

SAN MIGUEL BREWERY, PETITIONER AND APPELLANT, VS. ESTEBAN C. ESPIRITU, RESPONDENT AND APPELLEE.

G. R. No. 36900. October 19, 1934

Ponente: VILLA-REAL, J.

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VILLA-REAL, J.:

This case embraces two appeals taken, one by the San Miguel Brewery (G. R. No. 36900), and the other by Pedro Cruz (G. R. No. 37003), from the decision of the Public Service Commission approving the application of Esteban C. Espiritu to establish and operate an ice plant in the municipality of Caloocan.

In support of its appeal, the San Miguel Brewery assigns the following alleged errors as committed by the Public Service Commission in its said decision, to wit:

"1. The Public Service Commission, represented by only two of its members who did not take part in the hearing of the case, erred in ordering the issuance to the respondentappellee, Esteban C. Espiritu, of a certificate of public convenience to install, maintain and operate an ice plant in the municipality of Caloocan, in the suburbs of the City of Manila, there being no sufficient evidence before said commission to support said application.

"2. The Public Service Commission, represented by only two of its members who did not take part in the hearing of the case, erred in revoking the decision of December 21, 1931, and in rendering that of January 4, 1932, on the ground that it lacked jurisdiction to do both.

"3. The Public Service Commission erred in denying the motion for reconsideration dated January 13, 1932."

In support of his appeal, Pedro Cruz, in turn, assigns the following alleged errors as committed by the Public Service Commission in its decision in question, to wit:

"1. That the Public Service Commission, represented only by two of its members who did not take part in the hearing of the case, erred in reconsidering the decision rendered by the Public Service Commission in bane, dated December 21, 1931, denying the application of Esteban C. Espiritu, respondent-appellee, and issuing in its stead its order and decision of January 4, 1932, approving the application of Esteban C. Espiritu and ordering the issuance in his favor of a certificate of public convenience for the installation of an ice plant in the municipality of Caloocan, Rizal, and the sale of its ice within the limits of the said municipality.

"2. That the Public Service Commission erred in holding in its order and decision of January 4, 1932, that public convenience and necessity would be better served by the installation of an ice plant in the municipality of Caloocan, and by ordering the issuance of a certificate of public convenience in favor of Esteban C. Espiritu for the establishment and operation of an ice plant in Caloocan.

"3. That the Public Service Commission erred in denying the motion for reconsideration of the herein petitionerappellant, dated January 11, 1932."

This case arose from an application filed by Esteban C. Espiritu with the Public Service Commission on May 16,

1931, praying for the issuance in his favor of a certificate of public convenience and necessity to establish and operate an ice plant with a capacity of 10 tons daily, in the municipality of Caloocan, Province of Rizal, with authority to sell its product not only in said municipality but also in those of Malabon, San Juan del Monte and Navotas of the Province of Rizal, and in that of Polo of the Province of Bulacan, at the rate of P0.02 a kilo at the plant and P0.02 1/2 at domicile.

The petitioner-appellant San Miguel Brewery filed its opposition to said application on May 28, 1931, and the petitioner Pedro Cruz filed his on the same date.

After various hearings held before the Commissioner, M. V. del Rosario, the case was submitted for decision on September 28, 1931. While said case was pending decision, the Philippine Legislature, on November 9, 1931, approved and promulgated Act No. 3844, amending section 2 of Act No. 3108, otherwise known as the Public Service Act, which reads as follows:

"SEC. 2. * * * All contested matters that may be presented before the Commission shall be heard and decided upon by the Commission in full or at least by two Commissioners, and before any Commissioner is assigned to write the decision or any resolution which affects in some way the right of the parties concerned, the matter shall be voted upon by the members of the Commission who have taken part in the direction of the case: Provided, however, That any one of the Commissioners may, through authority of the Commission, make all the inquiries which the Commission is empowered to undertake."

* * * * *

On December 21, 1931, the Public Service Commission, through the Commissioner, M. V. del Rosario, and with the conformity of the Associate Commissioners, R. A. Cruz and A. R. Teodoro, rendered a decision the dispositive part of which reads as follows:

"In view of the foregoing, and it not having been established that the public necessity and convenience will be better served with the installation of an ice plant applied for by Esteban C. Espiritu, and inasmuch as the granting of said application might cause a competition which might become ruinous to the interests of the rest of the operators who have made Caloocan a part of their sphere of distribution, the petition of Esteban C. Espiritu is hereby denied in so far as it seeks the issuance in his favor of a certificate of public convenience to install, maintain and operate an ice plant in the municipality of Caloocan.

