

MANILA ELECTRIC COMPANY, PETITIONER AND APPELLEE, VS. PASAY TRANSPORTATION CO., INC., OPPOSITOR AND APPELLANT.

G. R.No. 31629. February 03, 1930

Ponente: OSTRAND, J.

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OSTRAND, J.:

On July 16, 1928, the Manila Electric Company applied for a certificate of public convenience to operate an auto-bus line along Taft Avenue Extension beginning at the corner of F. B. Harrison and S. Vitan Streets to Taft Avenue, Padre Burgos Street, Plaza Lawton and Santa Cruz Bridge to Plaza Goiti or Jones Bridge to Plaza Moraga, returning by the same routes.

On July 17, 1928, the Pasay Transportation Co., Inc., also applied for a certificate of public convenience for operating its auto-busses on the Taft Avenue Extension, setting forth, among other things, that it had maintained an auto-bus service between F. B. Harrison Street and the Divisoria Market, passing along Libertad, Dominga and Vito Cruz Streets and that it therefore should be given preference to the operation of the Taft Avenue Extension.

The certificate of convenience applied for by the Manila Electric Company was granted by the Public Service Commission, but the application of the Pasay Transportation Co. was denied, and the latter thereupon filed the present petition for review.

Upon appeal, the appellant argues that it has operated an auto-bus service through the municipality of Pasay for several years and that the route granted the Manila Electric Company will create unfair competition with the appellant. In view of the fact that the routes of the two companies are not the same and that the passenger traffic in the district in question is very heavy, we do not think that the commission erred in granting the appellee's application for a certificate of public convenience. In our opinion, there is sufficient evidence in the record to reasonably support the decision of the commission.

Said decision is therefore affirmed with the costs against the appellant. So ordered.

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

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