

PANGASINAN TRANSPORTATION GO., INC., PETITIONER, VS. TIMES TRANSPORTATION CO., INC., RESPONDENT.*G. R. No. 13080. December 29, 1959*

Ponente: REYES, J.B.L., J.

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Petition for review filed by the oppositor-petitioner Pangasinan Transportation Co., Inc., against the decision of the Public Service Commission in its Case No. 96322, ordering the issuance of a Certificate of Public Convenience to the respondent Times Transportation Co., Inc. to operate a TPU (auto-trucks) service on the following lines:

Vigan, Ilocos Sur—Bolinao, Pangasinan (3 units)

Vigan, Ilocos Sur—Dagupan City (2 units)

Vigan, Ilocos Sur—Baguio City (1 unit).

Petitioner assails the decision on two grounds, namely:

(a) that the evidence presented is not sufficient to reasonably support a grant of the certificate; and (b) that such questioned action of the Commission would only lead to ruinous competition among authorized operators.

The evidence of record establishes fully the need for more transportation services on the lines sought to be established by the respondent Times Transportation Co., Inc., a domestic corporation wholly owned by citizens of the Philippines. It is disclosed that, due to the fast expansion of commerce and industry in and around the area applied for, there has been increasing demand from the riding public for more and better transportation facilities. Existing operators admit there is no direct and continuous service from Vigan to Dagupan City or from Vigan to Bolinao, and with respect to the Vigan-Baguio City route, that only the Manila Railroad Company renders such service. While the mere absence of a direct or nontransfer service would not necessarily warrant an authorization for more or additional services, such absence, when coupled with an aggravating volume of traffic conditions along the lines proposed to be served, may justify the authorization. In the routes, applied for, witnesses declared that the means of transportation now available are inadequate to cope with the movement of passengers and the latter usually encounter many difficulties, inconveniences and delays before they are able to secure proper accommodations.

Petitioner would want us to examine and weigh the evidence anew and arrive at conclusions different from the Commission's. This we may not do, except in those instances where "it clearly appears that there was no competent evidence before it to support reasonably its decision" (*Espiritu vs. Los Bafios*, G. R. No. L-7121, July 30, 1955, cited and quoted in *Bachrach Motor Co., Inc. et al. vs. Hipolito*, G. R. No. L-9278, April 21, 1957), which is not true in this case.

Petitioner cites 1953 and 1956 decisions of the Public Service Commission denying previous applications along the same proposed lines (not for direct service), but those were based on circumstances peculiarly their own. Considering that the old applications were filed years before and that it appears that the traffic conditions have

actually changed, we cannot attach much significance to these denials.

That the grant of the certificate in question would only lead to ruinous competition appears to be mere speculation, not supported by the evidence of record.

Wherefore, the decision under review is hereby affirmed. Costs against the petitioner.

Paras, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Endencia, Barrera, and Gutierrez David, JJ., concur.

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