

JOSE DE LA ROSA, PETITIONER AND APPELLANT, VS. PEDRO V. CORPUS, RESPONDENT AND APPELLEE.

G.R. No. 45432. July 01, 1938

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

This is an appeal taken from the decision in bane of the Public Service Commission allowing: the issuance of a certificate of public convenience to the applicant Pedro V. Corpus for the operation of an autotruck service for the transportation of passengers and freight in the lines Aroroy-Syndicate Mines via Puro, Aroroy-Punta Camino via Puro and Aroroy-Milagros via Puro, all in the Province of Masbate.

Jose de la Rosa, who operates autotrucks in the lines Aroroy-Syndicate Mines, Punta Camino, and Puro with extension to Bagacay, opposed Corpus' application and appealed from the decision rendered in the latter's favor, assigning five errors alleged to have been committed by the commission in its appealed judgment.

The first three alleged errors consist in that the commission found that conditions in the traffic justify the granting of appellee's application and that the service of appellant is not adequate to meet the needs of existing traffic, without having taken into account appellant's preferential right; and in that the commission did not hold that the issuance of a certificate to the applicant, far from promoting the public convenience, would result in ruinous competition.

We find that the commission based its decision on two sets of facts which, restated, are: (1) That the service rendered by the oppositor Jose de la Rosa was very deficient and that he had not completed his equipment since 1931 until five months after the filing of appellee's application in October, 1935; and (2) that the traffic had considerably increased, making it necessary to authorize an additional operator to establish a service in the lines applied for by appellee. We find that the evidence fully supports, these facts justifying the decision appealed from. (Bohol Land Transportation Co. vs. Jureidini, 53 Phil., 560; Raymundo Transportation Co. vs. Perez, 56 Phil., 274.)

On the other hand, we do not see the danger of ruinous competition in the granting of a certificate of public convenience to Pedro V. Corpus for, as the commission well said, not all the lines applied for coincide with those of the oppositor of which may be mentioned the Puro Branch, that of Pajo and the Milagros extension; and in the lines where they both operate a schedule for the applicant may be so prescribed, which in fact has been done, that his service would complete and supplement that of the oppositor. The result would be that the schedules of both, if strictly followed, would give the public a service that would efficiently and adequately meet its needs.

The decision appealed from is affirmed, with costs against the appellant. So ordered.

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

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