

THE BACHRACH MOTOR CO., INC., PETITIONER, VS. RAMON J. GUICO, ETC., RESPONDENT.

G.R. Nos. 12019-20. August 28, 1959

Ponente: BARRERA, J.

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BARRERA, J.:

In its decision of December 6, 1952, in P.S.C. Case No. 64704, the Public Service Commission authorized Ramon J. Guico, herein respondent, to operate, among others, 6 round trips between Dagupan City and San Jose (Nueva Ecija) via Sta. Barbara, Urdaneta and Villasis (Pangasinan); and 6 round trips between Dagupan City and San Jose (Nueva Ecija) via Binalonan, Tayug and San Quintin (Pangasinan).

By an order dated February 9, 1955, the Commission in its Case No. 62849 also granted respondent Guico authority to operate 5 trips on the line San Fernando (La Union) San Jose (Nueva Ecija) via Binalonan and Tayug (Pangasinan, and vice versa.

In the first Case No. 64704 respondent, on August 11, 1955, applied for authority from the Commission to extend one of his round trips between Dagupan City and San Jose (Nueva Ecija) via Binalonan, Tayug and San Quintin (Pangasinan), and one of his round trips between Dagupan City and San Jose (Nueva Ecija) via Sta. Barbara, Urdaneta and Villasis to the town of Roxas in Isabela.

By a similar application dated August 11, 1955, in Case No. 62849, respondent likewise applied for authority to extend one of his round trips between San Fernando (La Union) and San Jose (Nueva Ecija) via Binalonan and Tayug (Pangasinan) to the same town of Roxas in Isabela.

The Pangasinan Transportation Company, Manila Railroad Company and herein petitioner The Bachrach Motor Co., Inc., owners and operators of the Rural Transit, opposed these three applications for extensions of lines but only petitioner pressed its opposition. As principal operator from Manila and Nueva Ecija to all principal points in the provinces of Nueva Vizcaya, Isabela and Cagayan and as authorized operator on the lines San Fernando (La Union)-Ilagan (Isabela) via San Jose (Nueva Ecija); San Fernando-Tuguegarao (Cagayan) via San Jose and Roxas (Isabela); San Fernando-Appari (Cagayan) via San Jose, petitioner contends that public convenience does not demand the proposed extensions considering that its services on said lines are more than sufficient and adequate; that the granting of respondent's applications would merely result in unnecessary duplication of service as well as wasteful and ruinous competition; that respondent is not financially capable of maintaining the proposed service; and that a similar application of respondent for substantially the same lines had been previously denied by the Commission (PSC Case No. 67250) which denial was subsequently affirmed by the Supreme Court on July 29, 1957 (G. R. No. L-9570).

By agreement of the parties the applications were heard jointly and during the progress of the trial, after respondent had closed his evidence and while petitioner was introducing its own, the Commission, on June 7, 1956, granted respondent provisional authority to operate on the three lines applied for. Thereafter, upon completion of petitioner's evidence, the Commission rendered judgment in the cases, unanimously overruling the

opposition of petitioner and granting respondent authority to operate permanently on the extended lines upon a finding that public convenience will be promoted thereby.

The decision being adverse to its interests, petitioner brought the cases to this Court for review mainly upon the ground that the Commission erred in holding that there is sufficient passenger from Dagupan or San Fernando direct to Roxas or to other parts of the region in the province of Isabela and vice versa.

The above issue raised by petitioner is one of fact and it is a well settled rule that the findings of the Public Service Commission on questions of fact are binding upon this Court as long as they are reasonably supported by the evidence. In reviewing the decision appealed from, this Court moreover, is not required to examine the proof de novo and determine for itself whether or not the preponderance of evidence really justify the conclusions therein (*Ramon Guico vs. Bachrach Motor Co., Inc. and Pangasinan Motor Co., Inc.*, L-9570, July 29, 1957; *Estate of Buan vs. Pampanga Bus Co.*, 99 Phil., 373; *Medina vs. Saulog Transit*, L-7244, June 28, 1956; *Red Line Transportation Co. vs. Taruc*, L-6179, Nov. 29, 1954; *Pangasinan Trans. Co. vs. Tambot*, 95 Phil., 661; *Angat-Manila Trans. Co. vs. Victoria Vda. de Tengco*, 95 Phil., 58; *Inter-provincial Autobus vs. Mabanag*, 88 Phil., 66; *Manila Yellow Taxicab vs. Danon*, 58 Phil., 75; and others). In accord with this rule, we are therefore called upon to determine merely whether the evidence of record substantially supports the following findings and conclusions of the Commission to which the arguments of petitioner have been directed:

