

MANILA ELECTRIC COMPANY, PETITIONER, VS. ISABEL ABLAZA, RESPONDENT.

G.R. No. 45426. July 09, 1938

Ponente: AVANCEÑA, C.J.

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AVANCEÑA, C.J.:

Isabel Ablaza, the respondent, is the holder of a certificate of public convenience with the following rate:

"Rate A:

"P0.10 per passenger within the City limits, without regard to distance covered.

"Double fare shall be collected for trips from Manila to adjoining municipalities and vice versa."

On October 31, 1935, she presented a petition to the Public Service Commission, which was amended on January 21, 1936, so that her actual rate be reduced on the basis of P0.05 as follows:

"Rate A:

"P0.05 per passenger as minimum for a trip within a given district of Manila, or to another continuous district;

"P0.10 per passenger from any point of Manila to a third district or over; and

"P0.20 per passenger from a municipality adjoining Manila passing thru Manila to any other adjoining municipalities such as from Caloocan to Pasay."

Among others, the Manila Electric Company filed an opposition to this petition.

Resolving the petition, the Public Service Commission, on December 10, 1936, fixed the following rates:

"P0.03 per passenger, as minimum charge, for a trip within a given district in Manila;

"P0.05 per passenger from one district to another adjoining it;

"P0.08 per passenger from a point in Manila to a third district, that is, in three or more districts;

"P0.20 per passenger coming from a neighboring municipality to another neighboring municipality of Manila, passing or crossing the latter."

The Manila Electric Company appealed this case to this court to review the decision rendered by the Public Service Commission on December 10, 1936.

It is alleged that the Public Service Commission rendered the decision now sought to be reviewed, without formal hearing. Against this allegation, however, it appears that notice of the petition filed by the respondent was given to all parties concerned, who, moreover, were likewise notified of the date of the hearing of the petition. The herein petitioner appeared in that case, opposed the petition and asked for its dismissal, and appeared at the final hearing of the case. In view of this, we do not believe that the petitioner, as alleged, has been deprived of the

benefit of a formal hearing of the case.

In rendering its decision of December 10, 1936, the Public Service Commission considered that the respondent could not continue operating under the old rate. This is admitted by the petitioner itself. Considering that the service of autocalesas, is for the convenience of the public, the commission is justified in changing the actual rate which makes this service impracticable in points which enable its operation. The petitioner and the Pasay Transportation Company have established zones within the City of Manila where they charge P0.03, P0.05, P0.08 and P0.10, being able to accommodate even forty passengers in a bus, whereas an autocalesa could carry only four passengers at a time. Under these, circumstances, in these zones established by the Manila Electric Company and the Pasay Transportation Company, it would not be possible for the respondent to pick up passengers and charge P0.10 for the service. In view of these circumstances, we find the resolution of the Public Service Commission well-grounded.

On the other hand, we do not have the slightest doubt on the power of the Public Service Commission to alter the rate fixed in the original certificate by reason of the change or improper proof of the facts and circumstances whereby the original certificate of the respondent was issued. Moreover, the resolution of the Public Service Commission, as expressly stated therein, partakes in this respect of the nature of an experiment for a period of four months, during which the operators of autocalesas, as well as the herein petitioner or any other, may recommend the amendment of this regulation, thereby leaving open the modification of the resolution under review.

The petition is denied and the resolution of the Public Service Commission of December 10, 1936, entered in the case to which this petition refers, is affirmed, with the costs to the petitioner. So ordered.

Villa-Real, Abad Santos, Imperial, Diaz, Laurel, and Concepcion, JJ., concur.

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