

FELICITAS C. TAN, EUGENIO GALVEZ, EMIGDIO MERCADO, CEBU YELLOW TAXI (MANILA YELLOW TAXICAB CO., INC. & CEBU CHECKERED CAB CO., INC.), PETITIONERS, VS. PUBLIC SERVICE COMMISSION ...

G.R. No. L-22306. March 18, 1967

Ponente: CONCEPCION, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f1daf0d6933f/>

CONCEPCION, C.J.:

This is an appeal by Felicitas Tan, Eugenio Galvez, Emigdio Mercado and Cebu Yellow Taxi (Manila Yellow Taxicab Co., Inc. and Cebu Checkered Cab Co., Inc.) from a decision of the Public Service Commission granting Antonio de Pio a certificate of Public convenience to operate fifteen (15) units of taxicabs within the City of Cebu.

Appellants maintain that said decision should be reversed because: (a) Mrs. Tan has been denied due process; and (b) said decision was rendered without evidence to reason-ably support its finding that there is public necessity for the operation of said fifteen (15) units.

With respect to the first question, the record shows that, on or about May 27, 1963, De Pio filed with the PSC, in Manila an application for authority to operate twenty-five (25) units of taxicabs in the Island of Cebu. Soon thereafter, or on July 31, 1963, the PSC issued a notice setting said application for hearing on October 1, 1962, and requiring all affected operators to file their oppositions thereto, if any, on or before the latter date. Eugenio Galvez, Emigdio Mercado and the Cebu Yellow Taxi (Manila Yellow Taxicab Co., Inc. and Cebu Checkered Cab Co., Inc.) filed their respective oppositions in due time.

The opposition of Mrs. Tan was sent by registered mail in Cebu to the PSC in Manila, on September 30, 1963. Before it reached its destination, or on October 4, 1963, the PSC had issued an order commissioning the Municipal Judge of Cebu City to receive such evidence as the parties may wish to present. Inasmuch as Mrs. Tan's opposition had not, as yet, been received in the office of the PSC in Manila, she was not notified of this order, which, seemingly, did not mention her among the oppositors to De Pio's application. Hence, neither did the Commissioner cause to be served upon Mrs. Tan official notice of the first hearing scheduled to be held in Cebu City on November 4, 1963, although De Pio's counsel stated, under oath, that he had personally notified her counsel of said hearing. Further hearings were held on November 7, 15 and 18, 1963, of which Mrs. Tan was not, for the same reason, notified officially. In the course of these hearings De Pio introduced documentary and testimonial evidence, whereas appellees Galvez, Mercado and Cebu Yellow Taxi (Manila Yellow Taxicab Co., Inc., Cebu Checkered Cab Co., Inc.) presented their own witnesses. As a consequence, the only issue raised before and resolved by the PSC was whether or not there is public necessity for the taxicab service applied for, which, on December 4, 1963, the PSC decided in the affirmative. Thereupon, or on January 8, 1964, Mrs. Tan filed her petition for review with this Court.

It should be noted that Mrs. Tan has not asked the PSC for, either a reconsideration of its aforementioned

decision, or a new trial to present her evidence. Neither has she stated in her petition for review before us, what evidence, if any, she would introduce, should a new trial be held. The record before us is thus absolutely devoid of any indicia that would justify a reasonable belief or expectation or even the hope, that the outcome of the case would be otherwise, if a new trial were held. There being no showing that Mrs. Tan has suffered any substantial injury, she has no cause for complaint in this appeal.[1] Needless to say, the other oppositors can not even claim a denial of due process.

As regards the second issue the decision appealed from has the following to say:

"Although the applicant had only two witnesses and the oppositors, six, nevertheless the Commission finds that the weight of evidence preponderates in favor of the applicant's stand. For the criteria or yardstick used by the Commission in weighing the oral testimony is not the quantity of witnesses produced but by the quality of the statements adduced. It should be noted that four of the six witnesses of oppositors were drivers or employees of said oppositors. Consequently, we find their testimony without such evidentiary value because the same is not completely free from bias. Likewise we cannot give much weight to the testimony of the two other witnesses of the oppositors that it is not hard to get a taxicab in the City of Cebu. That statement is more of a conjecture than a product of their own actual experience. For both of them testified that in going from one point to another in the City of Cebu they invariably take a jeepney or a rig and only rarely do they ride in a taxicab. They were not even sure that the vacant taxicabs they claimed to have seen running around were looking for passengers or actually answering phone calls of prospective passengers, nor were they certain that the vacant taxicabs they have seen parked were waiting for passengers or merely parked because of engine trouble or their drivers merely taking a brief rest.

"At this point, we wish to emphasize the fact that the oppositors' witnesses themselves testified to the existence of 'Colorum' cars illegally competing with authorized taxicabs for passengers. This, in itself, is a tangible indication of an existing demand for means of transportation other than jeepneys or rigs. Moreover, these same witnesses testified that there are eight or nine taxicab operators actually operating in Cebu City although the records of the Commission show that there are eleven authorized to operate a combined total of 273 units of these, however, about ten to twenty per cent are not in actual operation. Lastly, our records show that the last application for additional taxicab units in Cebu City was granted way back in November of 1960 or more than three years ago. Certainly, within that period of time Cebu must have expanded in population and business activity.

"Premises considered, we find that there is an existing public necessity for the service herein applied for. Considering that applicant has assets worth about P360,000.00 plus a yearly income of about P15,500.00 and P45,000.00 ready cash available for immediate investment; that he has a repair shop ready for use; that he has had experience as a common carrier operator; that the Delta Motors Corporation, distributor of Toyopet cars in the Philippines, has already agreed to supply him with the necessary units; that he already has the necessary personnel to implement the service applied for, the Commission believes that public convenience would best be promoted if we grant to the applicant herein fifteen (15) units only instead of the twenty-five (25) herein applied for."

The testimonial and documentary evidence introduced in this case substantially bear out the foregoing findings. Mrs. Tan impugns the veracity of the testimonial evidence for appellee De Pio; but, in a petition for review, like the one at bar, this Court will not disturb the findings of the PSC on the credibility of witnesses, so long as their version is not inherently improbable, which is not the one before us.

WHEREFORE, the decision appealed from should be as it is hereby affirmed, with costs against the appellants herein.

IT IS SO ORDERED.

Reyes, Dizon, Regala, Makalintal, Bengzon, Zaldivar, Sanchez, and Castro, JJ., concur.

[1] Litam v. Li Tan & Co., G.R. No. L-16954, April 25, 1962; National Marketing Corp. v. De Castro, G.R. No. L-12357, December 29, 1959; Suzara v. Caluag, G.R. No. L-15404, April 25, 1962; Sharruf v. Bubla, G.R. No. L-17029, September 30, 1964.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.