

NORTHERN LUZON TRANSPORTATION CO., INC., APPLICANT AND APPELLEE, VS. SANTIAGO SAMBRANO, OPPOSITOR AND APPELLANT.

G.R. No. 45854. July 30, 1938

Ponente: VILLA-REAL, J.

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VILLA-REAL, J.:

The oppositor Santiago Sambrano appeals to this court for a review of the decision rendered by the Public Service Commission on September 18, 1937, authorizing the applicant Northern Luzon Transportation Co., Inc., to operate the express service of autotrucks applied for.

As grounds for review, the oppositor assigns the following errors allegedly committed by the said commission in its decision, whose revision is sought, to wit:

"1. The Public Service Commission erred in rendering the decision dated September 18, 1937.

"2. The Public Service Commission erred in changing its decision dated August 2, 1937."

On December 4, 1931, the Northern Luzon Transportation Co., Inc., filed an application with the Public Service Commission, asking that it be authorized to operate an express service of autotrucks to Laoag, Ilocos Norte, to connect up in San Fernando, La Union, with the "Ilocos Express," a new and fast train recently put in operation by the Manila Railroad Company. As the case was urgent, immediate cognizance thereof was taken by Judge R. A. Cruz, who, on December 31, verbally authorized the applicant to start the service immediately while the case has not been heard, as was in fact done.

The case was set for trial for the first time on October 31, 1932, before R. A. Cruz, Associate Commissioner, and postponed later to December 10, 1932, when it was heard. The oppositor and appellant Santiago Sambrano appeared and Objected to the application but did not adduce any evidence.

Before Judge R. A. Cruz could decide the case, the commission was reorganized and the said Judge R. A. Cruz ceased to be a member thereof.

While the case was pending decision, the applicant, in 1934, filed an amended schedule in order to adjust its hours of trip with those of the Manila Railroad Company, which had suffered a slight change.

This case was not again heard during the time that Judge Alex Reyes was Associate Commissioner.

After the commission was reorganized anew, the case was again considered and it was found that the proof of notice had not been attached to the record, wherefore, a decision was rendered dismissing the application.

Upon presentation by the applicant of a motion for reconsideration, the commission issued the following order on September 6, 1937:

"The motion for reconsideration having been filed by the applicant, dated August 24, 1937, and finding the same well-grounded, the decision of this commission of August 2, 1937, dismissing this application, is hereby

set aside."

Shortly thereafter, that is, on September 13, 1937, the commission rendered the decision granting the application.

The first question to be answered, which is raised in the first assignment of alleged error, is whether the Public Service Commission erred in rendering its decision of September 18, 1937.

The Public Service Commission, in its decision of August 2, 1937, dismissed the application filed by the applicant Northern Luzon Transportation Co., Inc., for failure to send the required notice of the order, together with the proposed schedule, to the operators who might be affected by the proposed operation of an autobus express service and by the policy which the commission had adopted with respect to additional services.

The granting or denial of a motion for reconsideration rests upon the sound discretion of the court in ordinary cases, and unless there is proof of its grave abuse, this court does not interfere with its exercise. In the present case it does not appear nor has it been proven that the Public Service Commission has gravely abused its discretion in setting aside its order of dismissal.

From the time the commission verbally authorized the applicant to operate the autotruck express service applied for by it, the said service has been in operation for six years. During that period the public travelling by passenger trucks from San Fernando, La Union, to Laoag, Ilocos Norte, has been greatly benefited; because instead of having to travel two days in order to reach Laoag, Ilocos Norte, it can do so in only one day without the necessity of staying overnight in Vigan, Ilocos Sur, in order to catch the trip the following day for Laoag, Ilocos Norte. It would certainly be unjust and prejudicial to the public if, after having enjoyed a short and fast trip for six years, the authority should be cancelled and it should be forced to make use of the same system of transportation before employed. Although the granting of a special authority is anomalous and the Public Service Commission is without power to do so, nevertheless, the same having been granted in the present case and utilized for a period of six years to the benefit of the public, the final ratification thereof remedied the anomaly.

Wherefore, the decision sought to be reviewed is affirmed, with the costs to the oppositor. So ordered.

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

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