

MANILA ELECTRIC COMPANY, COMPLAINANT AND APPELLEE, VS. ANATALIO HALILI, RESPONDENT AND APPELLANT.

G.R. No. 37266. February 04, 1933

Ponente: VILLA-REAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-37266/>

VILLA-REAL, J.:

This is an appeal taken by the respondent Anatalio Halili from the decision of Associate Commissioner, Anastasio R. Teodoro, with the concurrence of commissioners M. V. del Rosario, and Vicente de Vera, the dispositive part of which reads as follows:

"We find that the charges alleged in the complaint are established by the evidence, and order the respondent to pay a fine of P25 in addition to the investigation expenses, which we fix at P25.

"If within 30 days from notice of this decision to the respondent, payment as herein required is not made, the operation of said respondent will be suspended, and the amount collected by attachment."

In support of his appeal, the appellant assigns the following alleged errors as committed by the Public Service Commission, to wit:

"1. The Public Service Commission erred in ordering the herein appellant to pay a fine of twenty-five pesos besides another twenty-five for investigation expenses, in the decision rendered on February 15, 1932 in case No. 30171 of the Public Service Commission, despite the fact that there is no evidence of record to justify such a fine and investigation expenses.

"2. The Public Service Commission also erred in rendering the decision aforementioned notwithstanding the fact that case No. 30171 had been heard by only one commissioner, namely, the Hon. Anastasio R. Teodoro.

"3. The Public Service Commission erred and abused its discretion in denying the motion for reconsideration of the herein appellant in case No. 30171."

The first question to decide in this appeal is that raised in the second assignment of error, to wit, whether the Public Service Commission erred in rendering the decision in the present case notwithstanding the fact that it had been heard by only one commissioner.

Section 2 of Act No. 3108, as amended by section 2 of Act No. 3844, provides the following:

"Sec. 2. The commissioners shall hold office until removed as hereinafter provided. 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."

From the foregoing legal provision it will be seen that any one of the commissioners may, if authorized by the

commission, conduct all the investigations which the commission is empowered to undertake. In the absence of evidence to the contrary, it is presumed that commissioner Anastasio R. Teodoro was authorized by the commission to conduct the investigation of the complaint filed by the appellee, the Manila Electric Co., against the appellant Anatalio Halili for violation of his certificate of public necessity and convenience, and the very fact that the two other commissioners concurred in the decision shows not only that such authority was given, but that all of them took part in the voting of the case.

The second assignment of error is therefore unfounded.

The second question to decide, raised in the first assignment of error is whether or not the respondent and appellant, Anatalio Halili, has violated his certificate of public necessity and convenience, issued in accordance with the decision in case No. 26014 empowering him to operate along the Manila-San Jose Line via Novaliches and vice versa with fixed hours of departure from Manila, La Loma, Novaliches, the Dam, and San Jose, but without a special permit to operate within the City of Manila or a prohibition to do so.

Anatalio Halili acquired his certificate of public necessity and convenience by purchase from the Orlanes & Banaag Transportation Co., in case No. 18311, which, in turn, had acquired it from the N. & B. Stables Co. with the approval of the Public Service Commission. In the decision dated August 25, 1926, rendered in favor of the N. & B. Stables Co. in case No. 9680 of the Public Service Commission, the latter, in granting the corresponding certificate to the N. & B. Stables Co. in part said:

"With respect to the public necessity and convenience, the facts conclusively show that by reason of the work being done upon a big dam now under construction by the Metropolitan Water District at La Mesa, within the jurisdiction of the barrio of Novaliches, formerly a municipality of the Province of Rizal, and now a part of the municipality of Caloocan in the same province, a considerable number of people have come in and now live near where the work is being done, many of them from other provinces of the Archipelago, the great majority to work as day-laborers, who have settled in the camps with their families, others to do business, carrying wares to the different zones where construction work is going on, and a large part of this floating population is continually on the go, either returning to the City of Manila where some of them reside, or securing articles of prime necessity and other merchandise for those living in the camps, so that it is imperative to establish additional transportation services, and the two present operators, opponents Drueco and Austria, holding certificates of public convenience, do not object to such increase in the service; and this is more so when the considerable distance between the City of Manila and La Mesa Dam of about 25 kilometers is taken into consideration."