"We are satisfied from the evidence of the applicant that there is sufficient passenger traffic moving every day from Dagupan or San Fernando bound straight for Roxas or points in the Mallig region; that the movement of passengers from Pangasinan to Roxas is more or less continuous and if this thru service is not allowed at least with a few trips, these passengers would have to undergo the inconvenience of transferring at San Jose or probably at another point between San Jose and Dagupan or San Fernando to get another bus before they finally arrive at their destination. We do not see why we should not allow these thru services proposed by the applicant in view of the clear showing made by the applicant that there are many passengers who take his buses from Dagupan and San Fernando bound directly for Roxas, and likewise that from Roxas back to Pangasinan, there is a continuous movement of passengers. There is of course a connection service at San Jose, but we believe that in a case like the present where it is clearly shown that there is a large number of passengers who stand to be benefited by direct trips, we see no reason why they should not be authorized especially if the proponent of the service is already an authorized operator along the greater portion of the proposed line, which is the case of the applicant herein. We find it established that buses of the applicant leave San Fernando and Dagupan with an adequate load of passengers bound for Roxas or points in the Mallig region and that the same thing is true as regards the buses of the same applicant leaving Roxas bound for San Fernando or Dagupan, and in view of this, we consider that the extension of the service proposed here may be authorized so as to avoid the transfer of these passengers who after all are proceeding directly to their terminal at Roxas."

After a careful examination of the record we are satisfied that the evidence adduced reasonably substantiates the foregoing findings of the Commission. That the existing transportation facilities are presently inadequate to serve the great number of people desiring to travel directly from Roxas to Pangasinan and the Ilocos provinces and vice versa is well disclosed by the evidence of respondent and of petitioner as well. Four witnesses of respondent, who have been travelling regularly to and from Roxas, Pangasinan and La Union took the stand and testified to the effect that the direct trips of respondent's buses from Roxas to Pangasinan and the Ilocos region were on most occasions filled to capacity; that they prefer to ride on respondent's buses because they offer direct and, consequently, more convenient service to their destinations entailing less expense and time on their part; that if they fail or cannot ride on respondent's buses or if they ride on petitioner's buses bound for San Jose or Manila, which are frequently full by the time they arrive at Roxas, they are forced to take "broken trips" to reach their destinations; and that there is a need for the additional service applied for by respondent. Through the testimony

of the officer-in-charge of the Narra Settlement Project located at the Roxas-Mallig region, and the testimony of the municipal secretary of the town of Mallig, it has been shown that; about 80% of the settlers therein, numbering about 10,000 people, come from Pangasinan and the Ilocos provinces and that it is a common practice among these settlers to travel back and forth from their settlements to the places of their origin (Exhs. X and X-1). In addition, the Narra official testified that the flow of passengers to and from said region has been continuous due to the recent establishment and operation within the vicinity of the settlement of several oil exploration companies. Likewise, a resolution of the Municipal Council of Aurora has been presented to show the need for the solicited extension of lines due to the many residents of that municipality travelling directly to Pangasinan and the Ilocos provinces (Exh. Y).

On its part, petitioner adduced oral as well as documentary evidence to show that no justification exists for the extensions of lines sought by respondent. On this the Commission commented that:

"The bulk of oppositors' evidence refers to sufficiency of service from San Jose to Roxas or vice versa because the fact remains that the principal service of oppositor is rendered from San Jose, and it has no service towards Pangasinan or La Union except three round trips which were provisionally authorized to it in July, 1956 from San Fernando to Hagan, Tuguegarao and Aparri. There might be sufficiency of service from San Jose towards the north of the oppositor, but the issue here is the alleged need of a direct service from Dagupan and San Fernando straight to Roxas via San Jose."

