

TEODORO R. YANGCO, PETITIONER AND APPELLANT, VS. SIMPLICIO ESTEBAN, RESPONDENT AND APPELLEE.*G.R. No. 38586. August 18, 1933*

Ponente: HULL, J.

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HULL, J.:

This is an appeal from orders of the Public Service Commission in which it finally permitted respondent-appellee to operate one Ford truck once a day between Subic and Olongapo, Philippine Islands. Both parties are operators of trucks under certificates of public convenience and necessity within the Province of Zambales. There is also another operator between the points in question.

This question has been repeatedly before the Public Service Commission. On a complaint of petitioner-appellant, the Public Service Commission dismissed the complaint, in other words permitted the operation. Subsequently, the Public Service Commission ordered respondent-appellee to stop operating over these eleven kilometers, and that order became final. Subsequently, he asked permission to operate one truck one trip a day over this route, which was granted by the commission. On reconsideration, the Public Service Commission denied it, and on reconsideration, it regranted it.

That the Public Service Commission should be confronted with the necessity of making six decisions on the question whether, one Ford truck should be allowed to make one trip a day over eleven kilometers, shows a most peculiar and unjustified abuse of the privileges of litigation. The evidence clearly shows that the two operators now on this territory often operate their busses virtually empty. One of the operators, petitioner-appellant, stands ready to increase his service should the Public Service Commission decide that it is for the interests of the public so to do.

Where two operators are more than serving the public, there is no reason to permit a third operator to engage in competition with them. The fact that it is only one trip and of little consequence, is not a sufficient reason to grant it.

There is a real public interest in this matter which seems to have been lost sight of. The Public Service Commission and the courts are maintained at considerable expense to the public at large. Litigious and contentious applicants for the right of using our highways for the purpose of carrying a few passengers should not be permitted so to monopolize the time of the Public Service Commission as to render it difficult for that body to attend to the many important and complicated questions involving real public interests presented to it for action.

The last orders in this case are without real foundation in the evidence of record and are contrary to the principles this court has enunciated in *Batangas Transportation Co. vs. Orlanes* (52 Phil., 455), and *Visayan Rapid Transit Company vs. Viajante Interino Co.*, G. R. No. 36262.[1]

The orders appealed from are therefore reversed, with costs against the appellee. So ordered.

Avanceña, C. J., Malcolm, Villa-Real, and Imperial, JJ., concur.

[1] 57 Phil., 974.

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