

PANAY AUTOBUS CO., INC., PETITIONER, VS. FIDELINO BERUÑO AND PUBLIC SERVICE COMMISSION, RESPONDENTS.*G.R. No. 45424. July 15, 1938*

Ponente: VILLA-REAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-45424/>**VILLA-REAL, J.:**

Panay Autobus Co., Inc., appeals to this court asking for the annulment of the decision rendered by the Public Service Commission granting the application of the respondent Fidelino Beruño for permission to convert his irregular autotruck service along the Libacao-Capiz and Libacao-Estancia lines, Island of Panay, into a regular service, upon the ground, among others, that the respondent commission erred in rendering its decision of September 29, 1936 in case No. 43753 before receiving the evidence presented therein by said Panay Autobus Co., Inc., in support of its opposition, which evidence was received by the said commission on October 10, 1936 only.

The record shows that the Public Service Commission named the justice of the peace of Capiz, Capiz, on August 4, 1936, to receive the evidence of the petitioner and that of the oppositor. In accordance with the order of the commission, the said justice of the peace of Capiz, Capiz, received the evidence of the petitioner on October 30 and November 8, 1935, and September 14, 1936. After the transcription of the stenographic notes of the testimony of the petitioner's witnesses, the justice of the peace of Capiz, Capiz, forwarded their depositions to the Public Service Commission, notifying the latter that he could not do the same with respect to those of the oppositor's witnesses because the stenographer who took down the stenographic notes had not yet transcribed the same. Immediately after the stenographic notes of the testimony of the witnesses for the oppositor were transcribed, the justice of the peace of Capiz, Capiz, forwarded the same to the Public Service Commission and there received on October 10, 1936. On September 29, 1936, that is, eleven days before the said commission received the aforesaid transcript of the stenographic notes of the testimony of the oppositor's witnesses in the aforesaid case No. 43752, the said commission rendered the decision sought to be annulled.

Under section 14, paragraphs (d) and (e) of Act No. 3108, as amended by section 1 of Act No. 3316, the Public Service Commission is authorized to require every public utility to file a statement showing the schedules or routes to be served and, after hearing the parties, to fix by order in writing just and reasonable regulations, practices, measurements or services to be observed and followed by said public service companies. According to said legal provision it is necessary that the Public Service Commission should hear the interested parties before making rules fixing the routes and schedules of trip of the means of transportation operated by them, and that the order issued to this effect should be in writing. Without said hearing, any order issued by the Public Service Commission, fixing and regulating the routes and schedules of trip of the means of transportation of a public service land transportation operator, would be void, because issued in violation of law. In the case before us, by delegation of the Public Service Commission, the justice of the peace of the capital of the Province of Capiz heard the interested parties and their witnesses, taking their depositions and forwarding them to said commission for the corresponding resolution. In deciding the case on September 2, 1936, the said commission did not have before it,

and consequently could not have taken into account, but the depositions of the witnesses for the respondent Fidelino Beruño, inasmuch as those of the witnesses for the petitioner Panay Autobus Co., Inc., had been received by the said commission on October 10, 1936 only. It appears, therefore, that the Public Service Commission, in disposing of the application of Fidelino Beruño to convert his irregular hours of trip into regular hours, did not hear all the interested parties, thereby acting in violation of law, hence, its decision is illegal and void.

In view of the foregoing considerations, we are of the opinion and so hold, that when the Public Service Commission delegates a justice of the peace to receive the evidence in a case wherein it is asked that the irregular trips of a public service land transportation be converted into regular trips, and the testimony of the witnesses has been taken by deposition, and the said commission decides the case taking into account only the depositions of the witnesses for the petitioner without waiting for those of the oppositor's witnesses, its decision is void because contrary to law which requires that the parties interested be heard before promulgating any rule fixing the routes and schedules of trip to be followed and observed by public service operators.

Wherefore, the appealed decision is reversed, and the case is ordered remanded to the Public Service Commission so that it may consider the depositions of the witnesses for the petitioner and render another decision after considering all the evidence of record, with the costs to the respondent Fidelino Beruño. So ordered.

Avanceña, C. J., Abad Santos, Imperial, Diaz, Laurel, and Concepcion, JJ., concur.

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.