

**PANGASINAN TRANSPORTATION CO., INC., PETITIONER, VS.
RICARDO FELICIANO, RESPONDENT.***G.R. No. L-14401. August 31, 1962*

Ponente: PADILLA, J.

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This is a petition filed by the Pangasinan Transportation Co., Inc. to review and revoke a decision rendered on 25 August 1958 by the Public Service Commission granting to Ricardo Feliciano, the applicant therein and respondent herein, a certificate of public convenience to operate for twenty-five years four auto-trucks of any make, with fixed route and regular termini, for transportation of passengers and freight on the line Moncada to Tarlac via Gerona and vice versa in the province of Tarlac and subject to the terms and conditions enumerated therein (Case No. 113880).

It appears that on 10 March 1958 the respondent Ricardo Feliciano applied to the Public Service Commission for a certificate of public convenience to operate seven units on the above-mentioned line. On 18, 25 and 26 March 1958 Jose M. Villarama, the Pangasinan Transportation Co., Inc. and the Estate of Florencio Buan, respectively, filed their objection to the application. The Pangasinan Transportation Co., Inc. petitioner herein, alleged that its service as operator, together with that rendered by other operators, on the line applied for is more than satisfactory, as shown by its overwhelming evidence; that the granting of the application would result in ruinous competition; and that being a pre-war and present operator with its units having been fully rehabilitated it is entitled to protection; and prayed for a stay of the decision sought to be reviewed and revoked. At the hearing, only the petitioner introduced evidence to support its objection. The Estate of Florencio Buan made its own the evidence presented by the petitioner. Jose M. Villarama did not appear at the hearing. After hearing, the Public Service Commission rendered a decision granting to the applicant a certificate of public convenience but only for four units.

The errors claimed by the petitioner to have been committed by the Public Service Commission are the following:

The Public Service Commission erred in not holding that as the present case is merely an application for the increase of respondent's trips on the line Moncada (Tarlac)—Tarlac (Tarlac) where he is presently operating, his percentage tax payment (Exh. "74", Pantranco) does not warrant the proposed increase.

The Public Service Commission erred in granting the respondent a certificate of public convenience notwithstanding the insufficiency of the evidence to reasonably support the grant of the certificate.

The Public Service Commission erred in not holding that the approval of the application would cause ruinous competition among the petitioner, the respondent and other present operators on the line covered by the application, and which would undoubtedly be detrimental to public necessity and convenience.

In the decision under review the Public Service Commission states:

* * * that he (the applicant, respondent herein) is a textile merchant who sells and travels to Tarlac on Sundays, Gerona on Tuesdays, Moncada on Thursdays and Saturdays, and Paniqui on Mondays, Fridays and sometimes

on Wednesdays; that he has been travelling since 1952 and that during his travels he occasionally uses the Pangasinan Transportation Co. buses, sometimes the pick-ups of Policarpio Gutierrez; that there are only two (2) units being operated by the Pantranco; that Mr. Policarpio Gutierrez operates four (4) units; that all in all, the interval of trips of the operations of the Pantranco and Policarpio Gutierrez, if combined, would be about one hour; that there are many passengers like vendors, farmers, employees, merchants, students and teachers, who travel along the proposed line; that the Pantranco, the Philippine Rabbit, Binalonan Liner and other TPU auto-truck operators seldom pick up passengers along the way especially if they are carrying cargoes or baggages with them and traveling on short distances. Mr. Hipolito Macaspac of Paniqui, Tarlac, testified that he is a textile vendor; that he sells his goods in Moncada and sometimes in Gerona; that he goes to Tarlac on Sundays; Gerona on Tuesdays; Moncada on Thursdays and then sells his goods in Paniqui on Fridays; that he uses the pick-ups of Policarpio Gutierrez and the Vendor's Liner, whose interval of trips is one hour and two hours, respectively; that he had no occasion to ride on the Pantranco buses because they are always invariably full of passengers and mostly express trips; that he likewise had no occasion to ride on the buses of the Philippine Rabbit and the Binalonan Liner because they come from the north and most of them are operating express trips; that before a passenger could get a ride in Paniqui, he has to wait for two (2) hours; that the pick-ups operating are usually full of passengers; that this condition is also true in getting transportation in Moncada.

On the other hand, the oppositor, Pangasinan Transportation Company presented its evidence tending to show that there are many pick-ups such as the Tarlac Especial, Lucky Carrier, San Sebastian, Vendor Liner, and others, which operate along the proposed line; that the Dangwa Transportation Co., Philippine Babbit, B. de Castro, Villa-Rey, Angat-Manila, operate buses on the line; that the load of these buses are usually 1/2 and at most 2/3 of their capacity; that it takes at most about 15 minutes only to wait for the passenger bus or pick-up; that the Pangasinan Transportation Company operate trips from Tarlac to Cuyapo via Moncada; from Tarlac to Rosales via Moncada; from Tarlac to Baguio via Moncada and also from points north like Lingayen, Dagupan, San Fernando, etc, passing Moncada to Manila; that it makes a total of 50 round trips passing Moncada and Tarlac aside from the trips made by pick-ups on the line in question; that the interval of trips on the line passing Tarlac and Moncada is sometimes 20 or 25 minutes; that the interval of trips of the different buses between Moncada and Tarlac via Gerona is every 5 minutes; that the buses are usually half full only of passengers and it is only during fiestas and special occasions that these buses become full; that applicant paid only a total of P454.09 from January, 1957 to March, 1958, as evidenced by the certification of the Municipal Treasurer of Paniqui, Tarlac, which shows that his buses are not full everyday as alleged by the applicant on the lines presently operated by him which touches the Municipalities of Tarlac and Moncada.

and, after taking into consideration the evidence, found—

* * * that public convenience will be promoted in a proper and suitable manner by granting to applicant a certificate of public convenience for the operation of four (4) units on the line Moncada (Tarlac)—Tarlac (Tarlac) via Gerona and vice versa.

In view of the foregoing considerations, and it appearing on the evidence of record that applicant is a Filipino citizen and actually an operator of TPU auto-trucks service on three (3) different lines and therefore financially capable to operate the said service, the present application may be, as it is hereby approved on the line above specified. The oppositions filed herein are hereby overruled and in pursuance to (of) the provisions of Section 15 of Commonwealth Act 146, as amended, the certificate of public convenience herein applied for as (is) granted to the applicant, * * *

It is a settled rule that the findings and conclusions of fact by the Public Service Commission after weighing the conflicting evidence adduced by the parties in public service cases are binding on the Supreme Court and will not be disturbed unless they appear not to be reasonably supported by evidence.[1]

In the case of Raymundo Transportation Co., Inc. vs. Cervo, (91 Phil., 313), this Court held:

Whether public necessity and convenience warrant the putting up of additional service on the part of the appellee, is a question of fact which the Public Service Commission has found in the affirmative. This finding, being supported by sufficient evidence, should not be disturbed. * * *

The decision appealed from is affirmed with costs against the petitioner.

Bengzon, C. J., Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

[1] Laguna Tayabas Bus Company et al. vs. Vegamora, G. R. No. L-9445, 29 April 1957; Yellow Taxicab Co. et al. vs. Danon, 68 Phil. 75.

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