

PANGASINAN TRANSPORTATION CO., INC., PETITIONER, VS. JUANITO NASTOR, RESPONDENT.

G.R. No. 14117. April 30, 1960

Ponente: GUTIERREZ DAVID, J.

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GUTIERREZ DAVID, J.:

Juanito Nastor applied with the Public Service Commission for a certificate of public convenience to operate a TPU auto-truck service for the transportation of passengers and freight on the line San Manuel-Dagupan City and vice versa, province of Pangasinan, with a proposed equipment of three units.

The Pangasinan Transportation Company filed a written opposition on the grounds that the applicant is not financially capable of maintaining the services applied for and that the services rendered by the oppositor and other regular operators on the said lines are more than sufficient and adequate to serve the needs of the public and, therefore, the granting of the certificate to the applicant would only result in superfluous and duplicated service, ruinous competition and ultimately prejudice public service.

After both the applicant and oppositor had adduced their respective evidence, the Commission rendered judgment unanimously overruling the opposition and granting the issuance to the applicant of a certificate of public convenience for the operation of three (3) auto-trucks on the line San Manuel-Dagupan City, and vice versa.

The decision being adverse to its interests, the Pangasinan Transportation Company brought the case here for review, asserting that the Public Service Commission erred (1) in granting the respondent a certificate of public convenience notwithstanding the insufficiency of the evidence to reasonably support the grant of the certificate; and (2) in not holding that the approval of the application would cause ruinous competition among the petitioner, the respondent and other present operators on the line covered by the application and which would undoubtedly be detrimental to public necessity and convenience.

It is well settled that the factual findings of the Public Service Commission are binding upon this Court as long as they are reasonably supported by the evidence (Manila Yellow Taxicab Co. and Acro Taxicab Co. vs. Danon, 58 Phil., 75; Raymundo Transportation Co., Inc., vs. Cerda, 99 Phil., 99; 52 Off. Gaz. [7] 3580; Laguna Tayabas Bus Co., et al. vs. Pabalan, 98 Phil., 924; 53 Off. Gaz. [4] 1102; A.L. Ammen Transportation Co. vs. Soriano, G. E. No. L-12350, May 26, 1959, and several others.) And in reviewing the decision of the Commission, the Court is not required to examine the proof de novo and determine for itself whether or not the preponderance of evidence really justifies the conclusions therein (Bachrach Motor Co., Inc. vs. Ramon J. Guico, etc., 106 Phil., 118; 57 Off. Gaz. [24] 4433.

We are, therefore, called upon in this case to determine merely whether the evidence of record substantially supports the following findings and conclusions of the Commission:

"After careful consideration of the evidence, both oral and documentary, presented by the parties, as well as the records of this Commission on authorized services in the region applied for, we are convinced that there is need for the operation of additional service, considering the fact that on the line between San Manuel and

Dagupan City there is a big volume of passengers coming from the various big towns and their respective barrios. Exhibits "1-28" of the oppositor clearly show that the Pangasinan Transportation Company operates only one (1) bus a day between San Manuel and Dagupan City and vice versa and that Exhibits "29-57" also show that the said Company operates one (1) bus a day between Tayug and Dagupan City and vice versa. Such being the case, therefore, it is clear that there is only one direct continuous trip a day of the oppositor company on the line applied for, as the other trip coming from Tayug bound for Dagupan City passes Binalonan already full of passengers. It is for this inconvenience that prompted applicant to operate these TPU buses to afford the traveling public a sufficient, adequate and continuous direct trip from San Manuel to Dagupan City and vice versa."

Going over the record we have found that two witnesses for the applicant, and the latter himself who have been commuting regularly through the lines involved in this case took the stand and testified to the effect that the trips along the said lines are on most occasions filled to capacity because of the big volume of passengers coming from the various towns—Mangaldan, San Jacinto, Manaoag and Binalonan—and their corresponding barrios along the route. Indeed, this evidence could not be easily out-weighed by the evidence presented by the petitioner. For as correctly observed by the Commission, Exhibits "3-28" for petitioner consisting of drivers' reports on the San Manuel-Dagupan city line and vice versa show that the petitioner operates only one (1) bus a day along that line. Exhibits "29-57" consist of reports on the line Dagupan-Tayug, via Binalonan. This line does not directly pass thru San Manuel, and even if it does, the reports show that the petitioner operates also only one bus a day along that line. This single trip daily coming from Tayug bound for Dagupan City, when it passes Binalonan and San Manuel, more probably, is already full of passengers.

The drivers' reports may show a scarcity of passengers, but it appears that they cover only the month of February, 1957. This period being very limited, we cannot escape the supposition that the reports, which were adduced to serve the petitioner, represent a lean period for carriers when people in the area devote most of their time to other occupations and can not travel much due to weather or crop conditions. To merit credence, the petitioner should have presented a year's or at least six month's report.

As may be gleaned from the above, there is not much to rebut the evidence presented by the applicant, now respondent, and there is really sufficient testimonial and documentary evidence to support substantially the findings of the Public Service Commission.

Wherefore, the decision appealed from is affirmed, at petitioner's costs.

Paras, C. J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, and Endencia, JJ., concur.

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