

**MANILA RAILROAD COMPANY, PETITIONER, VS. PARSONS
HARDWARE COMPANY, INC., RESPONDENT.***G.R. No. 46208. December 12, 1938*

Ponente: LAUREL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-46208/>

LAUREL, J.:

On April 19, 1938, Parsons Hardware Company, Inc., filed an application with the Public Service Commission for a certificate of public convenience to auto-trucks for freight from Manila to any part in Central Luzon including the Mountain Province and the Provinces of Rizal, Laguna, Batangas and Tayabas. This was opposed by the Manila Railroad Company, among others. After hearing, the Public Service Commission granted the application and directed the issuance of the corresponding certificate of public convenience, subject to certain conditions. A motion for reconsideration and rehearing was filed by the Manila Railroad Company but was denied, exception was taken, and the case elevated to this court for review. The only evidence on which the granting of the certificate of public convenience is predicated is the finding by the Public Service Commission, on the strength of the testimony of the only witness for the applicant, that "the applicant has a number of T trucks used for the delivery to the northern provinces, Central Luzon, and provinces near Manila of goods and merchandise purchased from it by its customers. Two of these trucks will be registered under TH denomination in order to enable applicant to accept cargoes upon their return to Manila so as to avoid or minimize the losses incurred in the return of its trucks to Manila without cargo and to serve the needs of its customers or the general public who may desire to avail of the services of the same. In other words, the acceptance of cargo by the two trucks proposed by the applicant to be registered under TH denomination will be purely incidental, as it is not the intention of the applicant to engage in the regular business of transportation of cargo or freight in competition with existing TH auto-truck operators. Applicant promises to register not more than two trucks under TH denomination and to abide by all rules and regulations applicable to TH service." The evidence presented does not reasonably support any finding of public necessity or public convenience. Even accepting the finding of the commission what is principally to be served here is the private interest of the applicant through avoidance of "the losses incurred in the return of its trucks to Manila without cargo," and service to the general public becomes incidental and accidental. Upon the meager evidence presented, public necessity and convenience remains an undetermined factor and the Public Service Commission erred in granting the petition of Parsons Hardware Company, Inc.

The decision of the Public Service Commission is hereby reversed, with costs against the respondent Parsons Hardware Company, Inc. So ordered.

Avanceña, C, J., Villa-Real, Imperial, Diaz, 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.