

THE NEGROS TRANSPORTATION CO., APPLICANT AND APPELLEE, VS. ROMAN MIRASOL, OPPOSITOR AND APPELLANT.

G.R. No. 37414. February 16, 1933

Ponente: HULL, J.

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HULL, J.:

This is an appeal from the orders of the Public Service Commission made in cases Nos. 27542 and 25678 of the records of the commission. In 25678 the appellant in this case asked for certain hours and certain routes in the Province of Occidental Negros. In case No. 27542 appellee asked for virtually the same routes and the same hours. In each case one was applicant and the other oppositor. Both are operators of auto-bus lines in Occidental Negros, and both apparently wanted exclusive franchise on a prolongation of established routes.

The commission divided the hours between the appellee and appellant, and the main ground of the appeal is the claim that as the appellant was the first one to ask the Public Service Commission for this route and these hours it had a prescriptive right thereto. Priority of application gives no such rights and on the whole case it would seem that the Public Service Commission has made a fair division between established operators.

The orders complained of are therefore affirmed with costs against the appellant.

Villamor, Villa-Real, Vickers, and Imperial, JJ., concur.

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