

THE METROPOLITAN WATER DISTRICT, PETITIONER, VS. THE PUBLIC SERVICE COMMISSION AND SABINO PADILLA, RESPONDENTS.

G.R. No. 39453. September 15, 1933

Ponente: VILLA-REAL, J.

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VILLA-REAL, J.:

This is a petition filed by the Metropolitan Water District to review the judgment rendered by the Public Service Commission amending the former's rules and regulations regarding inspection and repair of water meters as follows:

"We believe that, in order to avoid complaints and suspicion on the part of the consumers, every water meter should be tested at the place where it is installed before its removal for repairs to the respondent's shops on Arroceros Street; and that after repair and reinstallation thereof, another test should be made to ascertain if it is registering correctly, such tests in both instances to be made in the presence of the owner of the property or his duly authorized representative. In this manner, the interests of both parties are duly safeguarded. In both instances, it is also incumbent upon the respondent to send by messenger, in order to insure receipt thereof by the consumer, a written notice sufficiently in advance of the proposed test of the water meter and removal thereof, if necessary, as well as of the reinstallation and retest to be made, and this procedure shall invariably be followed by the respondent in the above-mentioned cases.

"Any regulation of the respondent entity, in conflict with the ruling laid down in this decision is hereby amended in accordance therewith.

"This decision shall take effect immediately and shall become final 30 days after the receipt of the notice hereof by the interested parties."

In the case of the Metropolitan Water District vs. Public Utility Commission (46 Phil., 412), this court held:

"2. METROPOLITAN WATER DISTRICT; ESTABLISHMENT OF RATES FOR MAINTENANCE AND UPKEEP OF METERS AND PIPE LINES; POWER OF DISTRICT BOARD.—The District Board of the Metropolitan Water District has power to prescribe uniform rates for the maintenance and upkeep of the meters and connecting pipe lines belonging to consumers of the waters supplied by said Water District."

The complaint filed by Judge Sabino Padilla consists in that when he received the notice to the effect that the water meter installed at his wife's house at No. 132 Juan Luna was to be tested on November 29, 1932, the test had already been made and the meter in question had been removed to the repair shops of the Metropolitan Water District. He also alleged that the same irregularity had likewise been committed in other buildings belonging to his wife.

The fact that on various occasions the notices sent to Judge Sabino Padilla were received by him after the date set therein for the test and even after the test in question had already been made, does not render the rules and regulations of the respondent Metropolitan Water District regarding inspection, testing and repair of meters,

unreasonable. At most, it constitutes either negligence on the part of the person in charge of sending out the notices, or delay in the mail, or failure on the part of the person who received the letter in the house of the addressee, to deliver it promptly. These defects may be corrected by filing a complaint with the Director of the Metropolitan Water District or with the Director of Posts, as the case may be.

The Metropolitan Water District being vested with legal power to prescribe the procedure to be followed relative to inspection and repair of water meters, in the absence of evidence showing that such rules and regulations are unreasonable and unjust, the Public Service Commission has no authority to change them.

In view of the foregoing, the judgment appealed from is hereby reversed, without special pronouncement as to costs. So ordered.

Malcolm, Abad Santos, Hull, and Imperial, JJ., concur.

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