

MANILA ELECTRIC COMPANY, PETITIONER, VS. PUBLIC SERVICE COMMISSION ET AL., RESPONDENTS.

G.R. No. 43399. May 16, 1935

Ponente: MALCOLM, J.

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MALCOLM, J.:

A resolution of the petition for a writ of certiorari brought by the Manila Electric Company against the Public Service Commission and various operators of autocalesas can be brought within a narrow compass. It is sufficient merely to set forth the salient facts and the legal principles of practical application to be able to visualize the inevitable outcome.

A series of autocalesa cases culminated in a decision of the Public Service Commission on March 15, 1934. That decision was sustained here on December 22, 1934, in G.R. Nos. 41986 to 42003, *Manila Electric Company vs. Bernabe Reyes et al.*[1] Between the date when the decision of the Public Service Commission was promulgated and the date when the decision of the Supreme Court was promulgated, another petition filed on August 17, 1934, was instituted by the Manila Electric Company against a list of respondent autocalesa operators. On motion presented by the respondents, to follow the language of the order of the Public Service Commission, "The petition filed by the Manila Electric Co., therefore, insofar as it seeks to revive and rediscuss issues which, as far as the commission is concerned, are res adjudicata, is hereby dismissed." Notwithstanding this order, however, the commission stated that the Manila Electric Company was not precluded from filing, if it so desires, "separate complaints against those respondents who are charged in the petition with having committed specific violations."

It only needs a hasty comparison to bring to light what is practically admitted—that the issues in the instant petition were identical with the issues in the autocalesa cases recently decided by this court. The allegations and arguments in support thereof are similar in the instant petition and in the said cases. That this is so is disclosed by the memorandum for the petitioner presented in opposition to the motion of dismissal in the Public Service Commission. In opening that memorandum, counsel stated that "The petition filed in this case is not exactly a complaint, although it partakes of the nature of one." Again "Even the specific violations mentioned in paragraph VII will be availed of only as examples." And finally, "The petition filed herein does not challenge the illegal operation of any respondent under his certificate of public convenience, but does put at issue the reasonableness of the whole system of 'autocalesa' service,—the illegal operation, the certificates and the reasons for their issuance included. Petitioner questions actual 'autocalesa' service on grounds of principle, not on bare violations."

The Public Service Commission held that the petition filed by the Manila Electric Company in this instance was res adjudicata. We do not need to go that far. It suffices to state that once questions are decided by the Public Service Commission and confirmed by the Supreme Court, neither the Public Service Commission nor the Supreme Court can be expected to go over and over again the same questions. The Balagtas cases, the Ampil case, the Trias case, and particularly the Bernabe Reyes et al. cases put at rest general complaints against the autocalesa system and all that is desired in the instant case is a reconsideration of those findings, requested even while cases were pending decision in the Supreme Court. Further, it is indisputable that the Public Service Xommission

should not attempt to review a final decision of this court. Finality must be written on Public Service Commission cases just as public policy demands that it be written on judicial controversies. (Philippine Shipowners' Association vs. Cui, 48 Phil., 377; Napa Valley Electric Co. vs. Railroad Com'n., 251 IT. S., 366.)

The foregoing does not estop the Manila Electric Company from enforcing its remedies against alleged delinquent autocala operators. The Public Service Law authorizes charges to be ventilated against public utility owners and the Public Service Commission in its order in effect ruled that the dismissal was without prejudice.

Petition denied, with costs against the petitioner.

Abad Santos, Hull, Vickers, Butte, Goddard, and Diaz, JJ., concur.

Petition denied.

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