It will be seen, therefore, that the purpose of establishing the original Manila-Novaliches line was to furnish transportation to the laborers and their families working on the dam being built by the Metropolitan Water District at La Mesa, within the jurisdiction of the barrio of Novaliches, and to those peddling their wares to those families. Therefore, in view of the purpose and conditions of his certificate, the respondent and appellant, Anatalio Halili, as successor to the former transportation operators aforementioned, has no right to operate within the City of Manila, carrying passengers from one place to another, but only to receive passengers and take them outside, along the line from Manila to San Jose via Novaliches, and vice versa.

But there is an important question to decide in this case, that has not been raised by either of the parties, to wit, whether or not the respondent and appellant may be punished for an act not prohibited in the order of the commission by virtue of which his certificate of public necessity and convenience was issued.

Section 30 of Act No. 3108, as amended by section 8 of Act No. 3316, provides the following:

"Sec. 30. In default of compliance with any order of the Commission when the same shall become effective the person or public service affected thereby shall be subject to a penalty of not exceeding two hundred pesos per

day for every day during which such default continues, to be recovered in an action in the name of the Government of the Philippine Islands, and observance of the orders of the Commission may be enforced by mandamus or injunction in appropriate cases, or by action to compel the specific performance of the order or orders so made, or of the duties imposed by law upon such public service: Provided, That the Commission may compromise any civil or other action arising under this Act, in such manner and for such sum as it may deem just and reasonable."

The respondent-appellant was charged with, and fined for, operating along that portion of its route within the City of Manila from Divisoria Market to La Loma without a special permit to do so. The decision, or order, by virtue of which the respondent-appellant, Anatalio Halili, was granted his certificate does not contain an express prohibition from carrying passengers from one place to another within the City of Manila along its route; nor does it specify from what point to what point, along its line, outside the Divisoria Market-San Jose line, he might carry passengers, in such a manner that it might be clearly inferred from what points or to what points he might not carry them. He is not prohibited from taking passengers from La Loma to any other point along the line as far as Novaliches and San Jose, and, nevertheless, it cannot be said that he may not take passengers from any intermediate point between La Loma and Novaliches or San Jose. The prohibition from carrying passengers from one point to another in the City of Manila is therefore a mere inference, remote and indirect, based upon the peculiar conditions of traffic which require a public transportation company to have a special permit before it may operate therein.

The legal provision above quoted is penal in character (51 Corpus Juris, 84, section 150), inasmuch as it punishes with a fine any one who violates any order issued by the Public Service Commission. It is an elementary rule in penal law that no one should be punished for the commission or omission of an act not prohibited by law and for which no penalty has been established (16 Corpus Juris, 64, section 22; 59 Corpus Juris, 1110, section 658.) In *United States vs. Olsen and Marker* (36 Phil., 395, 400), this court said "that an act will not be held to be a criminal act unless the statute clearly and unmistakably makes it so." And in *United States vs. Abad Santos* (36 Phil., 243, 244), this court has laid down the following doctrine:

"2. ID.; LAW MUST BE STRICTLY CONSTRUED.—Criminal statutes are to be strictly construed; no person should be brought within their terms who is not clearly within them, nor should any act be pronounced criminal which is not clearly made so."

If, as we have seen, the order of the Public Service Commission, for the violation of which the respondent-appellant has been fined because he carried passengers from one point to another in the City of Manila, contains no express provision prohibiting such operation, or any provision from which such prohibition may logically and necessarily be inferred; and inasmuch as under the rules of statutory construction, penal laws are to be strictly interpreted, such laws will not be enlarged by implication or intendment beyond the fair meaning of the language used, and will not be held to include other offenses and persons than those which are clearly described and provided for, although the court may think the Legislature should have made them more comprehensive (59 Corpus Juris, 1115, sec. 660), Anatalio Halili, the respondent-appellant, cannot be held criminally liable for the act for which he has been punished, the commission of which is not prohibited by law.

In view of the foregoing, we are of opinion and so hold that although according to the spirit of an order by virtue of which a certificate of public necessity and convenience was issued to an operator, he cannot operate along a certain portion of his route, such operation not being prohibited in said certificate either expressly or by necessary implication; if he does so, he cannot be punished for it, inasmuch as section 30 of Act No. 3108, as amended by section 8 of Act No. 3316, is penal in character and should be strictly interpreted.

By virtue whereof, the decision appealed from is reversed, and the respondent-appellant absolved from the fine

imposed upon him, but he is hereby prohibited from operating within the City of Manila under his present certificate, without special pronouncement of costs. So ordered.

Villamor, Hull, Vickers, and Imperial, 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.