

AGAPITO RAMOS, PETITIONER, VS. COURT OF FIRST INSTANCE OF TAYABAS AND LA LAGUNA-TAYABAS BUS COMPANY, RESPONDENTS.*G.R. No. 39929. September 14, 1933*

Ponente: MALCOLM, J.

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The question presented by this petition for a writ of prohibition is one of jurisdiction and has to do with the legal right of a Court of First Instance to grant an injunction to restrain a party holding a certificate of public convenience issued by the Public Service Commission from violating the same, and to proceed to hear and decide the case.

The petitioner Agapito Ramos and the respondent La Laguna-Tayabas Bus Company are rival public utility operators in the Provinces of Laguna and Tayabas. Both are the holders of certificates of public convenience issued by the Public Service Commission. During the months of October, November, and December, 1932, and January, 1933, several complaints were made before the Public Service Commission by La Laguna-Tayabas Bus Company against Agapito Ramos. It was alleged by the bus company that Ramos had been operating his public utility in violation of his certificate of public convenience and of the regulations of the Public Service Commission by making trips outside of the hours allotted to him and by dropping or taking passengers at points not allowed by his certificate. These charges were duly answered by Ramos. However, they were never brought on for hearing and were still pending before the commission in May, 1933, when the bus company instituted an injunction suit before the Court of First Instance of Tayabas relying in part on the same violations already denounced before the Public Service Commission and in part on further violations during the months of January to April, 1933. The complaint asked for the issuance of an injunction and for damages. A preliminary injunction was in fact issued.

As is well known, the Judiciary Law, as supplemented by the Code of Civil Procedure, grants to Courts of First Instance jurisdiction to issue writs of injunction (Act No. 136, sec. 56; Code of Civil Procedure, sees. 162, et seq.). This jurisdiction being organic in nature, it could not be diminished by the Public Utility or Public Service laws, or any other law, and it must be presumed that no such purpose was intended. As a matter of fact, the Public Service Commission is a body created to exercise administrative and quasi-judicial power only. Among other things, the commission is given power, after hearing, upon notice, by order in writing to perform certain specified acts including, as we believe, the power by order to grant certificates of public convenience and to suspend, revoke, or cancel them. (Public Service Law, No. 3108, sec. 15, as amended.) The Public Service Law provides that "observance of the orders of the commission may be enforced by mandamus or injunction in appropriate cases," (sec. 30). The reservation of judicial power is further safeguarded and the relationship between the Public Service Law and the Judiciary Law is bridged by the provision of the former that "This Act shall not have the effect to release or waive any right of action by the commission or by any person for any right, penalty, or forfeiture which may have arisen or which may arise, under any of the laws of the Philippine Islands, * * *" (sec. 34).

Heretofore it has been specifically decided by this court that owners of public utilities operating under the supervision of the Public Service Commission have the right to maintain appropriate actions in Courts of First Instance against other public utilities who have not been authorized to operate in competition with the complainant. (A. L. Ammen Transportation Co. vs. Golingco [1922], 43 Phil., 280.) This on the one hand. It has likewise been expressly decided by this court that a Court of First Instance lacks jurisdiction to issue an injunction to restrain the Public Service Commission from enforcing an order. (Iloilo Commercial and Ice Company vs. Public Service Commission, [1931], 56 Phil., 28.) This on the other hand. Between the two precedents falls the present case, which is neither aimed at public utility operators not provided with certificates of public convenience nor at the Public Service Commission as a body. What we have here is an order of the commission which, it is claimed, has been infringed, with the party injured desiring to obtain his remedy in the courts.

We believe that it will be to the public interest, and in accordance with the law, to rule that the violation of proper orders duly made by the Public Service Commission within the scope of its authority may be restrained by injunction. Important property rights are involved. A competing public utility operator is charged with wrongdoing. Damages pile up day by day as infringement continues. The Public Service Commission has been afforded an opportunity to give relief and has not done so.

True it is that Courts of First Instance have no general supervisory power over the Public Service Commission. Just as certainly the courts possess the power of redress grounded upon illegal encroachment upon property rights. In this instance, the commission retains jurisdiction over the complaints which asked that the certificate of public convenience of the transgressing party be cancelled because of the continued violation of the same, while the courts retain the jurisdiction conferred upon them by the higher law to restrain the guilty party from continuing with his violation of a property right and to proceed to fix pecuniary damages. Legitimate transportation operators are entitled to protection both by the Public Service Commission and by the courts.

Before concluding, it might be appropriate to add that it seems to have been the practice in Courts of First Instance to grant injunctions in similar cases as a matter of course. This tendency was given encouragement recently in the Division of Three case of Rural Transit Co., Ltd. vs. Emilio Flor, G. R. No. 37451,[1] not reported, wherein the decision of the Court of First Instance of Manila enjoining a party from continuing a wrongful and illegal action and awarding damages to the complaining party, was sanctioned here.

As a result of all the foregoing, we sustain the jurisdiction of the Court of First Instance of Tayabas, which means the denial of the writ of prohibition, with costs against the petitioner. So ordered.

Villa-Real, Abad Santos, Hull, and Imperial, JJ., concur.

[1] Page 922, post.

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