

PANAY AUTOBUS CO., PETITIONER AND APPELLANT, VS. ILOILO TRANSPORTATION CO., INC., RESPONDENT AND APPELLEE.*G. R. No. 40977. April 21, 1934*

Ponente: HULL, J.

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These three appeals seek to review the decision and orders of the Public Service Commission dealing with autobus service in Iloilo and its suburbs. Jovita Alfaras, the Panay Autobus Co., and the Iloilo Transportation Co., Inc., and their predecessors in interest, have been operating for some time autobuses to and from Iloilo, Molo, Jaro, La Paz, and other suburbs. The Panay Autobus Co. and Iloilo Transportation Co., Inc., a number of years ago, asked the Public Service Commission for authority to enlarge their route and increase their equipment. Each of the operators objects to any of their competitors receiving favorable consideration of the commission. Much testimony has been taken, and the record is voluminous prior to the final decision of the Public Service Commission, which decision virtually grants to the Panay Autobus Co. and the Iloilo Transportation Co., Inc., their prayers for the enlargement of their certificates of public convenience and necessity.

Alfaras apparently had routes fully covering the routes desired by the other companies, but the equipment and facilities of Alfaras are inadequate to meet the public demand and the service, therefore, naturally is somewhat irregular. The other two companies have adequate capital and management, and they render adequate and high class service. For example, the Iloilo Transportation Co., Inc., desires to use a high-power and expensive autobus suitable for long interstate travel in the United States, though the use of such buses in the streets of Iloilo can well be questioned from a practical standpoint.

It would seem from the evidence that, with the exception of Alfaras, the other companies are willing to maintain expensive fleets of autobuses and furnish a frequency of service beyond the real necessities of the traveling public. It is also apparent from the evidence that the public of Iloilo are anxious to have unlimited autobus service, notwithstanding the fact that they will be called upon to spend large sums of money for the repair of their streets and roads, caused by the unnecessary movement of autobuses thereover.

The Public Service Commission, after a careful study of the evidence presented, is apparently convinced that the time has not yet arrived for it to apply restrictive measures to prevent ruinous competition among these three operators. In the briefs submitted there are no maps, diagrams, or charts that clearly present to this court the questions that must be decided if this court is to revise the practical questions involved.

Appellants ask us to revoke the order of the Public Service Commission on the ground that each of the applicants desires to enter territory and have routes now being occupied by existing operators. Each of the applicants is an existing operator, and a slight extension of their existing routes for the benefit of the public is not on its face illegal.

The cases present no new question of law but involve only the application of repeated pronouncements of this court to the facts as they exist in Iloilo. This court may have fears that the commission has acted too leniently in

these matters and that the applicants are assuming serious financial risks in establishing the service they desire to furnish. However, there is evidence in the record upon which the Public Service Commission can arrive at the conclusion it did, and, therefore, this court should not interfere.

The orders appealed from are therefore affirmed, with costs against the appellants. So ordered.

Malcolm, Villa-Real, Imperial, and Goddard, JJ., concur.

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