

INOCENCIO SIPIN AND AGUEDA FONTANO, PLAINTIFFS AND APPELLANTS, VS. FILADELFO S. ROJAS, MARTIN OLSON, PACITA S. ROJAS, PERFECTO CRUZ AND SALVADOR P. RIVERO, DOING BUSINESS UNDER ...

G.R. No. L-5214. August 21, 1953

Ponente: PADILLA, J.

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PADILLA, J.:

This is an appeal from an order of the Court of First Instance of Ilocos Norte which affirmed the dismissal by the justice of the peace court of San Nicolas, Province of Ilocos Norte, of a complaint to recover compensation under the Workmen's Compensation Act.

The plaintiffs are the parents and lawful heirs of the late Ambrosio Sipin and were partly dependent upon him. The latter was the conductor of a bus that met with an accident in the municipality of San Nicolas, Ilocos Norte, due to the recklessness of the chauffeur, and died as a result of the accident. The action brought in the justice of the peace court of the municipality of San Nicolas, Ilocos Norte, is to collect the sum of P1,274 as compensation under the Workmen's Compensation Act. The court dismissed the complaint on the ground that the venue was improperly laid. In the opinion of the court the action being personal must be brought in the municipal court of the City of Manila where the defendants reside.

It is contended, however, that section 88 of Republic Act No. 296, known as the Judiciary Act of 1948, repeals the provisions of section 2(c), Rule 44, of the Rules of Court, Section 88 relied upon treats of jurisdiction of the justice of the peace and municipal courts, whereas section 2(c), Rule 4, concerns venue. The action to recover compensation under the Workmen's Compensation Act did not arise in the municipality of San Nicolas, Ilocos Norte, by the fact that the accident took place there which resulted in the death of the plaintiffs' son who was the bus conductor. The phrase "arising in his municipality or city" found in the section of Republic Act No. 296 referred to means actions that may be brought in the municipality or city taking into account the provisions of the Rules of Court on venue. An action to collect compensation under the Workmen's Compensation Act being personal must be brought in the court of the city or municipality where the defendant resides.[1]

The order appealed from, confirming that of the justice of the peace court of San Nicolas, Ilocos Norte, dismissing the plaintiffs' complaint, is affirmed, without costs.

Paras, C.J., Pablo, Bengzon, Tuason, Montemayor, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

[1] Ricafrente et al. vs. Cabrera, et al., 47 Off. Gaz. (Supp. No. 12) 141; Tenorio et al. vs. Batangas Transportation Company, 90 Phil. 804.

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