

**CONSTANCIO MANANSALA, PETITIONER, VS. ANTONIO HERAS, MD
TRANSIT & TAXI CO., INC., CAM TRANSIT, FORTUNATO F.
HALILI, & PUBLIC SERVICE COMMISSION, RESPONDENTS.**

G. R. No. 10582. April 30, 1958

Ponente: LABRADOR, J.

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LABRADOR, J.:

Petition for review of the decision of the Public Service Commission denying the petition of petitioner to register one jitney (TPU) as reserve. The decision is as follows:

"This is an application of Constancio Manansala, holder of a 5-year certificate authorizing him to operate on the lines Bonifacio Monument-Piers via Plaza Sta. Cruz and Bonifacio Monument-Libertad via Plaza Sta. Cruz, with the use of three (3) jitneys, for the registration of one (1) additional unit as reserve. Applicant alleges in his petition that he will use the additional unit only when any of his three (3) regular units is under repair and cannot be operated in order to provide for continuity of service. Applicant's certificate contains a condition that during its lifetime, he shall not ask for extension of line or increase of equipment or trips, nor substitution of equipment.

"(1) The cessation of operation by any jitney operator due to breakage or repair of equipment will not cause any harm to the riding public there are sufficient means of transportation in the City of Manila.

"(2) Jitney operators with reserve equipment use the same for regular operation simultaneously with the regular units in places where stickers are not required by the regulations of the Manila Police Department and it is difficult to detect these illegal operations; and, where stickers are not required, they succeed in operating these reserve units for regular operation with the use of stickers illegally or improperly obtained, or thru the use of fake stickers and this must be checked if the Commission is to adhere to the established policy of not increasing the already sufficient services existing in the City of Manila and suburbs, and the nearby towns of San Juan, Caloocan, Malabon, Navotas, Mandaluyong and Makati.

"In denying this application, the Commission announces it as its policy that hereafter it will not authorize any reserve equipment for TPU operators in the Cities of Manila, Quezon and Pasay, and the nearby towns of San Juan, Caloocan, Malabon, Navotas, Mandaluyong and Makati who are not operating under the regular 25-year certificates."

It is claimed in this Court, in support of the petition for review, that the decision appealed from denies the equal protection of the law, in violation of the constitutional prohibition, for whereas the right to have reserves is granted operators with 25-year certificates, the privilege is denied to TPU operators. The claim is without merit. TPD operators for a short period cannot claim privileges equal to those holding 25-year certificates. The certificates of such TPU operators are by nature limited to certain specified period of years, and the grant of reserve might later be used as a ground for extending the limited period of their certificates.

It is also claimed that the finding of the Commission that there are more than necessary units of transportation plying in Manila is not sufficiently borne out by the evidence. This claim is also without merit, a competent police

officer having testified that Manila is crowded with buses and jitneys. Petitioner himself testified that there were occasions when his jitneys were not able to make the ordinary runs because of eventual repairs and that in those instances no complaints were ever registered against him. This tends to support the finding of fact that more than sufficient number of jitneys are operating in the City, for if there was no such sufficient number, failure of some to operate would be felt by the public. The claim is therefore found to be without merit.

The third argument is that the denial of the reserve prayed for by petitioner would make a holder of public certificate unable to render an adequate, efficient and continuous service. Our answer to this is that the Commission must have found that so many certificates have been issued that failure of some to render continuous service does not necessarily redound to public inconvenience. The decision of the respondent Commission is certainly in consonance with the policy adopted in the decision, which policy seems fully justified by the circumstances. We find no reason for finding that the policy adopted in the decision is not justified by the circumstances.

The last argument is that no hearing was held on the motion for reconsideration. No rule requires that actual hearing is necessary on a motion for reconsideration. The practice before the courts is that a movant in such kind of a motion sets forth all the grounds in his written motion and does not ordinarily need another hearing in court where personally he or his counsel would expound his reasons or grounds for the reconsideration. Such actual hearing is not considered, in practice, essential to due process.

The decision appealed from is hereby affirmed, with costs against petitioner.

Paras, C. J., Bengzon, Montemayor, Reyes, A., Bautista Angelo, Concepcion, Reyes, J. B. L., Endencia, and Felix, JJ., concur.

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