

**SANTIAGO SAMBRANO, APPLICANT AND APPELLANT, VS.
NORTHERN LUZON TRANSPORTATION COMPANY, ROSARIO E. DE
FABICO, MARIA L. DE GUERRERO, VICENTE QUIROLGICO AND
VENANCIO CARRILLO, OPPO...**

G. R. No. 45137. October 20, 1936

Ponente: DIAZ, J.

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DIAZ, J.:

The decision of the Public Service Commission, the review of which is sought by Santiago Sambrano, denies his application for authority to establish new or additional routes for his auto-truck passenger service, one from Laoag to Solsona, and another from Bangui to Pamplona via Claveria. He contends that the commission erred: (1) In denying his application for additional trips of his auto-trucks over his Vigan-Laoag route; (2) in denying his application to extend his Vigan-Laoag route from Laoag to Bangui, and from Bangui to Pamplona via Claveria; (3) in denying his application also to extend his said Vigan-Laoag route from Laoag to Solsona and, finally, in denying his petition for reconsideration of the decision now under review.

Santiago Sambrano, several months before filing his application which was denied by the Public Service Commission, giving rise to his appeal to this court, had authority from said commission to establish, and he in fact established, an auto-truck passenger service from Vigan to Laoag and vice versa. In his desire to extend his service, he asked for authority to have an additional route from Laoag to Solsona, and also another additional route from Laoag to Pamplona, via Bangui and Claveria. He filed his application in question on March 1, 1933, or four months and nine days after Vicente Quirolgico had filed his application in case No. 34112 of the Public Service Commission, seeking permission, in turn, to establish an auto-truck passenger service from Bidduang, Pamplona, to Bangui, which is a part of the route which the appellant wishes to open for the first time. After the filing of said two applications, the other operators named Maria L. de Guerrero, Northern Luzon Transportation Company and Venancio Carrillo likewise filed their applications to extend their respective routes from Bangui to Claveria, from Laoag to Claveria, and from Claveria to Laoag (cases Nos. 36258, 36336 and 36391 of the Public Service Commission).

When the appellant filed his application, it was opposed not only by the three operators above-stated but also by operators Rosario E. de Fabico and Batac Transit Company, who were opposed to the additional route Laoag-Solsona alleging that they had already established their auto-truck passenger service thereon.

By agreement of the parties, said cases Nos. 36258, 36336, 36391 and 34112 were heard jointly.

The appellant amended his application twice, the last one filed by him being that dated August 19, 1933. In the last application in question, his material allegations were:

"That the applicant is a regular public service operator under case No. 16029.

"That he wishes to extend his lines, as above-stated, and prays that he be granted additional lines from Laoag

to Bangui, Ilocos Norte, and vice versa, and from Bangui to Claveria and Abulog, Cagayan, as stated in Exhibit A, which forms an integral part of this application.

"That the operation of autobuses on said lines is very necessary, because the public demands such services and the operators on some of the lines applied for are not sufficient to satisfy the public demand."

The most that could be gathered by anybody reading the foregoing allegations is that the appellant asked to be permitted to extend his routes but never to be authorized to have additional trips over its old Vigan-Laoag route. What he clearly states in his amended application of August 19, 1933, is that he be authorized to extend his route from Laoag to Bangui and from Bangui to Claveria and Abulog, Cagayan. The Public Service Commission, therefore, acted very correctly in not granting to the appellant additional trips over his Vigan-Laoag route, because, aside from not having asked for it in his amended application in question, the only mention made thereof by his only witness during the hearing was that contained in the following passages:

"Q.

Do you have a list of the towns and a time schedule which you intend to adopt in case this application is granted?—A. Yes, sir, from Vigan to Laoag."

Exhibit A, to which the appellant's application refers, really contains a time schedule of regular trips from Vigan to Laoag and vice versa; about three trips in one direction and the same number of trips in the opposite direction; but there is no way of concerning said exhibit with the allegations of his application, because in the latter he only asks to be authorized to extend his lines and not to have his trips increased.

It is true that the appellant, in his former applications, expressed his desire to be granted additional trips over his Vigan-Laoag route; but as he had amended them in the manner appearing in his last amended application, where nothing is said about the trips in question, no pronouncement should be made and can be made to that effect, except to deny the petition, because an amended application, as in the case of an amended complaint, when filed, supersedes the original or originals which are regarded as abandoned and with no effect whatsoever as pleadings (*Reynes vs. Compania General de Tabacos*, 21 Phil., 416). This necessarily disposes of the appellant's first assignment of error as being absolutely unfounded.

With respect to the other errors attributed by the appellant to the Public Service Commission, it must be stated that the Laoag-Bangui route is covered by such old operators as Maria L. de Guerrero, Lara, Farinas, Northern Luzon Transportation Company, and others, according to the testimony of the appellant's only witness, named Constancio Feril. The Public Service Commission states in its decision, based upon the records and data of its own, that not less than ten trips a day are made by the various operators between said points; that the Laoag-Solsona route is covered by ten operators; and that the number of passengers on every trip of the autotrucks belonging to all of them, over both routes, is so small that there is no justification or need to increase the service thereon. It cannot be said that the commission acted improperly in taking into consideration its own records and data, in addition to those appearing in the records of the case, in order to decide the question raised by the appellant, because the data appearing therein are facts of which it may properly take judicial cognizance, inasmuch as it prepares, collects and preserves them by virtue of its supervisory control over all public services, for the establishment and operation of which it is empowered by law to grant the necessary authority. As stated in the case of *Manila Yellow Taxicab Co. vs. Araullo* (60 Phil., 833), the Public Service Commission, in the exercise of its quasi-judicial and administrative functions, has the power to take into consideration, in deciding a case submitted to it, the result of its own observation and investigation together with the evidence presented to it at the hearing. This is all the more true in the case under consideration because the appellant has not presented competent and adequate evidence to convince this court that the public interest demands the extension of the

already existing service.

The commission's act granting Vicente Quirolgico authority to establish the autotruck passenger service from Bidduang to Bangui, with preference to the appellant, is in no way arbitrary because Quirolgico was an old operator therein and he was the first to file his application; and the facts and circumstances did not then warrant the granting of the privilege to more than one operator because, according to the testimony of the applicants in the cases hereinbefore mentioned, the number of persons traveling between said points, on each trip, ranged from 30 to 35. It is true that more than two years have elapsed from the time the commission rendered its appealed decision to this date, but that does not prove that there has been an increase in the number of persons who, making use of the operators' auto-trucks or of other similar means, travel from Bangui to Claveria or Pamplona or Bidduang, and from Bidduang to any of the above-stated points. If it is alleged that there is such an increase, it would be nothing more than a mere conjecture, and conjectures are not admissible as evidence. For the foregoing reasons, we hold that neither are the appellant's second, third and fourth assignments of error founded.

Wherefore, the appealed decision is affirmed, without prejudice to the appellant's right to ask the Public Service Commission, if he so desires, to grant him additional trips over his Vigan-Laoag route, with costs to the appellant. So ordered

Avanceña, C. J., Villa-Real, Abad Santos, Imperial, and Recto, JJ., concur.

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