

ILOILO TRANSPORTATION CO., INC., PETITIONER AND APPELLANT, VS. PANAY AUTOBUS COMPANY ET AL., OPPOSITORS AND APPELLEES.

G. R. No. 42441. December 22, 1934

Ponente: IMPERIAL, J.

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IMPERIAL, J.:

This is an appeal taken by Iloilo Transportation Co., Inc., from the decision rendered by the Public Service Commission denying its application for a certificate of public convenience to operate one hundred (100) autocalesas within the territorial limits of the City of Iloilo and the neighboring municipalities of La Paz, Jaro, Mandurriao, Molo, Arevalo and Oton, including the suburbs or barrios thereof.

In case No. 36259 of the Public Service Commission, said appellant filed an application for a certificate of public convenience to operate within said territory one hundred (100) four-wheeled autocalesas, with authority to charge the following rates: Fifty centavos for every half hour; tt for every hour; P0.60 for every successive hour; P0.05 for every passenger within the limits of Iloilo, La Paz, Jaro, Mandurriao and Molo; and P0.10 for every passenger from Iloilo to any of the municipalities of Arevalo and Oton, including any of the above stated intermediate towns. The autocalesas would be operated without any fixed route or time-table.

The application was opposed by Isabel Ledesma, the only appellee who filed her brief, Panay Autobus Company, Jovita Alfaras, all operators of truck services in the Province of Iloilo, Bilbao Garage & Taxicab, operator of another garage and taxicab service, and the associations of owners and drivers of horse drawn vehicles, which are rendering similar services in the City of Iloilo and in the neighboring towns of La Paz, Jaro, Mandurriao and Molo.

By agreement of the parties the justice of the peace of the City of Iloilo was commissioned to receive all evidence, which in fact was presented before him.

After carefully reviewing and weighing said evidence, the Public Service Commission rendered judgment holding that the proposed autocalesa service would not promote the interest or convenience of the inhabitants of the territory in question, and that its establishment would only constitute an unlawful and ruinous competition with the other public services already long established, consisting of autotrucks, garage cars, and taxicabs operated in the same territory, the former covering practically the entire Province of Iloilo.

In brief, the appellant contends that the commission erred in holding that the proposed service would not adequately or conveniently promote the interest of said inhabitants, and in denying its application.

We have carefully reviewed all the evidence presented and are convinced that the same clearly and reasonably supports the conclusion arrived at by the commission. If it is borne in mind that the population of the affected territory does not exceed 85,000, and that actually there are other public service trucks, garage cars and taxicabs, excluding horsedrawn carromatas or calesas, which are rendering adequate and efficient service to said

inhabitants, it necessarily follows that the proposed autocalesa service will give rise to unlawful and ruinous competition with the operators of said existing services.

In support of its contention, the appellant cites some cases in which the commission granted certificates to operate autocalesas in the towns of Bacolod and Davao, but the doctrine laid down in said cases cannot be invoked as a precedent in this case where the facts and circumstances are substantially different.

Wherefore, finding that the appealed decision is sufficiently and reasonably supported by the evidence, the same is affirmed, with costs against the appellant. So ordered.

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

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