

EMERENCIANO PECSON AND A. L. AMMEN TRANSPORTATION CO., INC., RESPONDENTS AND APPLICANTS, VS. FILOMENA PECSON, ZOILA PECSON, AND GLORIA PECSON, PETITIONERS AND OPPOSITORS.*G.R. No. 45516. July 30, 1938*

Ponente: AVANCEÑA, C.J.

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Emerenciano Pecson is the owner of two certificates of public convenience to operate automobiles and trucks on the Legaspi-Daraga and Legaspi-Malabog lines, having acquired the first certificate by purchase from the former operator Joaquin Oropeza, and the second by original application therefor. He later sold these two certificates to A. L. Ammen Transportation Co., Inc., and both parties later applied to the Public Service Commission for the approval of said sale. This application was opposed by Filomena Pecson, Zoila Pecson and Gloria Pecson, sisters and niece, respectively, of Emerenciano Pecson, who alleged that they, and not Emerenciano Pecson, are the owners of said two certificates. The Public Service Commission approved the sale on February 24, 1937, and the oppositors brought this case before this court for the review of said resolution.

Before Emerenciano Pecson sold these two certificates to A. L. Ammen Transportation Co., Inc., the oppositors had instituted in the Court of First Instance a civil case against Emerenciano Pecson for rendition of accounts in connection with the operation of these two certificates, and, after the sale had been made, they brought another civil action against Emerenciano Pecson and A. L. Ammen Transportation Co., Inc. for the annulment of said sale. Before A. L. Ammen Transportation Co., Inc., purchased these two certificates, it had been informed of the claims of the oppositors regarding the ownership of the two certificates.

The oppositors allege that although they are the owners of the two certificates in question, said certificates, however, were issued in the name of Emerenciano Pecson by agreement among them, for the reason that the latter is the oldest of them and had more personality and education.

The record of the proceedings shows that Emerenciano Pecson alone appears in the records of the Public Service Commission as the owner of the two certificates of public convenience and of the equipments for the operation thereof, and it is he alone who has been submitting the annual reports on the business to the commission. All of this warrants the presumption that Emerenciano Pecson is the only owner and operator of these two certificates in question. The mere institution of a civil action regarding the ownership of said certificates is insufficient to overcome this presumption until a final decision to the contrary is rendered.

For the foregoing considerations, the decision of the Public Service Commission rendered in this case on February 24, 1937, is affirmed, with costs to the oppositors. So ordered.

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

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