

RURAL TRANSIT COMPANY, PETITIONER AND APPELLANT, VS. PUBLIC SERVICE COMMISSION, RESPONDENT AND APPELLEE.

G. R. No. 34780. September 16, 1931

Ponente: MALCOLM, J.

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MALCOLM, J.:

The admitted facts in this test case present for decision the legal question of whether the purchaser of the rights of a holder of a certificate of public convenience must pay the fixed fee for a new certificate of public convenience.

The Public Service Law, Act No. 3108, as amended, provides that no "public service" shall operate in the Philippine Islands without having first secured from the Public Service Commission a certificate of public convenience (sec. 15 [z]). The commission is authorized to collect from any public service a fixed fee for each certificate of public convenience (sec. 27). Each operator of a motor truck shall, while his certificate of public convenience is in force and effect, always have marked in conspicuous places on both sides of his motor trucks his full name and, below the same, the word "operator," and under it, the passenger capacity of the automobile (Order No. 1, Public Service Commission, Chapter Three, sec. 3). No public service shall, without the approval of the Public Service Commission first had, sell, alienate, mortgage, encumber, or lease its property, franchises, privileges, or rights, or any part thereof (sec. 16 [h]).

By virtue of the sale by the original holder of the certificate of public convenience, the latter ceased to be the person authorized to operate on specified lines. The certificate of public convenience was cancelled, and in lieu thereof another certificate of public convenience was issued in the name of the purchaser. The purchaser was then required to place his name as the operator on his motor trucks. For the performance of this service, it would seem that the Public Service Commission could legally enforce the payment of the fixed fees provided by the Public Service Law. Not only this, but since, pursuant to the Public Service Law, the transfer could not be effectuated without the approval of the Public Service Commission, it would be logical to suppose that the Public Service Commission, as it did in this case, could fix as a condition precedent to approval, the payment of the fees named in the Public Service Law. Broadly speaking, the entire subject is one which concerns the internal regulations of the Public Service Commission, in connection with its relations to the public, and with such internal regulations, the court should not interfere except for good and sufficient reasons, and here no such reasons are brought to our attention.

The question is answered in the affirmative, and the orders appealed from are affirmed, with the costs of this instance against the appellant.

Johnson, Street, Villamor, Ostrand, Romualdez, Villa-Real, and Imperial, JJ., concur.

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