

PANGASINAN TRANSPORTATION CO., INC., DANGWA TRANSPORTATION CO., INC., AND PHILIPPINE RABBIT BUS LINES, INC., PETITIONERS, VS. PAMPANGA BUS COMPANY AND PUBLIC SERVICE COMMISSION,...

G.R. No. L-25023. February 24, 1971

Ponente: CASTRO, J.

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CASTRO, J.:

The Pampanga Bus Company (hereinafter referred to as Pambusco), on July 16, 1963, filed with the Public Service Commission (hereinafter referred to as the Commission) an application for a certificate of public convenience to operate a PUB service on the Camiling, Tarlac-Cubao, Quezon City line, proposing to use therefor thirty auto-trucks, at intervals of every thirty minutes from five o'clock in the morning to five o'clock in the afternoon from both termini. Subsequently, on October 28, 1963, Pambusco filed an amended application altering the line applied for from Camiling, Tarlac-Cubao, Quezon City to Baguio City-Cubao, Quezon City, but without introducing amendments regard-ing the proposed number of units and schedule of trips.

The Commission set the amended application for hearing on March 10, 1964. However, on June 2, 1964, Pambusco filed a second amended application amending the line applied for from Baguio City-Cubao, Quezon City to Baguio City-Bonifacio Monument, Caloocan City, with the same number of units and under the same time schedule originally proposed. The Commission set the second amended application for hearing on July 8, 1964. The Philippine Rabbit Bus Lines, Inc. (hereinafter referred to as Philippine Rabbit), on July 2, 1964, and the Pangasinan Trans-portion Co., Inc. (hereinafter referred to as Pantranco) and the Dangwa Transportation Co., Inc. (hereinafter referred to as Dangwa), on July 8, 1964, filed their respective written op-positions to the second amended application.

On July 8, 1964, Pambusco moved for the postponement of the scheduled hearing which the Commission granted and re-set for September 7, 1964. On September 7, 1964, Pambusco asked for another postponement of the scheduled hearing. The Commission granted the same and re-set the hearing for September 16, 1964.

At the hearing on September 16, 1964, Pambusco merely presented proof of publication and service of the pleadings to the affected operators. Thereafter, Pambusco asked for a fur-ther postponement of the proceedings. The parties agreed to a continuance of the hearing on October 26, 1964.

On October 26, 1964, Pambusco presented its witness, Marcelo David of Baguio City, who testified on the alleged public need for additional bus service on the Baguio City-Manila run. After the witness' direct testimony, the Commission, due to lack of material time, and upon agreement of the parties, adjourned the proceedings, and re-scheduled the hearing for December 10 and 11, 1964. On November 3, 1964, however, Pambusco moved for the cancellation of the hearing scheduled for December 10. The Commission, acting upon the motion, re-set the case for further proceedings on December 11, 1964, as previously sche-duled, and on January 5 and 6, 1965.

At the hearing on December 11, the Commission suggested that, for the benefit of the parties, a "check" be conducted by its inspectors for a period of thirty days at a point along the Kennon Road in order to determine the volume of passenger traffic on the Baguio City-Bonifacio Monument line. The parties accepted the suggestion, and the inspectors of the Commission conducted an actual check covering the period from December 31, 1964 to January 29, 1965. Pending the completion and submission of the inspectors' report, the parties agreed to the suspension of the proceedings.

On March 23, 1965, Pambusco filed with the Commission an application for a provisional permit to operate a PUB service "between Baguio and Bonifacio Monument and intermediate points and vice-versa."

On April 27, 1965, the Commission promulgated Order No. 2, Series of 1965, imposing a moratorium on the grant of new certificates of public convenience either for new or additional PUB or PUJ services along the national highway in northern, central and southern Luzon because of the numerous transportation units already authorized on the lines therein. On the same day, Pambusco filed a supplemental application for a provisional permit.

The Commission, thereafter, re-set the main application for hearing on July 12 and 16, 1965.

On June 25, 1965, Philippine Rabbit filed with the Commission a motion for the suspension of the proceedings re Pambusco's parent application. Philippine Rabbit invoked as ground therefor that Pambusco's application fell within the scope of Memorandum Order No. 2, Series of 1965.

At the hearing on July 12, 1965, the oppositors, Philippine Rabbit, Pantranco and Dangwa, learned that Pambusco filed with the Commission an application and supplemental application for a provisional permit. Not having been furnished copies of the same, the oppositors made a manifestation that no action be taken on the application until copies thereof shall have been furnished them and opportunity granted to them to oppose the said application. At the same hearing, counsel for Philippine Rabbit cross-examined Pambusco's witness. For lack of material time, the Commission postponed the cross-examination of the witness by counsel for Dangwa to July 16, 1965.