"This decision shall take effect immediately and shall become final thirty (30) days after notice thereof to the parties."

On December 28, 1931, the respondent-appellee Esteban C. Espiritu filed a motion wherein he limited his field of distribution to the municipality of Caloocan and prayed that the former decision be reconsidered by granting him a certificate of public convenience and necessity to install, maintain and operate an ice plant in said municipality.

On January 4, 1932, the two Associate Commissioners, R. A. Cruz and A. R. Teodoro, with the Commissioner, M. V. del Rosario, dissenting, granted the motion for reconsideration of the decision dated December 21, 1931, and rendered a decision directing the issuance of a certificate of public convenience and necessity in favor of the applicant Esteban C. Espiritu for the establishment and operation of an ice plant in the municipality of Caloocan only.

In reconsidering its decision and rendering a new one, with the Commissioner, M. V. del Rosario, dissenting, the majority of the members of the Public Service Commission base its opinion on the following facts:

"(1) The oppositor, San Miguel Brewery, has not established an ice plant in the municipality of Caloocan, neither have the oppositors Teodora Santos and Pedro Cruz established one therein. Teodora Santos, by virtue

of her certificate of public convenience has been authorized to establish an ice plant in the municipality of Meycauayan with the right to distribute in the municipalities of Marilao, Bocaue, Bigaa, Sta. Maria, San Jose, Obando, and Polo, and Pedro Cruz, by virtue of the certificate of public convenience issued to him, was authorized to establish an ice plant in the municipality of Malabon with the right to sell the manufactured ice in the municipalities of Caloocan and Navotas.

"(2) According to the 1918 census, the number of inhabitants in the municipality of Caloocan was 19,551, which is now approximately 33,110, according to the statistical division of the Philippine Health Service, yet, in spite of this large number of inhabitants, said municipality has no ice plant of its own.

"(3) In "his testimony, applicant Espiritu claims that after studying the conditions obtaining in his locality (Caloocan), he found that there is a sufficient market for ice, and the establishment of the proposed ice plant will not cause a ruinous competition but, on the contrary, with the facilities which he will give the public in due time, the applicant will much better promote the welfare of the inhabitants.

"(4) As one of the prime necessities in ordinary and every-day life, ice has constant application and use, in addition to being a daily food preservative,

"(5) The applicant, Esteban C. Espiritu, is an experienced businessman and has sufficient capital to manage and administer the proposed ice plant in the municipality of Caloocan, expressly waiving service to neighboring towns (see his motion for reconsideration). Said waiver has changed the fundamental aspects of the question raised at the time this case was submitted for decision and when this Commission, in its order dated December 21, 1931, paused to define jurisdictions and enumerate the consequences of its decision which would grant to the applicant the privilege of extending his sphere of activity to other municipalities outside Caloocan."

In the case of *Limjoco vs. Public Service Commission and Cabrera* (G. R. No. 32831, not reported, which was decided on September 13, 1930), this court sitting in second division, stated as follows:

"In granting or denying a certificate, the public convenience and necessity should be taken into consideration first and above all. The mere fact that a holder of a certificate of public convenience and necessity is authorized to supply and sell ice in a locality does not prevent the authorization of another holder of a certificate of public convenience and necessity to supply and sell ice in the same locality when the latter is in a better position to do so than the former, and when his service proves to be better and more beneficial to the inhabitants of said locality, taking into consideration the distance-between the municipality where the plant is established and that in which the ice manufactured in said plant is to be sold. This is not a case of a land transportation company with a time-table, whose service may be increased or decreased according to the needs of the public, but that of a company supplying ice manufactured by it, whose efficiency to satisfy the needs of the buying public depends upon its promptness and economy in so doing."

