Rizal Avenue, and vice versa. A total of 20 units or 10 units each route would operate from 3:00 A.M. to 12 midnight daily at 15-minute intervals both

- Jaguar Transportation, along the lines:

Alabang-Zurbaran via Parañaque, Quirino Avenue, Harrison, Ayala, Azcarraga, Morayta, España and Quezon Boulevard. Alabang-Plaza Miranda, via Zapote, Parañaque, Quirino Avenue, Taft Avenue, Ayala, Azcarraga, Morayta, España and Quezon Boulevard. Applicant proposed the use of 10 units for each line.

The applications were opposed by Laguna Tayabas Bus Co., Batangas Transportation Co., Del Pilar Transit, Inc., Halili Transit, California Lines, Inc., Armando Alviar and MD Transit and Taxi Co., Inc., and Antonio Heras.

By agreement of the parties, the cases were Jointly tried considering that the lines applied for were more or less tangent.

After due hearing the Public Service Commission rendered its decision on March 19, 1963, finding the applicants financially sound, declaring that public convenience will be promoted in a proper and suitable manner by approving the application, thus: It thereunder granted separate franchises to applicants Jose Silva, Rodolfo Silva and Jaguar Transportation, giving each of them the privilege to operate eight auto-trucks along each of their respective proposed lines or a total of 16 autotrucks for each applicant.

From this decision of the Public Service Commission, Del Pilar Transit, Inc., appealed by filing this petition for

review, questioning the Commission's finding of applicants' financial capacity and public necessity for the grant, with respect only to the applications of Jose and Rodolfo Silva.

Jose Silva testified that he has already 10 units in reserve which he will use in case his application is granted (T.s.n., p. 7, Rayo, Jan. 10, 1963) and his assets and liabilities are shown to be as follows (Ibid.):

Assets:

91 units at P21,000 each Garage and shop - P1,911,000

Coconut land (69 has. at P5,000 a ha.) - 345,000

Land in Vito Cruz, 505 sq. m. at P70 a sq. m. - 35,350

TOTAL

- P2,291,750

Liabilities:

Balance of P36,000 encumbrance on house - P21,000

Encumbrance on coconut land - 161,000

Obligation to Shell - 390,000

Obligation to Goodrich Tires - 80,000

Obligation to Manila Trading Corp. - 200,000

Obligation to Industrial Financing Corp. - 20,000

TOTAL

- P872,000

Jose Silva has therefore net assets of P1,419,750, showing that he is financially able to engage in the proposed operations. All the more is this so when the fact is considered that he is merely asking for additional lines.

As to Rodolfo Silva, the Public Service Commission found, and the record substantially bears the finding, that he owns 48 hectares of first class agricultural land planted to coconut, valued at P240,000; an electric plant in Mataas na Kahoy worth P25,000; a citrus plantation worth P36,000; a house and lot worth P60,000 and personal properties worth P12,000; and that oppositors had not successfully questioned his financial capacity. The record shows that his liabilities total only about P28,000 (T.s.n., pp. 12-14, Jan. 14, 1963) as against his total assets of P373,000, leaving net assets of around P345,000.

In an appeal from a decision of the Public Service Commission, the rule as to factual findings is that this Court should determine only whether the evidence on record substantially supports said findings of the Commission, without examining *de novo* to find whether they are supported by preponderant evidence.^[1]

The foregoing un rebutted testimonies of the applicants prove their required financial capacity. It may not be the best evidence and documentary evidence may have greater probative value. It should not be forgotten, however,

that the Public Service Commission is not bound by strict rules of evidence.[2] For purposes of this appeal, what is decisive is that the aforesaid testimonial evidence provides reasonable support for the Public Service Commission's findings of financial capacity on the part of Jose and Rodolfo Silva, rendering such findings beyond our power to disturb.

The same principle applies as to the issue of public necessity and convenience. We have consistently ruled that findings of the Public Service Commission as to public necessity and convenience are findings of fact which should not be interfered with where some evidence reasonably supports such findings. Only when it clearly appears that there is no evidence to reasonably support such findings[3] may they be modified or ignored.[4] In declaring the necessity of the additional lines granted, the Public Service Commission relied on the testimonies of Virgilio Celis, a PSC transportation Inspector assigned by the Commission (Exh. C), and Neptalio Araoranto, a merchant who has travelled the routes applied for. Cells, the Commission pointed out, testified that buses coming from Laguna and Batangas are full and could no longer accommodate those waiting at Alabang during the mornings and afternoons; that Del Pilar Transit, Inc. operates from downtown Manila to Alabang, but their trips are very irregular and sometimes they do not make trips at all. The Commission also found that there is yet no direct service along these lines but merely on different portions of the line. All these are found in the records (Exh. D; pp. 7-10, 22 of T.s.n., Jan. 3, 1963).

Neptalio Amoranto testified that to buy fish from Cupang to take to Blumentritt he has to take private jeeps or two rides in buses which is inconvenient, for passengers cannot take LTB buses or the San Pedro or Batangas Transportation buses because these "are already full when they pass."

We find that there are of record enough evidence to warrant the conclusion that there exists a public necessity for the additional lines granted. The allegation that Cells was authorized only to make apprehensions for violations of Public Service Laws is not tenable, for his order was to make "roving inspection and investigation and/or check volume of passengers and operations of public utility buses and Jeeps" (Exh. C).

The petitioner also argues that the main reason for the grant is the ban of provincial buses from Manila which ban has not been in effect. The decision shows, however, that the ban was considered in reference to the oppositions of Laguna Tayabas Bus Co. and Batangas Transportation Co. Said companies did not appeal. And Del Pilar Transit, Inc.'s opposition was denied without regard to the provincial bus ban.

WHEREFORE, the decision of the Public Service Commission appealed from is affirmed in all respects, with

SO ORDERED,

Concepcion, C.J., Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar, and Sanchez, JJ., concur.

[1] Ramos vs. Lat, L-14476 & L-15773, May 23, 1960; Pineda vs. Carandang, L-13270-71, March 24, 1960; Bachrach Motor Co. vs. Guico, L-12619-20, Aug. 28, 1959.

[2] Redi Taxi, Inc. vs. Santos, L-12264-66, May 29, 1959.

[3] West Leyte Trans. Co. vs. Salazar, L-15418, Sept. 30, 1964; Flash Taxicab Co. vs. Cruz, L-15464 & L-16255, March 30, 1963; MD Transit vs. Pepito, L-16481, Sept. 29, 1962; General Bus Corp. vs. Cunanan, L-15347, April 29, 1961; Manila Yellow Taxi-Cab Co., Inc. vs. Castelo, L-13910, May 30, 1960.

[4] Halili vs. Daplas, L-20282, May 19, 1965.

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