

**RED LINE TRANSPORTATION CO., INC. AND MANUEL LEGASPI
ARRAZADO, PETITIONERS, VS. TERESA BARRIZO, RESPONDENT.***G. R. No. L- 19304. August 31, 1964*

Ponente: CONCEPCION, J.

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Herein petitioners, Red Line Transportation Co., Inc. and Manuel Legaspi Abrizado, are public utility operators, hereafter referred to as oppositors. They seek the review of a decision of the Public Service Commission, authorizing herein respondent Teresa Barrizo—hereinafter referred to as applicant—an authorized TPU Auto-Truck service operator on the line Tuguegarao-San Jose via Baggao (Cagayan), to increase her equipment by the addition of six (6) auto-truck instead of the eight (8) applied for by her for the transportation of passengers and freight in said line, pursuant to the time schedule set forth in said decision. Said application had, likewise, been opposed by the Bachrach Transportation Co., Inc., owner and operator of the Rural Transit, and one Petronila Callueng, but those two (2) oppositors have not appealed from the aforementioned decision. Pursuant thereto:

"It appears from the evidence submitted by the applicant that at present there are only two Transportation Companies aside herself, who are operating on the line applied for with the use of only one unit each; that while there are other Transportation Companies leaving Tuguegarao, buses of said companies proceed to Aparri; that the road to San Jose branches off to Baybayog; that from Baybayog to San Jose one has to pass the Municipality of Baggao and that Baybayog to Baggao is twelve kilometers and Baggao to San Jose is eighteen kilometers; that the trucks of the Red Line and the Cal Transit owned and operated by Petronila Callueng, the only two Transportation Companies operating on the said line, aside from the trucks of the herein applicant, are always full and there are passengers who could not be accommodated due to the fact that said buses are full; that the present application for increase of units is motivated because of the present predicament as attested to by the request of so many people living in the different places of the line applied for and by Resolution No. 7 passed by the Municipal Council of Igung, Cagayan to the effect that because of the enormous increase in number of the travelling public due largely to the steady progress in trade and commerce in the municipalities traversed by this route, hence, the present transportation facilities plying on said line have become inadequate to cope with the situation (Exh- I); that applicant is financially capable to operate and maintain the service applied for due to the fact that applicant who is authorized to operate three buses for regular use and one for reserve on the said line, has already invested P20,000.00 in said business and that from the operation of her present service she derives an income of from P500.00 to P600.00 a month from each truck; that she had a 15-hectare agricultural land in Igung, Cagayan, valued at P120,000.00 and with an annual harvest of from 600 to 700 cavanes of palay at P10.00 to P 11.00 per cavan; a 24-hectare agricultural land planted to corn situated at Igung, Cagayan, valued at P5,000.00 with an annual harvest of 350 cavanes of corn at P14.00 per cavan; a poultry farm with an investment of around P1,000.00, a house and lot in Igung, Cagayan, worth P40,000.00 and a cash on hand in the amount of P25,000.00.

On the other hand, oppositor Red Line Transportation Co., Inc., presented evidence with the testimony of its secretary, that the Red Line has eight (8) round trips from Tuguegarao to Aparri; that on the Line Tuguegarao-Aparri, the road branches off at Baybayog which is thirty-five kilometers from Tuguegarao in

going to San Jose.

The oppositor Rural Transit submitted evidence showing that said oppositor has a line from Tuguegarao to Aparri via San Vicente and Baybayog although it has no direct line to San Jose; that there are other operators from Tuguegarao to Baggao; that aside from their Santiago-Aparri line, they have also the Ilagan-Aparri, Santiago-Aparri, Corne-Aparri, Bayombong-Aparri, and Manila-Aparri lines all of which pass Baybayog; and that their buses are not even half full when said buses pass near stop at Baybayog."

From the foregoing evidence the Public Service Commission concluded:

"From the mass of evidence, we find the following facts established.—that there are passengers commuting daily on this line; that the one bus of the Red Line, another one bus of the Cal Transit, and the three buses of the applicant plying on this line are not sufficient to cope with the present passenger traffic on the line; and that applicant is financially capable to maintain and operate the service which is the subject of the instant application."

Petitioners assail the accuracy of this conclusion upon the ground that it is not borne out by the record, but an examination thereof shows that there is substantial evidence in support of the aforementioned finding. Indeed, it has been established by applicant's testimony that, when the truck of the Red Line Transportation Co., Inc. which leaves Tuguegarao between 10 and 11 a.m., reaches the road from the municipality of Iguig to that of Baggao, it already has standing passengers; that this fact was verified by an agent of the Public Service Commission, Fernando A. Lazo, who had been detailed to check the volume of the traffic in the aforementioned line, and confirmed by the testimony of Jovencio A. Reyes, Isidro A. Cepeda and Vicente Trinidad; and that, accordingly, the municipal councils of Tuguegarao, Iguig, Amulong and Baggao had passed resolutions, and the people of the first three (3) municipalities had written to said Commission, urging that applicant's request be granted. In fact, Inspector Lazo asserted that 95% of all public utility auto-busses passing thru this check-point had always four (4) to five (5) paying passengers standing and that five (5) to seven (7) passengers were not accommodated in each one of said vehicles.

Wherefore, the decision appealed from is hereby affirmed, with costs against said oppositors and petitioners herein. It is so ordered.

Bengzon, C. J., Bautista Angelo, Reyes, J.B.L., Paredes, Regala and Makalintal, JJ., concur.

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