

THE PASAY TRANSPORTATION CO., APPLICANT AND APPELLEE, VS. MANILA ELECTRIC COMPANY, OPPOSITOR AND APPELLANT.

G.R. No. 29927. March 15, 1929

Ponente: OSTRAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-29927/>

OSTRAND, J.:

On November 26, 1926, Inocencio M. Delgado made an application to the Public Service Commission for a certificate of public convenience for the operation of an auto truck service for transportation of freight and passengers between Las Pinas—Divisoria Market, Cavite—Quiapo Market, Quiapo—La Farola, San Lazaro Race Course—Balic Balic Cockpit and Sampaloc—Quinta Market with fixed routes and regular termini. After due publication and hearing, the application was granted on January 11, 1927.

Delgado operated the auto truck service until the latter part of December, 1927, when he transferred the enterprise to the Pasay Transportation Company, which transfer was approved by the Public Service Commission on March 14, 1928.

On March 30, 1928, the Pasay Transportation Company filed a motion with the Public Service Commission praying for authority to operate a half-hour service between F. B. Harrison Street and Divisoria Market, but running a fifteen-minute service during heavy traffic. The Manila Electric Company, operating the street-car service of the City of Manila, opposed the motion, but on May 25, 1928, the Public Service Commission granted said motion and issued an order authorizing the Pasay Transportation Company to operate an auto truck service, for the transportation of freight and passengers, between F. B. Harrison Street, in Pasay, and Divisoria Market, in the City of Manila, passing through the following streets: Libertad and Dominga, in Pasay, and Vito Cruz, Singalong, San Andres, Dart, Paco Market, Dart, Looban, Isaac Peral, Marques de Comillas, Ayala Bridge, Echague, Quinta Market, Villalobos, Plaza Miranda, Evangelista, Raon, Ongpin, Gandara, Nueva, Ongpin, Plaza de Binondo, Puente del General Blanco and Santo Cristo, in the City of Manila.

A motion for reconsideration was filed by the Manila Electric Company and denied by the Public Service Commission on June 13, 1928, whereupon the Manila Electric Company appealed to this court and now makes the following assignments of error:

"1. The Public Service Commission erred in entering its order of May 25, 1928, authorizing the appellee to operate an auto-truck service between F. B. Harrison Street, in Pasay, (Rizal) and Divisoria Market, in the City of Manila.

"2. The Public Service Commission erred in overruling appellant's motion for reconsideration of the said order of the Commission of May 25, 1928."

While on their face the assignments of error go only to the order of May 25, 1928, the appellant's argument relates principally to the order of January 11, 1927, granting Delgado's application, and the burden of that argument is that the order for the publication of the hearing of the application contained no statement to the effect that Delgado had applied for authority to transport freight or carry passengers between intermediate points and that

therefore the appellant did not raise any objection to the application at that time.

We can find but little force in that contention. Delgado's application was accompanied by complete schedules containing lists of streets and fares to be charged between the intermediate points. These schedules were open to public inspection, and their contents could easily have been ascertained by the appellant. The application itself was sufficient to put the appellant on its guard, and its failure to make the necessary inquiries can only be regarded as negligence; it could hardly be expected that the order of publication would contain all the details pertaining to the application. The point in question was not raised until over a year after the certificate of public convenience was issued, and it is now too late to ask for the cancellation of said certificate.

Neither can we find any reversible error in the order of May 25, 1928. The order does not call for any change in the original routes but relates only to transportation rates and stopping places. From the evidence presented, we cannot find that the order in question will create unfair and unreasonable competition to such an extent as to call for the intervention of this court; we can only modify or set aside an order of the Public Service Commission "when it clearly appears that there was no evidence before the Commission to support reasonably such order, or that the same was without the jurisdiction of the Commission" (sec 35, Act No. 3108).

The orders appealed from are affirmed with the costs against the appellant. So ordered.

Johnson, Street, Malcolm, Johns, Romualdez, and Villa-Real, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.