

ANGAT-MANILA TRANSPORTATION CO., INC., PETITIONER VS. VICTORIA VDA. DE TENGCO, RESPONDENT.*G.R. No. L-5906. May 26, 1954*

Ponente: PARAS, C.J.

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PARAS, C.J.:

Victoria Vda. de Tengco, respondent herein filed before the Public Service Commission an application for a certificate of public convenience to operate six passenger and freight buses between San Miguel, Bulacan, and Manila. The application was opposed by Pampanga Bus Co., Nicolas Javier, Bachrach Motor Co., Gaudencio Nicolas, Enrique de Leon, Angat-Manila Transportation Co., Inc. (petitioner herein), and Valentin Fernando, on the ground that their bus service passing through or near San Miguel is adequate to cope with the public need. Only two of these operators, however, actually presented evidence in support of their oppositions.

The respondent presented evidence in the main tending to show that the San Miguel residents need frequent bus service between their town and Manila at all hours of the day; that while there are buses passing through San Miguel, the same, except on few occasions, are nearly so loaded that the San Miguel passengers can hardly be accommodated; that only a bus service from San Miguel to Manila, and vice versa, can assure the people of San Miguel of having transportation between the two points; that the town of San Miguel has a population of about 35,000, two markets and three market days, and about 200 merchants who regularly have to make purchases in Manila, in addition to many students, employees and laborers travelling daily between the two points.

Upon the other hand, the oppositors have relied on the testimony of Agents Marabut and Carpio regarding the passenger loads of buses at San Miguel during a period of nine days, as well as on their reports. According to the Public Service Commission, the checkers' reports corroborate the testimony of respondent's witnesses to the effect that, because most of the buses passing through San Miguel for Manila already carried a sufficient load of passengers, the San Miguel residents could not be certain of being accommodated therein; and although said reports show the number of passengers at San Miguel, they do not indicate how many passengers boarded upon departure of the buses from Manila, or whether they could accommodate all the passengers from Manila whose destination was San Miguel.

Upon the evidence thus presented, the Public Service Commission rendered a decision granting respondent's application, with the express finding that there is a need for permitting the operation of a bus service from Manila with terminal at San Miguel, Bulacan, and that such a service would be much more convenient and would promote the interest of the public of San Miguel than the existing bus services which only pass that town. The authorization of the proposed services would provide the people of San Miguel with bus facilities in their own town and would assure them of the means of transportation which the evidence establishes they need. We find from the evidence that public convenience will be promoted by permitting the applicant to operate six buses on the line of San Miguel-Manila and vice-versa.

The petitioner has filed the present petition for review. It is noteworthy that, out of the various original oppositors

to respondent's application, only two were interested enough to present evidence in their behalf, and only one, herein petitioner, took the trouble of appealing from the decision of the Commission.

It is now elementary that this Court will not substitute its judgment for that of the Public Service Commission on questions of fact and will interfere only when it clearly appears that there is no evidence to sustain its decision. In this case we cannot say that the appealed decision is lacking in evidentiary support.

It is contended for the petitioner that the granting of respondent's application would result in destructive competition against existing operators between Baliwag and Manila, as well as other operators beyond Baliwag, whose buses pass through San Miguel. This contention loses its point when it is recalled, as indicated in the brief for the respondent, that the petitioner did not file any opposition to the applications for additional service between Baliwag and Manila of Enrique de Leon, Gaudencio Nicolas, Pascual Tuazon, and the respondent, granted by the Public Service Commission after the decision in the case at bar either is there merit in petitioner's argument that the existing operators whose bus service touches the town of San Miguel, should have been given priority in supplying any deficiency. The petitioner obviously had failed to offer on any previous occasion to put up additional units, and, at any rate, the San Miguel-Manila line may be deemed to be new and independent.

Wherefore, the appealed decision is affirmed and it is so ordered with costs against, the petitioner.

Pablo, Montemayor, Jugo, Labrador, Bengzon, Reyes, A., Bautista Angelo, and Concepcion, JJ., concur.

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