

MOISES S. AMPIL, PETITIONER, VS. THE PUBLIC SERVICE COMMISSION, RESPONDENT.

G. R. No. 41061. February 23, 1934

Ponente: HULL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-41061/>

HULL, J.:

An original action for certiorari to review an order of the Public Service Commission.

Petitioner is the operator of one auto-calesa in the City of Manila and filed an application with the Public Service Commission to increase its equipment by thirty additional auto-calesas. The commission granted the request for additional equipment under certain conditions, one of which limited the number of persons to five, including the driver, or three passengers should the petitioner desire to have both a driver and a conductor on each auto-calesa. Petitioner being dissatisfied with this condition asked for a reconsideration, which the Public Service Commission refused to grant. Thereupon petitioner brings this action and asks us to declare that the commission exceeded its jurisdiction in limiting the number of passengers below the capacity of the auto-calesas.

In the decision of this court in *G. R. No. 39647*[1] which confirmed the order of the Public Service Commission approving the application of petitioner-predecessor to operate an auto-calesa in the City of Manila, it is said:

"Here we have a method of transportation which, it is said, will benefit the masses without endangering the investments of other public utilities, and if this be true, this method of transportation should be encouraged, leaving it to the future to determine if corrective measures should be taken to avoid cut-throat competition."

Subsequent to that expression and on the complaints of existing transportation facilities in the City of Manila, the Public Service Commission had public hearings and investigated the operations of auto-calesas in the City of Manila, and last Fall the Public Service Commission determined that unless the number of passengers that an auto-calesa should be allowed to carry was limited below its actual capacity, it would engage in ruinous competition with existing transportation in such a manner as to make such competition contrary to law. The Public Service Commission therefore determined, rather than to refuse all additional applications for auto-calesas, that the number of persons that they would be permitted to carry would be limited so that they would not become jitneys engaged in unlawful competition but would be used as a cheap form of transportation that would normally compete with horse-drawn calesas.

When this petitioner filed his application for thirty additional auto-calesas, the commission had determined that auto-calesas could not legally be permitted to operate with a carrying capacity of seven or eight passengers, as such would be a direct incentive to operate illegally, and that it would only be lawful to grant such permission under conditions that would impel them to operate within proper bounds.

While under the Motor Vehicle Act the Bureau of Public Works is authorized to fix the capacity of motor vehicles, the primary purpose of that authorization is to fix the fees that were to be charged for the registration of the motor vehicles. The limiting of the capacity of auto-calesas by the Public Service Commission is for a distinct and different purpose. If it has no such power, in view of the experience of the last year, no application for

auto-calesas could lawfully be granted.

Therefore, it is obvious that petitioner in asking us to eliminate a condition of his license and still permit him to retain his license is asking for something that we cannot grant.

Petitioner is at liberty to accept the limitation or not to accept the permission to operate. He can limit the number of passengers by placing a conductor as well as a motorman on his auto-calesas, but if he does so, under existing orders he can carry only three passengers instead of four, which he can do provided he does not care to employ a conductor.

Where in a given set of facts the commission is authorized to grant a certificate of public convenience and necessity under certain limitations, which limitations are based on experience and are not merely arbitrary, this court will not interfere to eliminate such conditions and permit, under a limited certificate, unlimited operations which the commission, after hearing, has determined would be unlawful.

The petition for certiorari is therefore denied, with costs against petitioner. So ordered.

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

[1] Manila Electric Co. vs. Balagtas, 58 Phil., 429.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.