At the same hearing, the Commission suggested that another "check" of the volume of passenger traffic on the proposed line be conducted for another period of thirty days but at a different point along the route. Accordingly, the inspectors of the Commission conducted the check at a point at Carmen, Pangasinan. Whereupon, the parties agreed to hold the hearing in abeyance until after the submission of the results of the second check scheduled for the month of August.

Barely a few days after the completion of the check conducted at Carmen, Pangasinan, the Commission issued an order granting Pambusco a provisional permit to operate a PUB service not on the Baguio City-Bonifacio Monument run but on the Baguio City-San Fernando, Pampanga run. The oppositors received copies of the order dated September 3, 1965 on September 23, 1965.

On September 29, 1965, the oppositors filed the instant petition for certiorari, alleging abuse of discretion on the part of the Commission in issuing the order granting to Pambusco the provisional permit. The oppositors, in their petition, also asked for the issuance of a writ of preliminary injunction to restrain Pambusco from carrying out in any manner the order of September 3, 1965, which this Court granted in an order dated October 7, 1965.

Sometime in 1966, Pambusco filed with the Commission an application to amend its certificate of public convenience so as to extend its Cubao, Quezon City-San Fernando, Pampanga line to include the San Fernando, Pampanga-Baguio City run. Philippine Rabbit, Pantranco and Dangwa opposed the same. However, after proceedings duly had on the application, the Commission rendered its decision, dated October 30, 1969, authorizing Pambusco to operate ten (10) auto-trucks on the Cubao, Quezon City-Baguio City route.

On November 18, 1969, Philippine Rabbit filed with the Commission a motion for reconsideration of its decision of October 30, 1969, which motion was however subsequently withdrawn on May 29, 1970.

On December 4, 1970, this Court, in a resolution dated December 3, 1970, required the petitioners and the respondent to show cause why the questions raised by the petition at bar should not be considered moot and academic, it appearing that Pambusco at present operates a PUB service on the Cubao, Quezon City-Baguio City line, thereby frustrating the ultimate relief sought by the petitioners in filing the present petition - to restrain Pambusco from operating passenger and freight service from metropolitan Manila to Baguio City.

Among the petitioners, only Philippine Rabbit complied with this Court's resolution by filing its manifestation opposing the dismissal of the petition. Philippine Rabbit expresses the fear that should the petition be dismissed, said dismissal would "in effect, revive the provisional authority" granted to Pambusco to operate fourteen (14) auto-trucks on the San Fernando, Pampanga-Baguio City line. This would, according to Philippine Rabbit, gravely prejudice its interest and rights because aside from being allowed to operate ten (10) units on the Cubao, Quezon City-Baguio City line under the authority granted in the Commission's decision of October 30, 1969, Pambusco would further be authorized to operate another fourteen units on the San Fernando, Pampanga-Baguio City route.

Any correction of the errors allegedly committed by the Commission in issuing the order complained of granting to Pambusco provisional authority to operate on the San Fernando, Pampanga-Baguio City line, would have no practical value and effect. Any judgment - either in favor of the petitioners and against the respondent or in favor of the respondent and against the petitioners - would not result in any material advantage to either of the parties. Two considerations render any decision resolving the questions framed for resolution by this Court unnecessary and purposeless.

1. Philippine Rabbit overlooks the fact that the Commission laid down certain conditions in the order complained of dated September 3, 1965 granting to Pambusco the provisional permit applied for. One of these conditions is that

"6. The provisional permit herein granted may be modified or revoked by the Commission at any time, shall be subject to whatever action that may be taken on the basic application, and shall be valid only for a period of SIX (6) MONTHS from date hereto." (emphasis supplied.)

Philippine Rabbit, therefore, need not fear that the dismissal of the petition at bar would revive and render effective the provisional permit for the same has, by the mere lapse of time, expired and ceased to be valid.

2. Philippine Rabbit also loses sight of the fact that Pambusco at present operates a PUB service on the Cubao, Quezon City-Baguio City line by virtue of the Commission's decision dated October 30, 1969, amending Pambusco's certificate of public convenience extending its Cubao, Quezon City-San Fernando, Pampanga line to include the San Fernando, Pampanga-Baguio City run. It is easily perceivable that this defeats the very purpose for which the petitioners sought to enjoin Pambusco from complying with the order granting the latter the provisional permit to operate on the San Fernando, Pampanga-Baguio City line - the same line involved and referred to in the Commission's decision of October 30, 1969.

In view of these considerations, this Court sees no need to articulate an extended opinion on the merits of the petition at bar for the same would have no practical significance.

ACCORDINGLY, the petition is hereby dismissed. No pronouncements as to costs.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

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