

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

G. R. No. 40316. March 27, 1934

Ponente: HULL, J.

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HULL, J.:

Panfilo Sabellano applied to the Public Service Commission for a certificate of public convenience authorizing him to operate midget taxicabs in the City of Manila and its suburbs. The existing operators opposed the granting of the certificate.

After hearing the Public Service Commission granted the certificate authorizing the operation of ten midget taxicabs, and from that action of the Public Service Commission the oppositors bring this appeal.

During the hearing it was demonstrated beyond any doubt that Sabellano is a mere figure head, and that he himself is entirely lacking in experience or financial responsibility. The granting of a certificate of public convenience to operate a fleet of taxicabs is a privilege, not 'a right. For the protection of the traveling public, the real party in interest should be disclosed and the applicant should have such standing both personally and financially as to be able to respond to his obligations to the public. There is no evidence in this case to show that applicant has those qualifications.

The order of the Public Service Commission granting to appellee the certificate of public convenience to operate the fleet of ten midget taxicabs is set aside and vacated. Costs against appellee. So ordered.

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

CONCURRING

GODDARD, J.,

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—E. Vesnan, applicant.

DISSENTING

MALCOLM and BUTTE, JJ.,

We dissent for the reasons stated in our separate opinion attached to the case of Esmeralda Vesnan, petitioner and appellant, vs. Manila Yellow Taxicab Co., Inc., et al., respondents and appellees, G. R. No. 40319.

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