

ANGEL T. LIMJOCO, PETITIONER AND APPELLANT, VS. SAN MIGUEL BREWERY ET AL., RESPONDENTS AND APPELLEES.*G.R. No. 47299. December 21, 1940*

Ponente: LAUREL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-47299/>**LAUREL, J.:**

This is an appeal from the decision of the Public Service Commission denying appellant's application for a certificate of public necessity and convenience for the establishment, maintenance and operation of an ice plant of 5-ton capacity daily in the municipality of San Juan del Monte, Rizal Province, with authority to sell and distribute ice in said municipality and that of Mandaluyong, also of Rizal Province, and to establish, maintain and operate in connection therewith a refrigeration house or cold storage provided with lockers.

This application is objected to by the San Miguel Brewery, the Mariquina Ice Plant, and Jose Flores, ice plant operators, who are duly authorized to sell their production in the municipalities covered by the application, on the ground that the service proposed is unnecessary, and, if authorized, would only cause ruinous or wasteful competition. Jose Flores, who has leased his plant to oppositor San Miguel Brewery, and the Mariquina Ice Plant have not presented any evidence in support of their oppositions, but have made as their own evidence that presented by the San Miguel Brewery.

The Public Service Commission after considering the evidence of record, found that the demand for ice and for storeroom for refrigeration in the municipalities of San Juan and Mandaluyong is small and limited; that this need is sufficiently and adequately served by the oppositor San Miguel Brewery, and that the applicant has made no sufficient showing that public necessity and convenience require the service proposed by him.

Although as a general rule this court will not disturb the decision of the Public Service Commission if reasonably supported by evidence according to several decisions rendered (*Manila Electric Company vs. Balagtas*, 58 Phil., 429; *Ampil vs. Public Service Commission*, 59 Phil., 556; *Calabia vs. Orlanes & Banaag Transportation Co.*, 55 Phil., 659; *Aleoson Transportation Company vs. Public Service Commission*, G. R. No. 44523; *Mindanao Bus Company vs. Maria Cristina Transportation Co.*, G. R. No. 43628; *Espiritu vs. San Miguel Brewery*, G. R. No. 45161; *Javellana vs. La Paz Ice Plant*, G. R. No. 45163; *Gilles vs. Halili*, 38 Off. Gaz., 1988; *Manila Electric Company vs. M. R. Mateo*, 38 Off. Gaz., 1839; *Bulacan Bus Co. vs. Enriquez*, G. R. Nos. 46085-86), this is a case where we think the petition for review should be granted and the decision of the Public Service Commission reversed. It is admitted that San Juan del Monte has no ice plant or refrigeration establishment; neither has Mandaluyong. San Juan del Monte has a population of around 31,000 inhabitants, whereas Mandaluyong has more than 18,000. The oppositors, Mariquina Ice Plant and the Pasig Ice Plant of Jose Flores, do not now sell or distribute ice in San Juan del Monte and Mandaluyong, though authorized to do so in their certificates of public convenience and necessity, and the ice service in these two localities is furnished solely by the oppositor San Miguel Brewery whose plant is located in Manila, several kilometers away, and which merely maintains in the said localities a delivery truck service and ice boxes handled by independent dealers. We are of the opinion that the public demand for ice can be better met by the establishment of an ice plant in the same municipality where it

is to be distributed. In *San Miguel Brewery vs. Espiritu* (60 Phil., 745, 751), we said:

"It being of general knowledge, and therefore, of judicial knowledge, no evidence is necessary to show that an ice plant in the locality is much more advantageous to the general public as to facility in acquiring said article of commodity, not to say of domestic necessity, without loss in weight, than a plant some kilometers from said locality, which distributes ice to its customers by means of delivery trucks at certain hours of the day. Even in the case where an outside manufacturer has an ice depository in the locality, this court has found and held that it is always more advantageous to have an ice plant in the same locality. (*San Miguel Brewery vs. Calumpit Ice Plant*, G. R. No. 31550, promulgated January 14, 1930, not reported; *Cruz and Lapid vs. San Miguel Brewery* [1933], 57 Phil., 1017; *San Miguel Brewery vs. Lapid*, 53 Phil., 539.)"

The mere fact that *San Miguel Brewery* and the other oppositors have authority to sell ice in *San Juan del Monte* and *Mandaluyong* is not ground for denying the application of the appellant. This Court once observed that:

"* * * The mere fact that a holder of a certificate of public convenience and necessity is authorized to supply and sell ice in a locality does not prevent the authorization of another holder of a certificate of public convenience and necessity to supply and sell ice in the same locality when the latter is in a better position to do so than the former, and when his service proves to be better and more beneficial to the inhabitants of said locality, taking into consideration the distance between the municipality where the plant is established and that in which the ice manufactured in said plant is to be sold. This is not a case of a land transportation company with a time-table, whose service may be increased or decreased according to the needs of the public, but that of a company supplying ice manufactured by it, whose efficiency to satisfy the needs of the buying public depends upon its promptness and economy in so doing." (*Limjoco vs. Public Service Commission and Cabrera*, G. R. No. 32831, cited in *San Miguel Brewery vs. Espiritu*, supra.) The rule thus enunciated should apply with more force in the present case where the applicant proposes not only to sell and distribute ice in the localities covered by his application but to establish an ice plant in one of them. Due to the growing importance of ice as a prime necessity of life, the better policy is to facilitate the establishment of ice plants, unless such establishment is not justified or will lead to ruinous or wasteful competition.

The petition is hereby granted and the decision appealed from reversed, without pronouncement regarding costs. So ordered.

Avanceña, C.J., Imperial, Diaz, and Horrilleno, JJ., concur.

Petition granted and decision reversed.

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.