

PHILIPPINE SHIPOWNERS' ASSOCIATION, PETITIONER, VS. THE PUBLIC UTILITY COMMISSION, RESPONDENT.*G. R. No. 24638. February 24, 1926*

Ponente: ROMUALDEZ, J.

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The Philippine Shipowners' Association petitions the Public Utility Commission to prohibit the revenue cutters of the Bureau of Commerce and Industry from carrying freight and passengers on the routes served by the vessels San Pedro, Pilar, Gravina and Midget, which petitioner alleges provide adequate and convenient service for taking care of the traffic between Paragua Island and the rest of the Archipelago, regarding which the shipowners have received no complaint from the public. The petitioner also alleges that the said revenue cutters of the Bureau constitute unfair competition which prejudices it and sooner or later will cause the withdrawal of said vessels of private ownership, resulting in loss to their owners and the public.

The said Bureau, through the Attorney-General, answered said petition praying for its denial and dismissal for the reason that the vessels of private ownership, to which the petitioner refers, render an extremely deficient, inadequate and insufficient service, inasmuch as quite often they have been unable or refused to carry passengers and freight; that they have no itinerary or fixed days of arrival and departure; that they lack sufficient space and accommodations for passengers, and that said Bureau has received various complaints on the deficient service rendered by said vessels of private ownership, asking that the revenue cutters of the Government remedy said deficiencies.

After hearing, the Acting Public Utility Commissioner dismissed the petition.

The petitioner filed a motion for a new trial and a reconsideration of said decision, which motion was denied by the Commission, and we are asked to review the decision rendered by the Commission and the following errors are assigned as committed by the latter: (a) In not declaring, in view of the facts in the case, that the operation of the Government's revenue cutters as a public utility constitutes unfair competition with the vessels of private ownership, and (b) in rendering a decision without any evidence to reasonably support it.

In support of the first assignment of error, the decision rendered by this court in the case of *National Coal Co. vs. Public Utility Commission* (47 Phil., 356), is cited. In that case the Government collier was permitted to charge much lower rates than commercial boats. No such circumstance is present in the instant case. The case cited is inapplicable.

We do not find sufficient evidence in the record to show the unfair competition attributed to the Government vessels.

Touching the second assignment of error, the petitioner calls attention to the fact that the petition formulated by the municipal presidents of Palawan at their convention, the letter from His Excellency, the Governor-General and other letters and petitions, upon which documents the greater part of the decision is based, were not offered as

evidence nor would they be admissible as such. The fact is that said documents were presented to the Commissioner who tried the case and who took them into consideration; and we know that under the provisions of section 23 of Act No. 3108, in hearings of this character, the Commission is not subject to the technical rules of legal evidence.

And taking said documents into consideration, as well as the testimony of the witnesses who testified before the Commission at the hearing of this case, the record does not show that the decision here in question is not sufficiently supported by the evidence. And it is only when it is not that the law (sec. 35, Act No. 3108) grants us jurisdiction to review, alter or annul it. We cannot, therefore, set aside or modify in any manner the contested decision.

Finding no merit in the petition herein, the same is hereby denied, with costs against the petitioner. So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, Villamor, Ostrand, and Johns, JJ., concur.

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