Indeed, we find that out of the five witnesses presented by petitioner, allegedly travelling frequently from Isabela, the observations made by four of them are not descriptive of nor concerned with the transportation facilities plying between Roxas and Pangasinan, La Union and the Ilocos provinces as said witnesses admitted not having had any occasion or not having travelled regularly from Roxas straight to any of said provinces. And the only witness of petitioner who had so travelled even admitted that a great majority of the residents of Mallig originate from Pangasinan and the Ilocos provinces and that before and during the harvest season, that is from the month of December up to March, buses bound for Pangasinan and the Ilocos regions and vice versa were always full and were half filled during the off-harvest season.

Petitioner also presented in evidence the reports of the two teams of checkers assigned by the Commission to determine the volume of traffic passing at the check points established on November 6, 1956 up to November 17, 1956 at Umingan, Pangasinan and Sta. Fe, Nueva Ecija (Exhs. 3 and 6). These checkings were conducted not in connection with the cases at bar but in relation to another case heard by the Commission and upon which much reliance has been placed by petitioner. But a close examination of these checkings shows that they likewise amply support the conclusion of the Commission in respect to the sufficiency, flow and trend of traffic on the Dagupan and San Fernando-Roxas lines. Based on these reports, which we have consolidated, we find that respondent's buses bound for Roxas from San Fernando and Dagupan respectively carry an average passenger load of about 84.2% and 81.9% of their average authorized capacities upon passing the checkpoints at Umingan and Sta. Fe and that on the return trip, that is from Roxas to either Dagupan or San Fernando, said buses carry an average passenger load of about 79.3% at Sta. Fe and 69.2% at Umingan of their average authorized capacities.

Like the Commission, we cannot indeed attach much significance on the figures cited by petitioner in its brief showing the small number of passengers carried by its buses as disclosed in the checker's reports. The reason is obvious because except for its single trip along the San Fernando-Tuguegarao line which passes the town of Roxas, the rest of petitioner's trips checked by the Commission agents and upon which petitioner's figures are based refer to lines served by the petitioner which do not pass the municipality of Roxas or traverse the extended lines in dispute, e.g., Cabanatuan-San Fernando; Ilagan-San Fernando; Aparri-San Fernando and Indiana-San Fernando.

It is, however, urged by petitioner that the applications at bar should have been denied considering that in a previous case (PSC Case No. 67250), decided barely five months before the filing of the present applications and which this Court subsequently affirmed on appeal (G.R. No. L-9570, July 1957), the Commission found that the volume of passengers commuting along the Dagupan-Ilagan lines via Sta. Barbara, Tayug and San Jose and via Rosales, Urdaneta and San Jose, was insufficient to justify the authorization therein of respondent's application along said lines. But the inconsistency pointed out by petitioner in this regard is more fancied than real in our petition. It should be noted that case (PSC Case No. 67250) the two lines in dispute were between Dagupan and ilagan via different towns in the province of Pangasinan and that none of said lines, if authorized, would have passed the Aurora-Roxas-Mallig region which is to be served by the trips now solicited by respondent. Furthermore, it should be observed that while the Commission in that case was rendered about five months before the filing of the instant applications, said decision, however, as in apparent therefrom, was based on evidence substantially different from what has been offered here. For instance, the checker's report presented in that case showing the light traffic on the lines involved therein, and upon which the Commission greatly relied for its conclusion, was taken in the middle part of 1953 while those presented herein were accomplished in the latter part of 1956. Surely, it would erroneous, in the face of the actual facts presently established in these cases to consider or presume that the conditions prevailing in 1953 are similar to and controlling three years thereafter in 1956, especially taking into account the recent establishment of several oil exploration companies now operating in the Aurora-Roxas-Mallig region.

Wherefore, there being no reason to disturb the findings and conclusions of the Public Service Commission, the judgment appealed from is hereby affirmed, with costs against the petitioner. It is so ordered.

Paras, C.J., Bengzon, Padilla, Montemayor, Bautista Angelo, Labrador, Concepcion, and Endencia, JJ., concur.

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