In this case, it is an admitted fact that in the municipality of Caloocan there is no ice plant and that the slant for the installation of which the herein appellee Esteban C. Espiritu seeks authority and certificate of public convenience and necessity, will be the first therein. It is true that the appellants, San Miguel Brewery and Pedro Cruz, supply said municipality with ice from their respective plants, that of the former being established on General Solano Street of the City of Manila and that of the latter in Malabon, Province of Rizal, both of which places are some kilometers from Caloocan, but they have no permanent ice depositories in the latter municipality, where those in need thereof for domestic purposes as well as for urgent cases of illness, may go at any time. They have only deliverytrucks which distribute ice to their customers in said municipality at certain hours of the day. It being of general knowledge, and therefore, pf judicial knowledge, no evidence is necessary to show that an ice plant in the locality is much more advantageous to the general public as to facility in acquiring said article of commodity, not to say of domestic necessity, without loss in weight, than a plant some kilometers from said

locality, which distributes ice to its customers by means of delivery-trucks at certain hours of the day. Even in the case where an outside manufacturer has an ice depository in the locality, this court has found and held that it is always more advantageous to have an ice plant in the same locality. (San Miguel Brewery vs. Calumpit Ice Plant, G. R. No. 31550, promulgated January 14, 1930, not reported; Cruz and Lapid vs. San Miguel Brewery [1933], 67 Phil, 1017; San Miguel Brewery vs. Lapid, 53 Phil, 539.)

The fact that the Commissioner, M. V. del Rosario, heard the case and took the evidence when the commission had not yet been reorganized by virtue of Act No. 8844, amendatory to Act No. 3108, does not prevent two commissioners who did not take part in the hearing of said case from deciding: it after said subsequent Act had gone into effect, inasmuch as said section 2 of said Act No. 3844 provides that any one of the commissioners may, through authority of the commission, make all the inquiries which the commission is empowered to undertake. Inasmuch as the hearing and decision of a contested matter relating to public service by a single commissioner was authorized by the former law, the hearing conducted by the Commissioner, M. V. del Rosario, was valid, and as the new law authorizes the commission to delegate the hearing of a contested matter to a single commissioner, the hearing conducted under the former law has the same effect as if it were authorized by the commission under the new law. To hold otherwise would be to annul all the matters heard by a single commissioner and undecided before the new law went into effect, to the great detriment of the interests of the parties litigant. Such, certainly, was not the intention of the Legislature.

In view of the foregoing considerations, this court is of the opinion and so holds: (1) That the fact that one or several ice plants established in another municipality or municipalities are authorized to sell ice in another municipality where no ice plant exists, does not prevent the authorization to establish an ice plant in the latter municipality when the public convenience and necessity so demand; and (2) that the fact that a contested matter relating to public service has been heard by a commissioner in accordance with Act No. 3108, does not prevent the commission in full, or at least two commissioners, from deciding upon it after the passage of Act No. 3844 which requires that contested matters be heard and decided upon by the commission in full or at least by two commissioners.

Wherefore, not finding any error in the appealed decision, it is affirmed in toto, with costs against the appellants. So ordered.

Avancia, C. J., Street, Malcolm, Abad Santos, Hull, Vickers, Imperial, Butte, and Diaz, JJ., concur.

DISSENTING

GODDARD, J.,

I dissent.

At the hearing before the Public Service Commission and after the applicant Esteban C. Espiritu closed his case the attorneys of the oppositors moved to dismiss the application upon several grounds, one of which was that the applicant had not proved the necessity and convenience for the granting of the certificate prayed for. This motion should have been granted. I venture to say that a certificate of public convenience and necessity has never been granted upon such flimsy and worthless evidence as that presented by the petitioner in this case. However, after the oppositors had presented their evidence it was so apparent that there was absolutely no necessity for the establishment of an ice plant in Caloocan that the Public Service Commission, in the dispositive part of its first

decision, dated December 21, 1931, said:

"En vista de todo lo expuesto, y no habiendbse establecido que la necesidad y conveniencia publica estaran mejor servidas con la instalacion de una planta de hielo solicitada por Esteban C. Espiritu, y pudiendose causar, si se concediera lo pedido, una competencia que podrfra degenerar en ruinosa a los intereses de todos los demas operadores que han hecho de Caloocan parte de su esfera de distribucion, por la presente, se deniega la peticion de Esteban C. Espiritu en cuanto pide que se le expida un certificado de conveniencia publica para instalar, mantener, y operar una fabrica en el Municipio de Caloocan." This decision was written by the Hon. M. V. del Rosario and concurred in by the other two Commissioners Anastasio R. Teodoro and R. A. Cruz.

