

RAMON SILOS, PETITIONER AND APPELLANT, VS. MANILA YELLOW TAXICAB CO., INC., FAUSTO BARREDO, ANA VIUDA DE COROMINAS, TEODORO R. YANGCO, ACRO TAXICAB CO., INC., FRANCISCO JAVIER, ...

G. R. No. 40425. March 27, 1934

Ponente: HULL, J.

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HULL, J.:

Ramon Silos applied to the Public Service Commission for a certificate of public convenience and authority to operate a fleet of twenty-five midget taxicabs in the City of Manila and its suburbs.

After hearing, the commission denied the application, and this appeal was then brought.

Among the reasons given by the commission for its action in refusing to grant the certificate prayed for, was the doubt the commission had of the financial responsibility of applicant. At the time of the hearing there was strong opposition from the existing taxicab operators to the granting of any additional certificates, especially as they stood able and willing to increase their present equipment to any extent deemed necessary by the commission to meet the demand for taxicabs.

There was also a serious doubt in the minds of the commission at the time of the hearing whether additional taxicabs were in fact necessary, and if so, how many.

On the whole record we are convinced that in denying the application of appellant the Public Service Commission did not act arbitrarily but in the exercise of its sound discretion entrusted to them by law, and that therefore this court should not interfere with the orders in question.

The appeal is dismissed. Costs against appellant. So ordered.

Street, Abad Santos, and Imperial, JJ., concur.

CONCURRING

MALCOLM and BUTTE, JJ.,

We concur 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.[1]

[1] Page 787, ante.

CONCCURING**GODDDARD, J.,**

I concur on the grounds set forth in paragraphs three and four of this decision and upon those stated in my dissenting opinion in the companion cases, G. R. Nos. 40317 and 40319—E. Vesnan,[2] applicant. The evidence before the commission was sufficient to justify its decision.

[2] Page 792, ante.

VILLA-REAL, J., concurring in the result:

Although I believe that the petitioner and appellant Ramon Silos is entitled to the same equity that is granted to Esmeralda Vesnan in companion case G. R. No. 40319, I am willing, however, to concur in the result in view of the reservation made by the Public Service Commission in its decision of later date in cases Nos. 35027, 35241, 35438, 35474, 35501, 35562, 35633, 35623, 35654, 35743, 35770, 36071, 36310, 36337, 36594 and 37410, certified copy of which has been attached to the record of case, to wit:

"With the foregoing additional units there will be a total of 470 taxicabs, both of the big and small size, authorized to be operated in the City of Manila and its1 suburbs. From the same sources which have convinced this commission to authorize the issuance of new certificates, we feel that more units may be authorized but these will be reserved for future action. This will enable present operators who, according to our records, have withdrawn their petitions for increases of equipment on the ground that existing conditions obtaining in this city at the time they filed their petitions did not justify such increases, as well as those who have appealed their cases to the Supreme Court, to apply for the same, in case they so desire.

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