

FAUSTO BARREDO, FRANCISCO JAVIER, ANA VIUDA DE COROMINAS, JULIO DANON, MANILA YELLOW TAXICAB COMPANY AND ACRO TAXICAB COMPANY, PETITIONERS, VS. THE PUBLIC SERVICE COMMISSION, RA...*G.R. No. 38953. March 07, 1933*

Ponente: HULL, J.

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Ramon Silos, on January 9, 1933, filed before the Public Service Commission an application for special permit to operate a taxicab service pending the final determination of his original application filed in case No. 34985. Panfilo Sevillano, on the 4th of January, 1933, filed a similar application in the Public Service Commission in case No. 34989. The Austin Taxicab Company filed a similar application on January 10, 1933, known as Public Service case No. 35003. Opposition was filed by Fausto Barredo, Francisco Javier, Ana Vda. De Corominas, Julio Danon, Manila Yellow Taxicab Company, and Aero Taxicab Company, who are now operating taxicab services in the City of Manila. After argument, but without taking any testimony, the Public Service Commission on January 12, 1933 granted the special permits requested. The oppositors now bring certiorari proceedings under the provisions of section 35 of Act No. 3108 with a prayer to annul the above mentioned orders of the Public Service Commission entered on the 12th of January, 1933.

Although there are three separate proceedings before the Public Service Commission, the petitioners in this case, without authority or permission, consolidated them into one case. To prevent similar practice in the future the clerk of this court is directed to assess filing fees as if three applications for certiorari were brought in this court.

Special or provisional permits have been issued by the Public Service Commission for about ten years. There is no special provision of law authorizing such action.

The powers of the Public Service Commission are found in the legislation creating that body. Their powers are limited to those expressly granted or necessarily implied from those granted. In our basic law certificates of public convenience can only be granted after hearing and this court on review is compelled to set aside orders: "When it clearly appears that there was no evidence before the commission to support reasonably such order." The action of the Public Service Commission in granting these special or provisional permits is not only not authorized by their organic law, but is forbidden by the requirement to take evidence before issuing orders. The orders complained of must therefore be set aside and declared of no effect.

As above stated the commission has been issuing such orders for about ten years without question. Both the commission and the applicants have acted in good faith. Large investments have been made by the applicants pursuant to such permits. In order to give the Public Service Commission an opportunity to take evidence and decide whether or not it would be in the interest of the public to authorize the applicants to operate midget or small taxicabs in the City of Manila and its environments, the effective date of the cancellation of these special or provisional permits is fixed at July 1, 1933 unless in the meantime the Public Service Commission by proper

action has rendered such cancellation unnecessary. This postponement of cancellation must not be considered as authority to put in service taxicabs under such permits after the date of promulgation of this decision. Costs against the individual respondents. So ordered.

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

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