

FRANCISCO JAVIER, APPLICANT AND APPELLEE, VS. THE BACHRACH MOTOR COMPANY, INC., INTERVENOR AND APPELLANT.

G.R. No. 38502. August 17, 1933

Ponente: HULL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-38502/>

HULL, J.:

On the 24th day of August, 1932, the Public Service Commission of the Philippine Islands granted a certificate of public convenience for the operation of a taxicab service within the City of Manila and surrounding territory. In connection with the application for this certificate, Javier stated that he desired to use midget motor propelled vehicles and expected to use Austin cars.

On August 18, 1932, the Bachrach Motor Company, Inc., filed a complaint in the Court of First Instance of Manila for the sum of P20,000 to be paid by Francisco Javier, and in connection with that suit, a writ of attachment was issued. Pursuant to the instructions of the Bachrach Motor Company, Inc., the sheriff of Manila garnished the interests of Javier in the certificate above-mentioned. Subsequently, Javier filed a motion with the Public Service Commission praying that he be allowed to substitute Bantam Fords in lieu of Austin cars, which application was granted by the Public Service Commission ex-parte and without hearing.

A week later the Bachrach Motor Company, Inc., filed a motion as intervenor asking for the reconsideration of the last order of the Public Service Commission on the ground that in view of the attachment, the Public Service Commission could not legally issue the order authorizing the substitution of one type of car for another.

This motion was denied, and the Bachrach Motor Company, Inc., appeals to this court arguing that under section 16 of Act No. 3108, holders of certificates of public convenience may with the approval of the Public Service Commission alienate or encumber their property and franchises, that therefore such properties are subject to attachment, and when attached, the Public Service Commission cannot revoke or change in form or substance these certificates. The Public Service Commission in its decision denying appellant's motion held that the modification granted to appellee was one in form and not in substance, and in this we concur. No authority is cited to sustain the doctrine that attachment per se paralyzes the functions of the commission over public utilities, and such doctrine being obviously against public interests, the contention of appellant cannot be seriously entertained.

Having reached this conclusion, it is unnecessary to discuss any of the other questions raised by the briefs.

The orders appealed from are affirmed, with costs against the appellant. So ordered.

Avanceña, C. J., Malcolm, Villa-Real, 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.