

FORTUNATO F. HALILI, PETITIONER, VS. JUAN V. ALDEA, RESPONDENT.

G. R. No. 13433. December 29, 1959

Ponente: LABRADOR, J.

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LABRADOR, J.:

Petition for the review of a decision of the Public Service Commission awarding respondent a certificate of public convenience to operate four (4) jeepneys with TPU plates between Novaliches (Quezon City) and Blumentritt (Manila), and vice-versa.

The decision was based on the testimony of the applicant- respondent, and the petitions of school teachers in Novaliches and of residents therein, that there is an acute inadequacy of facilities resulting from a tremendous increase in population occasioned in part by the establishment of new enterprises and industrial establishments in the areas traversed by the lines. The petitioner submitted, in support of his opposition to the granting of the certificate, reports of checkers stationed along the route to the effect that the buses of the petitioner are not over-crowded.

Petitioner claims in this Court that the reports of the Public Service Commission checkers should be entitled to greater credit than the testimony of applicant and the petitions of residents along the line. It is true that in two instances we have held that reports of checkers are more reliable and convincing evidence of the number of passengers aboard, buses than the testimony of observers and riders. (See *L.T.B. vs. M. Ruiz Highway Transit, Inc.*, G. R. No. L-11933—34, Nov. 28, 1959; *B.T.Co. vs. Reyes*, 104 Phil., 783; 55 Off. Gaz. [48], 10070). But in the above-cited cases, the checkers boarded the buses and made actual count of passengers, while in the case at bar they did not do so but merely observed the buses that passed by. So their reports were of the weight of mere observers. Furthermore, we take judicial notice of the fact that of late there has been a movement of population from the crowded districts of Manila to subdivisions of the People's Homesite and Housing Corporation and other suburban places. We also take judicial notice of the fact that jeepneys offer more rapid transportation to teachers, students and employees, who are in a hurry to reach their classes and offices and their homes during the rush hours of the morning and of the afternoon, than slow-moving buses that must make frequent stops to get passengers.

We, therefore, hold that the finding of the Public Service Commission that the service rendered by petitioner's buses is inadequate, is supported by the preponderance of the evidence, We may not reverse said finding because the lack of evidence as required by law (Sec. 35, Public Service Act), does not appear evident. The decision is hereby affirmed, with costs against petitioner. So ordered.

Paras, C. J., Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, and Gutierrez David, JJ., concur.

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