

RAYMUNDO TRANSPORTATION CO., LTD., PETITIONER AND APPELLANT, VS. LAGUNA-TAYABAS BUS COMPANY AND ORLANES & BANAAG TRANSPORTATION CO., INC., RESPONDENTS AND APPELLEES.

G.R. No. 33399. December 13, 1930

Ponente: VILLAMOR, J.

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VILLAMOR, J.:

body { font-family: Verdana, Geneva, Arial, helvetica, sans-serif; font-size:80%; background-color:#FFFFFF; margin:0 2% 0 2%; text-align: justify; } h1 { font-family:times; } h2 { background-color:#cccccc; padding:10px 0 10px 0; font-weight: bold; text-align: center; } h3 { font-weight: bold; text-transform: uppercase; text-align: center; } div#footer { font-size:9px; }

This is a petition for the review of the proceedings in cases Nos. 13064, 16474, and 21770 of the Public Service Commission.

On January 20, 1928, acting in the matter of the application filed by the Raymundo Transportation Co. to extend its present route, and after hearing of said application, the Public Service Commission, finding it beneficial for the public convenience, authorized the extension of the regular land transportation service by means of busses, and the proposed increase of equipment when traffic conditions should demand it, subjecting the applicant company to the following condition:

"The applicant's busses passing through the intermediate towns along the Mabitac-Sta. Cruz line, shall not pick up any passengers or freight for transportation from a point served by Cayetano Orlanes and the Batangas Transportation Co. to a point served by the same, unless the said applicant's busses pass one hour before or half an hour after those of Cayetano Orlanes and the Batangas Transportation Company following the time schedules approved in cases 9872 and 10135."

The Laguna-Tayabas Bus Co.fc Inc., and the Orlanes & Banaag Transportation Co., Inc., respondents, filed a motion in case No. 16474 of the commission, asking, among other things, for the extension of their route to Pililla, Rizal, and for the approval of their consolidated time schedule.

On December 8, 1928, after the decision had been rendered in case No. 13064, Commissioner M. V. del Rosario rendered his decision approving the time schedule of both companies, with the exception of the route between Pililla and Mabitac found on page 9 of Exhibit D, which was only granted up to the boundary line between the Provinces of Laguna and Rizal.

On December 20, 1929, both the herein respondents filed a petition with the Public Service Commission in case No. 21770 that the Raymundo Transportation Co. be required to furnish a regular service at an interval of every thirty minutes between Pililla and the boundary line of the Provinces of Rizal and Laguna and to make connection with the service of said two companies at the said boundary line; and that, in case the Raymundo Transportation

Co. refuses to establish the necessary connection, the Laguna-Tayabas Bus Co. and the Orlanes & Banaag Transportation Co. be permitted to extend their operations to Pililla; and that, in case the Raymundo Transportation Co. fails to meet the busses of said two companies at the boundary line referred to within ten minutes from their arrival there, the said busses be permitted to continue to Pililla.

The Raymundo Transportation Co. opposed this petition alleging, among other things, that the extension granted to the respondent companies, from Mabitac to the boundary line of Rizal and Laguna in case No. 16474 should be cancelled because the said line is not yet operating and because it is an invasion of the territory of the herein petitioner granted to it in case No. 13064.

On January 2, 1930, the petitioner, Raymundo Transportation Co., filed in case No. 16474 a motion for reconsideration asking for the cancellation of the extension of the line of the two respondents herein from Mabitac to the boundary line of Rizal and Laguna.

On January 10, 1930, the herein respondents filed a motion in case No. 13064 of the Public Service Commission asking for the cancellation of the line of the herein petitioner, Raymundo Transportation Co., between Mabitac and Santa Cruz, granted to it in said case, for abandonment of the said line.

These three petitions, namely, the petition of December 20, 1929, in case No. 21770, the petition of January 2, 1930, in case No. 16474, and the petition of January 10, 1930, in case No. 13064, were heard jointly by the Public Service Commissioner, who rendered a decision on February 17, 1930, cancelling the petitioner's line from Mabitac to Santa Cruz granted to it in case No. 13064; denying its motion in case No. 16474 for the cancellation-of the herein respondents' line from Mabitac to the boundary line of Rizal and Laguna, and compelling the said petitioner to make connection at the said boundary line to Pililla, as prayed for in case No. 21770.

It is a fact admitted by the parties and by the commission that the appellant Raymundo Transportation Co. has had a certificate of public convenience since January 20, 1928, to extend its line from Manila to Pililla and from Pililla to Santa Cruz via Mabitac. It is also admitted and held by the commission that the road uniting Pililla, Rizal, with Mabitac, Laguna, is not yet open to traffic, for from Pililla to the boundary line and from Mabitac to the boundary line there is a long stretch of road unfinished. According to the records of case No. 21770, there is a distance of 27 kilometers from Pililla to Mabitac. According to the commission, from Pililla to the boundary line there are 9 kilometers almost finished with 4 kilometers still unfinished, and from Mabitac to the boundary line there are some 6 kilometers finished with 8 kilometers still lacking. Taking into account that the extension of the certificate of convenience of the Raymundo Transportation Co. depends upon the completion of the road from Pililla to Mabitac, and said road not yet being open to traffic the Raymundo Transportation Co. cannot be held to have abandoned its certificate of convenience to operate from Mabitac to Santa Cruz. It is true there is a road from Mabitac to Santa Cruz, but the certificate of convenience does not authorize the Raymundo Transportation Co. to operate only from Mabitac to Santa Cruz, but from its original territory. We believe the extension of the certificate of convenience granted to, the respondent companies, issued to them on December 8, 1928, is contrary to the principle enunciated by this court in *Batangas Transportation Co. vs. Orlanes* (52 Phil., 455); *Bohol Land Transportation Co. vs. Jureidini* (53 Phil., 560) ; and *Javier vs. Orlanes* (53 Phil, 468). In accordance with those cases the Raymundo Transportation Co. should be given a chance to operate in that portion of the extension of the line granted in its certificate of convenience after the road from Pililla to Mabitac has been opened to traffic. If after that road is thrown open the Raymundo Transportation Co. does not operate in accordance with the terms of its certificate of convenience, it will then be proper to issue other certificates of convenience to other companies to operate along that line.

In view of the foregoing, the decision appealed from is hereby reversed, and it is ordered that the cases be remanded to the Public Service Commission for a new hearing and trial of the motions upon which the decision of February 17, 1930, was rendered, after the road from Pililla to Mabitac has been opened to traffic, and a decision rendered according to law.

Without special pronouncement of costs. So ordered.

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

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