

**GENERAL BUS CORPORATION AND HALCON BUS LINE, INC.,
SUBSTITUTED BY MINDORO TRANSPORTATION COMPANY INC.,
PETITIONERS, VS. GREGORIO CUNANAN, RESPONDENT.**

G.R. No. 15347. April 29, 1961

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On January 17, 1958, Gregorio Cunanan filed an application with the Public Service Commission to operate 5 units on the Pinamalayan-Bongabong line (Oriental Mindoro) and vice-versa. The application was opposed by the General Bus Corporation and the Halcon Bus Line, Inc.

In support of his application, Cunanan presented evidence to show that there were many passengers along the line in question who have to wait for the buses of the Halcon and Gexieral Bus Corporations from one to two hours; that despite waiting for that length of time many are left behind because of lack of accommodation; and that because of engine trouble sometimes the buses are delayed or do not make the trips at all. He further proved that the town of Pinamalayan has a population of about 30,000 and that he is financially able to operate and maintain the service applied for.

On the other hand, the oppositors presented evidence tending to show that they were operating a total of 17 trucks which maintain hourly schedule of trips on the line in question; that although their buses have a capacity of 47 to 47-½ passengers, however, when they leave Bongabong the volume of passengers is only about 20%; and that there are other authorized TPU operators on the line. They also presented evidence to show that applicant is not financially able to maintain the service applied for by him. And, finally, they introduced as evidence the reports of three agents of the Commission relative to the volume of passengers and the intervals of trips undertaken by oppositors, together with the record of the Commission certified by one of its employees to the effect that on said line there is a total of 47 authorized round trips a day with a frequency of 15 minutes interval.

On November 9, 1958, the Commission, by a vote of 2 to 1, held, after careful consideration of the evidence, that public convenience will be promoted by approving the application, thereby authorizing applicant to operate 3 of the 5 units applied for. Their motion for reconsideration having been denied, oppositors interposed the present petition for review.

Meanwhile, the Mindoro Transportation Company, Inc. acquired by purchase all the certificate of public convenience of oppositors, including all the auto-trucks used by them in operating the service, and after the sale had been provisionally approved by the Public Service Commission, its counsel moved this Court to allow the Mindoro Transportation Company, Inc., to prosecute this petition in lieu of oppositors being the real party in interest. This motion was duly noted.

The only question to be determined is whether or not in the light of the evidence adduced by both parties the Commission acted properly in granting respondent a certificate of public convenience to operate a TPU service on the Pinamalayan-Bongabong line.

It is clear that the issue posed by petitioners as stated above merely disputes the findings of fact made by the Commission in its decision, and such being the case it is evident that in the light of the ruling of this Court in a long line of cases their petition cannot be sustained. Thus, we held in said cases that if after a review of the evidence the Public Service Commission arrives at the conclusion that the new service applied for is warranted by public necessity and convenience, this Court will not disturb such finding if there is sufficient evidence to support the same.^[1] And here there is such evidence. Indeed, there is ample evidence to support the Commission's finding that on the line in question many of the passengers have to wait almost two hours before they are able to ride on the buses of oppositors to the extent that sometimes not all of them can be accommodated, and that because of engine trouble sometimes the buses are delayed or do not make the scheduled trips thereby causing prejudice to the passengers. The Commission even noted that, according to the very reports submitted by its own agents, the interval of trips of the oppositors' buses is one hour or more and that their registered equipment is not sufficient to cover their time schedule thus abandoning some of their authorized trips.

On the other hand, although oppositors had given much emphasis to the record of the Commission regarding the authorized 47 round trips maintained daily by them and other operators on the line in question with a trip interval of 15 minutes, nevertheless, this evidence has been sufficiently rebutted by the reports of the same agents to the effect that the other operators therein mentioned operate only within the towns of Naujan, Baco, San Teodoro and other adjacent municipalities; that of the 51 authorized units of oppositors only 48 are being operated thus forcing them to abandon some of their trip schedules; and that much as they wanted to maintain their regular service, petitioners were prevented from doing so because of the rugged condition of the roads and the occasional swelling of the Bongabong river. These evidences amply support the conclusion arrived at by the Commission that public convenience and necessity may be promoted if applicant be permitted to operate three units on the line applied for by him.

Wherefore, the decision appealed from is affirmed, without pronouncement as to costs.

Bengzon, C.J., Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, and Dizon, JJ., concur.

[1] Ynchausti Steamship Co. vs. Public Utility Commissioner, 54 Phil., 363; Manila Yellow Taxicab and Acro Taxicab Co. vs. Danon, 58, Phil., 75; Raymundo Transportation Co. vs. Cervo; 91 Phil., 313; Bachrach Motor Co., Inc. vs. Guico, 106 Phil., 118, Pangasinan Transportation Co., Inc. vs. Nastor, 107 Phil., 1136.

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