Seven days later, December 28, 1931, Espiritu filed a motion of reconsideration in which he amended his original application and prayed that he be granted a certificate of public convenience for supplying ice to the municipality of Caloocan only, excluding the municipalities of Malabon, Navotas and San Juan del Monte of Rizal Province and Polo of the Province of Bulacan. On January 4, 1932, with Commissioner Del Rosario dissenting, the other commissioners revoked the first decision and granted Espiritu a certificate of public convenience to establish, maintain and operate an ice plant in the municipality of Caloocan only.

In its first decision the Public Service Commission said:

"Ahora bien: ¿estan debida y suncientemente servidos los residentes y vecinos del Municipio de Caloocan (con el hielo que le proporcionan la recurrente apelante y el Sr. Pedro Cruz, de Malabon.)? La contestacion es afirmativa, y 1c estan, indudablemente, no solamente por las grandes fabricas que tienen un servicio ;des y los requerimientos de los residentes de Caloocan estan ampliamente y suficientemente servidos por las plantas que existen en los alrededores del pueblo de Caloocan, y no debe perderse de vista que se sirve hielo a Caloocan, por la opositora San Miguel Brewery y por Pedro Cruz, no por medio de agentes intermedios, sino que sirven hielo a dicho Municipio de Caloocan como parte del negocio que tienen establecido.

* * * * *

"La liberalidad con que esta Comision ha estado concedfendo licencias para el establecimiento de f abricas de hielo debe tener Ifmite, y el caso presente es uno en que la Comisidn debe fijarse mucho antes de poderlo hacer, pues se llegaria al extremo y el momento en que, algunas personas con un afan mas o menos sano, traten de establecer bajo principios de liberalidad que se invocan, plantas de hielo aun en los mismos barrios, lo cual nunca fuo la intencion de la Comision.

"Debe concederse el establecimiento de estas plantas alia donde las circunstancias y las cpndiciones lo exijan; alia donde el pueblo y los habitantes y residentes deben tener y contar en cualquier momento con un producto tan importante para la vida, como el hielo, pero cuando, como en el presente caso, no nay ninguna justificacion bastante y suficiente demostrativa de que aparte del hielo que se lleva a Caloocan y se deja alii, se requiere otra planta de hielo, en este caso es cuando esta Comision debe poner un limite para evitar precisamente que log operadores de aquel territorio sufran las consecuencias de una competencia ruinosa e injusta."

The proofs of the applicant consisted principally in his own testimony, certificates as to the number of inhabitants of the municipalities of Caloocan, Navotas, Malabon, San Juan del Monte and Polo, statistics presented by the San Miguel Brewery in another case with reference to sales of ice made by that company in said municipalities during the years 1927 to 1930 and Exhibit L. In regard to this Exhibit L the applicant Espiritu testified:

"P.

¿Tiene Vd. una relaciton de consumidores de hielo que se han comprometido a comprar de Vd. caso de concederse el permiso que Vd. solicita para establecer una fabrica en el Municipio de Caloocan?

"Sr. SOBAL.

Me opongo a la pregunta a menos que esa relacion sea un contrato, porque no es suficiente una mera alegacion de que algunas personas se hayan comprometido a comprar hielo del solicitante.

"Sr. MONZON.

Quisieramos presentar esta prueba como parte de la declaracion del testigo que ha hecho una investigacion de este propuesto negocio y ha obtenido datos en apoyo de su solicitud.

"JUEZ.

Puede contestar

—

Veremos la pertinencia de las pruebas mas tarde.

"R.

Si, senor, tengo.

"P.

Demostrandole a Vd. este Exhibito L haga Vd. el favor de decir a la Comision que es.

—

R.

Es una lista o relacion de probables consumidores de hielo; estas personas son comerciantes que tienen tiendas y otras son individuos que se han comprometido a saearme hielo.

"P.

¿Ha tenido Vd. conversacion con los senores que aparecen en esta lista?

—

R.

Si, yo mismo he hablado a estas personas." (*Italics supplied.*) (Pp. 7, 8, t. s. n.)

The following is the testimony of some of the witnesses whose names appear on this Exhibit L:

"JAMES A. WATSON (pp. 44 and 45, t. s. n.)

"JAMES A. WATSON, despues de haber prestado juramento en forma legal, declara que tiene 65 anos de edad, casado, manager de la Manila Golf Club, residente en Caloocan, Rizal.

