

MANILA YELLOW TAXICAB CO. ET AL., PETITIONERS AND APPELLANTS, VS. AUSTIN TAXICAB CO., RESPONDENT AND APPELLEE.

G. R. No. 40315. March 27, 1934

Ponente: HULL, J.

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HULL, J.:

The Austin Taxicab Co. has secured from the Public Service Commission a certificate of public convenience to operate twenty midget taxicabs in the City of Manila and its suburbs. From that decision the Manila Yellow Taxicab Co. and its co-appellants who are taxicab operators in the City of Manila and its1 suburbs bring this appeal.

During the hearing, the president and general-manager of the Austin Taxicab Co. was examined as to the nature of the company, and from his evidence it is clear that it is purely a dummy company without a bank account and without any real financial responsibility.

A permit to operate a fleet of taxicabs is not one of right, but it is a privilege granted by the State. It should not be granted to one unable or unwilling to meet his responsibilities to the public, for example, the ability to respond in damages to a passenger who has been injured through the negligence of a chauffeur of the company. In the absence of any evidence reasonably to satisfy the requirement of financial responsibility, the certificate of public convenience in this case should not have been granted.

The orders of the Public Service Commission here questioned are therefore vacated and set aside. Costs against appellee. So ordered.

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

GODDARD, J., concurring:

I concur on the ground set forth in this decision and on those stated in my dissenting opinion in the companion cases, G. R. Nos. 40317 and 40319[1]—E. Vesnan, applicant.

MALCOLM and BUTTE, JJ., dissenting:

We dissent for the reasons stated in our separate opinion attached to the case of Esmeralda Veenan, petitioner and appellant, vs. Manila Yellow Taxicab Co., Inc., et al., respondents and appellees.[2]

[1] Page 792, post.

[2] Page 787, post.

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