

## LAURO B. ISIDRO, PETITIONER, VS. RAYMUNDO OCAMPO, RESPONDENT.

*G.R. No. 12331. May 29, 1959*

Ponente: MONTEMAYOR, J.

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### MONTEMAYOR, J.:

Before February 4, 1957, petitioner Lauro B. Isidro was duly authorized to operate and had been operating TPU jeepneys on the following lines:

North Harbor—Sta. Mesa via  
Quiapo and Divisoria

3 units

Camp Murphy— Divisoria via  
Sta. Mesa

3 units

and respondent Raymundo Ocampo was authorized to operate and was operating on the following lines:

Sta. Mesa—Divisoria

2 units

Blumentritt—Piers

2 units

Velasquez—Plaza, Miranda

4 units

North Harbor—Divisoria

3 units

North Harbor—South Harbor

3 units

On the date above mentioned, Ocampo filed an application to modify and consolidate his lines and re-route his 14 units so as to reduce his lines to only two, namely, Velasquez Plaza Miranda via Divisoria with 7 units instead of 4, and North Harbor-Plaza Miranda via Divisoria with 7 units thereby eliminating his 3 lines, Sta. Mesa-Divisoria, Blumentritt-Piers, and North Harbor-South Harbor. The reason for said application as shown by the evidence presented in support of the same was that the volume of passenger traffic from Velasquez to Plaza Miranda had increased, thereby justifying the addition of 3 units from 4 to 7 and that passengers from North Harbor to Plaza Miranda would have to disembark either at Divisoria or at the corner of Quezon Boulevard and Azcarraga and take another jeepney to Plaza Miranda; and those from Plaza Miranda to North Harbor would have to get down either at the corner of Evangelista and Azcarraga or at Divisoria and board another jeepney for North Harbor, in either case, having to pay an extra 10 centavos, thereby justifying the extension of his lines from North Harbor to Divisoria up to Plaza Miranda and the increase of his units from 3 to 7.

Petitioner Isidro, together with some big bus, taxi and jeepney operators filed written oppositions. However, during the several hearings held by the Public Service Commission on the application, only Isidro was left to prosecute his position and introduce evidence in support of the same. By order of April 1, 1957, the Public Service Commission overruled the oppositions and granted the application. Isidro in his appeal from said order makes the following assignment of errors:

- 1, The Public Service Commission erred in its order of April 1, 1957 in not finding that petitioner is financially capable, ready, and willing to improve, through increase of equipments, his service on the line North Harbor-Sta. Mesa via Quiapo.
2. The PSC erred in its order of April 1, 1957 granting respondent Raymundo Ocampo's application to operate seven (7) jitney units on the line North Harbor — Plaza Miranda (Quiapo), without first granting an opportunity to petitioner Lauro B. Isidro as prior operator to improve, through increase of equipments, his service along that line.

In the present appeal, only the line North Harbor-Plaza Miranda granted to Ocampo with 7 units is involved. The burden of the opposition of petitioner Isidro is that he is an old operator on this line; and following the well-settled rule laid down in a line of cases[1], before others like respondent Ocampo are authorized to operate on the line: in question, he (petitioner) as an old operator, should be given an opportunity or preference to improve his service if deficient or inadequate or to add trips to his present service if found necessary. The trouble is that petitioner is not really and strictly speaking an operator on the line in question, namely, North Harbor-Plaza Miranda and vice versa. It is true that he operates the line North Harbor Sta. Mesa via Quiapo, but his line does not pass by Plaza Miranda.

The line or stretch of road really involved in petitioner's opposition is that portion of Azcarraga street between Divisoria and Quezon Boulevard. On this line, petitioner may be considered an old operator, but so is respondent on his lines Velasquez-Plaza Miranda and Sta. Mesa-Divisoria, with the advantage that on the former line, respondent is operating a line from the corner of Quezon Boulevard and Azcarraga up to Plaza Miranda. Consequently, petitioner's contention of preference to be given to old operators is untenable. Moreover, even assuming for a moment that petitioner were an old operator on the line in question, nevertheless he has not applied for an increase in his service but allowed another to do so; and according to a line of decisions[2] it has been ruled that the granting of preference to an old operator applies only when said old operator has made an offer to meet

the increase in traffic and not when another operator even a new one, like respondent Ocampo, has made the offer to serve the new line or increase the service on said line.

At the beginning, we entertained some doubts about granting the line North Harbor-Plaza Miranda via Divisoria to respondent for the reason that the main if not the only reason for the application on said line was the relatively short distance (involving a few hundred meters) between the corner of Quezon Boulevard and Azcarraga and Plaza Miranda, which passengers could well negotiate on foot. However, the Public Service Commission after due consideration has found it a good and adequate reason for the purpose of serving the public. Besides, during the rainy season it might really be inconvenient for passengers bound for Plaza Miranda to walk the distance from the corner of Quezon Boulevard and Azcarraga street to their destination, so that they would be forced to board another jeepney and pay 10 centavos.

Finding no error in the order appealed from, the same is hereby affirmed. No costs.

Paras, C. J., Bengzon, Padilla, Reyes, A., Bautista Angelo, Labrador, Concepcion, and Endencia, JJ., concur.

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[1] Bohol Land Transportation Co. vs. Jureidini, 53 Phil., 560; Batangas Transportation Co. vs. Orlanes, 52 Phil., 455; Javier vs. Orlanes, 53 Phil., 468; and Manila Electric Company vs. M. B. Mateo, 66 Phil., 19.

[2] Raymundo Transportation Co. vs. Cerda, 99 Phil., 99; 52 Off. Gaz. (7) 3580; Interprovincial Autobus Co. vs. Clarete, 91 Phil., 275; Angat-Manila Transportation Co. vs. Vda. de Tengco, 95 Phil., 538; and Buan vs. La Mallorca, No. L-8729, February 28, 1957.

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