"Preguntas directas por el ABOGADO SOBRAL:

"Q.

During the course of this trial, the petitioner Esteban G. Espiritu has filed a list of names of persons who, according to him, had agreed to obtain so much ice from him if he is granted a permit to put up an ice factory in Caloocan. Among the persons mentioned in this list Exhibit L is the Manila Golf Club at Caloocan, with 200 kilos

of ice per day. Have you ever promised Mr. Esteban C. Espiritu to take 200 kilos of ice per day?

—

A.

Never; I don't know the man.

"Q.

Have you made that promise to anyone representing Mr. Esteban Espiritu?

—

A.

Never.

"Q.

Do you know the San Miguel Brewery?

—

A.

Yes.

"Q.

Did you obtain your ice from the San Miguel Brewery for the Manila Golf Club?

—

A.

Yes, sir.

"Q.

Have you any complaint in the delivery of ice by the San Miguel Brewery?

—

A.

No, I have no complaint; nor has any of the four hundred members of the club made any complaint for the last two -years:

Q.

Have you always been able to obtain ice from the San Miguel Brewery at any time that you have asked for it?

—

A.

Always got them punctual—we get from 300 to 500 kilos of ice during busy days at five or six in the morning and whenever we ask for ice, we get it.

"RAFAEL BERTOL (p. 48, t. s. n.)

"RAFAEL BERTOL, despues de haber prestado juramento en forma legal, declara que tiene 57 anos de edad, casado, medico, y residente en Caloocan, Rizal.

"Preguntas directas por el Abogado Sobral:

"P.

Dr. Bertol, en una lista presentada por el solicitante en este asunto Sr. Esteban G. Espiritu, marcada Exhibits L, aparecen su nombre de Yd. como uno de los que se han comprometido con el Sr. Espiritu a sacarle 25 kilos de hielo al dfa. ¿Ha hecho Vd. semejante compromiso con el Sr. Espiritu ?

—

R.

Nunca le he hablado, ni creo que le conozco.

"PABLO SAUCO (pp. 48 and 49, t. s. n.)

"PABLO SAUCO, despues de haber prestado juramento en forma legal, declara que tiene 41 anos de edad, casado, empleado en la Manila Railroad Co., residente en Caloocan, Rizal.

"Preguntas directas por el Abogado Sobral:

"P.

En una lista preparada y presentada por el solicitante marcada como Exhfbito L, el Sr. Esteban C. Espiritu dice que Yd. se ha comprometido a sacarle 25 kilos de hielo diariamente. ¡Es verdad que Yd. ha hecho ese compromiso con el Sr. Espiritu?

—

R.

No, señor.

"LUCIO C. SALAZAR (p. 50, t. s. n.)

"LUCIO C. SALAZAR, despues de haber prestado juramento en forma legal, declara que tiene 44 anos de edad, casado, comerciante, residente en Caloocan, Rizal.

"Preguntas directas por el ABOGADO SOBRAL:

"P.

En una lista preparada y presentada por el solicitante marcada como Exhfbito L, el Sr. Esteban C. Espiritu dice que Yd. se ha comprometido a sacarle 25 kilos de hielo diariamente. ¡Es verdad que Yd. ha hecho ese compromiso con el Sr. Espiritu?

—
R.

No, señor.

"P.

Sr. Salazar, en la lista Exhibito L presentada en este asunto, aparece su nombre como uno de los que se han comprometido con el Sr. Esteban C. Espiritu a sacarle 40 kilos de hielo diariamente. ¿Es verdad que Vd. ha hecho ese compromiso?

—
R.

No, senior.

"P.

¿ Vd. saca hielo de alguna parte?

—
R.

He sacado hielo de la San Miguel Brewery.

"P.

¿Hasta ahora saca Vd. hielo de la San Miguel Brewery?

—
R.

Si, señor.

"M. MUSIA (p. 51, t. s. n.)

"M. MUSIA, despues de haber prestado juramento en forma legal, declara que tiene 35 anos de edad, casado, dueno de una tienda de refrescos, residente en Safigandaan, Caloocan.

"PREGUNTAS directas por el ABOGADO SOBRAL:

"P.

En esta lista Exhibito L aparece su nombre de Vd. como uno de los que se han comprometido sacar del Sr. Esteban C. Espiritu'220 kilos de hielo diarios. ¿Es verdad que Vd. ha hecho tal compromiso?

