

**SANTIAGO SAMBRANO, PETITIONER, VS. JUDGE ALEX. REYES,
ASSOCIATE COMMISSIONER, PUBLIC SERVICE COMMISSION AND
NORTHERN LUZON TRANSPORTATION COMPANY, RESPONDENTS.***G.R. No. 44452. November 04, 1935*

Ponente: IMPERIAL, J.

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In 16 cases of the Public Service Commission, the respondent Northern Luzon Transportation Company filed charges against the petitioner Santiago Sambrano for violation of the conditions imposed in his two certificates of public convenience Nos. 16029 and 28517. The violations charged consisted in irregularities of the service in which the petitioner was engaged, in having charged less fare than that fixed in the schedule and in not issuing tickets to passengers in some cases. After the hearings conducted to determine the charges, the commission found the infringements established and instead of suspending or cancelling the petitioner's certificates, charged him the expenses of the investigations amounting to P400, at the rate of P25 for each case. The petitioner did not appeal and the decisions rendered therein became final and executory. As the petitioner did not pay said sum of P400, notwithstanding the demands made upon him, the respondent commissioner, on August 19, 1935, entered an order requiring him to appear on or before September 10, 1935, to show cause, if any, why his operation under certificates Nos. 16029 and 28517 should not be suspended or said certificates cancelled. His motion for reconsideration denied, the petitioner filed the petition for a writ of certiorari now under consideration, praying that said order of August 19, 1935, be declared null and void and set aside.

From the foregoing facts, we are of the opinion and so hold that the petition filed by the petitioner is premature because the commission in fact has not yet taken any action prejudicial to him. All that the commission has required is that the petitioner appear before it to show cause, if any, why the operation of his service should not be suspended or his certificates cancelled" for having refused to pay the expenses of the investigations. If the commission should accept the petitioner's explanation as satisfactory, it would undoubtedly take no action against him, in which case the petitioner would have no cause to complain.

The petitioner contends that the commission has no power to charge the expenses of the investigation against an operator found guilty of having violated the conditions of his certificate of public convenience and it can not, for lack of said power, suspend a service or cancel a certificate. If the petition is premised on these reasons alone, we hold that under section 24 (h) of Act No. 3108, as amended by section 1 of Act No. 3316, the commission has express power to charge the expenses of an investigation against the operator found guilty of violation of the conditions of his certificate, of a law or ordinance, as it has power, for the same cause, to suspend or revoke a certificate of public convenience. (*Batangas Transportation Co. vs. Orlanes*, 52 Phil., 455; *Pasay Transportation Co. vs. Silang Traffic Co.*, G. R. No. 34815, 56 Phil., 822; *Rural Transit Co. vs. Viuda de Sison*, 57 Phil., 857; *Rural Transit Co. vs. Cruz*, 56 Phil., 302; *MindanaoJBus Co. vs. Maria Cristina Transportation Co.*, G. R. Nos. 36073 and 36239, 57 Phil., 1015.) However, we refrain from passing upon the question as to whether or not the commission can suspend or revoke a certificate of public convenience only for the reason that the guilty operator

fails to pay the expenses of an investigation charged against him, it being unnecessary to do so.

Wherefore, the petition is denied, with costs to the petitioner. So ordered.

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

Petition denied.

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