R.

Esta equivocado eso.

"MARIANO REYES (p. 52, t. s. n.)

"MARIANO REYES, despues de haber prestado juramento en forma legal, declara que tiene 31 anos de edad, casado, agente de la Fabrica de San Miguel, residente en 185 Herbosa, Manila.

"Preguntas directas por el ABOGADO SOBRAL:

"P.

En una lista presentada por el Sr. Espiritu de Caloocan, Exhibito L, se dice que Vd. se ha comprometido sacarle 250 kilos de hielo diariamente. ¿Quo dice Vd. a eso?

—

R.

No, señor, no he hablado con el Sr. Espiritu nunca.

"P.

Vd. ha dicho que era agente de la San. Miguel de venta de hielo. ¿Donde lleva Vd. su hielo?

—

R.

En Manila y en San Juan.

"P.

Todos los dias?

—

R.

R. Si, señor."

Furthermore in answer to letters from the San Miguel Brewery to several people, residents of Caloocan, whose names also appear oh Exhibit L, the following persons answered, Pablo de Guia of the Manila Railroad Co., D. Aquino, municipal president of Caloocan, C. S. Nadurata of the Manila Railroad Co., F. R. Icasiano of the Manila Railroad Co. and the La Loma Cabaret, stating in substance that they were surprised to hear that their names were on said exhibit arid that they never promised to buy ice from Espiritu and that they intended to continue buying ice from the San Miguel Brewery. These letters were admitted without objection.

The name of Irineo Ortiz also appears on Exhibit L, and Donato C. Guzman testified as follows:

"P.

¿Ha hablado Vd. con el Sr. Irineo Ortiz (No. 32) que aparece en esta lista como comprometiendose a sacar 25 kilos de hielo al día?

—

R.

No he encontrado tal residencia de tal Irineo Ortiz. Hace cinco años que ha muerto el Sr. Ortiz por un accidente en Zamboanga.

"P.

¿Como sabe Vd. que ha muerto ese Sr. Ortiz?

—

R.

R. Pues el sábado pasado cuando Uegue a Caloocan en compañía del Sr. Nadurata, fuimos a la casa del presidente, Sr. Dominador Aquino, y el Jefe de Policía, Sr. Cordero, porque el Sr. Nadurata me había informado que este Señor se ha muerto en Mindanao. Para estar seguro le pregunté al presidente y al Jefe de Policía si era verdad, y me contestaron que realmente el Sr. Ortiz se había muerto en Zamboanga."

The above proves the worthlessness of Exhibit L and also the bad faith of Espiritu in preparing that exhibit.

In spite of the fact that the applicant Esteban C. Espiritu testified that he could not maintain and operate his plant for the purpose of supplying ice to the municipality of Caloocan alone, the Public Service Commission granted him a certificate of public convenience for that municipality only and the majority opinion of this court affirms that decision.

Espiritu testified upon this point as follows:

"R.

Puedo, pero yo creo que no se consumiran esas diez toneladas.

"JUEZ.

¿por eso Vd. quiere extender su radio de acción hasta San Juan, Navotas, Malabon y Polo?

—

R.

Si, señor.

"JUEZ.

¿Por que realmente en Caloocan solamente no puede mantenerse esa planta de hielo?

—

R.

No podria mantenerse en Caloocan si se ha de depender del consumo de hielo en Caloocan.

"Sr. Francisco (continuacion):

"P.

De entre esos municipios en donde Vd. solicita permiso para vender hielo, ¿hay algün municipio en donde Vd. podria construir una planta de hielo y que podria mantenerse si se limita a ese municipio?

—

R.

No se puede mantener una planta limitándose a un solo municipio.

"P.

¿Vd. solicita una planta de diez toneladas de capacidad diaria?

—

R.

Si señor.

* * * * *

"P.

¿Vd. no esta absolutamente seguro que vendera todas esas diez toneladas de hielo diariamente?

—

R.

Puedo asegurar que se consumiran todas esas diez toneladas si se me concediera permiso para vender en los municipios comprendidos en mi peticion." (*Italics supplied.*) (Pp. 16-18, t. s. n.)

There is no justification whatsoever, in view of all the above, for granting Espiritu a certificate of public convenience and the decision of the Public Service Commission should be reversed.

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