

**SUPERLINES TRANSPORTATION CO., INC. AND ERLITO LORCA,  
PETITIONERS, VS. HON. LUIS L. VICTOR, JUDGE PRESIDING OVER  
BRANCH XVI OF THE REGIONAL TRIAL COURT OF CAVITE;  
TIMOTEA T. MOR...**

*G.R. No. 64250. September 30, 1983*

Ponente: ESCOLIN, J.

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**ESCOLIN, J.:**

A petition for certiorari to set aside the decision of the Intermediate Appellate Court CA-G.R. No. SP-00708 entitled "Superlines Transportation Co., Inc., et al. versus Hon. Luis L. Victor, et al.," which affirmed the orders dated March 28 and April 27, 1983 of herein respondent Judge Luis L. Victor in Civil Case No. N-4338 of the Regional Trial Court of Cavite, entitled "Timotea T. Moralde, et al. versus Pantranco South Express, Inc., et al."

On December 19, 1982, Bus No. 3008 of the Pantranco South Express, Inc., Pantranco for short, driven by Rogelio Dillomas, collided with Bus No. 331 of the Superlines Transportation Co., Inc., Superlines for short, then driven by Erlito Lorca along the highway at Lumilang, Calauag, Quezon, resulting in the instantaneous death of Cayetano P. Moralde, passenger in the Pantranco bus.

On January 4, 1983, Superlines instituted an action for damages before the then Court of First Instance of Quezon, Gumaca Branch, against Pantranco and Rogelio Dillomas, driver of said Pantranco Bus No. 3008. In its complaint, docketed as Civil Case No. 1671-G, Superlines alleged that the recklessness and negligence of the Pantranco bus driver was the proximate cause of the accident and that there was want of diligence on the part of Pantranco in the selection and supervision of its driver.

On February 11, 1983, private respondents Timotea T. Moralde, widow of the deceased Cayetano P. Moralde, Sr., and her children, Cayetano, Jr., Alexander, Ramon, Emmanuel, all surnamed Moralde, and Jocelyn M. Abellana, filed a complaint for damages, docketed as Civil Case No. N-4338 of the Regional Trial Court of Cavite City, against Superlines and its driver, Erlito Lorca, as well as Pantranco and its driver, Rogelio Dillomas. The cause of action pleaded against Superlines was based on quasi-delict, while that against Pantranco, on culpa-contractual.

On February 28, 1983, herein petitioners Superlines and its driver Erlito Lorca filed a motion to dismiss in Civil Case No. N-4338 on the ground of pendency of another action, obviously referring to Civil Case No. 1671-G pending before the Regional Trial Court of Quezon, Gumaca Branch.

Finding that the two cases (Civil Cases No. 1671-G and No. N-4338) involved different parties as well as different causes of action, respondent Judge Luis Victor denied the motion to dismiss in the challenged order of March 28, 1983. Superlines moved for a reconsideration, but the same was denied on April 27, 1983.

Dissatisfied, Superlines filed with the Intermediate Appellate Court a petition for certiorari and prohibition with preliminary injunction, which petition, however, was denied due course. Hence, this present recourse.

It is suggested by petitioners that private respondents Moraldes should pursue their claim for damages by intervening in the Gumaca action, pursuant to Sec. 2, Rule 12 of the Rules of Court and in the light of *Municipality of Hagonoy v. Secretary of Agriculture and Natural Resources* [73 SCRA 507] and *Orellano v. Alvestir* [76 SCRA 536]. It is contended that since the right of private respondents to claim damages is founded on the same facts involved in the Gumaca action, any judgment rendered therein will amount to *res judicata* in the Cavite case, for whatever adjudication is made in the former case between Pantranco and Superlines as regards either of the parties' culpability would set said issue at rest. Furthermore, such intervention would prevent multiplicity of suits and avoid confusion that may arise should the trial courts render conflicting decisions.

Petitioners' stand is consistent with our ruling in the case of *Marapao v. Mendoza*, 119 SCRA 97, where We held that:

"While respondent Castillo has not been impleaded in the Bohol case, she has similar interests as Hotel de Mercedes, the defendant therein which is her employer. Petitioner and private respondent both claim damages based on the same incident. A decision, whether in favor of petitioner or private respondent in the Bohol case would amount to *res judicata* in the Cebu case. Damages in favor of one party would preclude damages in favor of the other.

"There is an additional reason for dismissal, and that is, to avoid multiplicity of suits. (*Ago Timber Co. v. Hon. Ruiz, et al.*, 21 SCRA 138 (1967); *Erlanger v. Villamor*, 98 Phil. 1003 (1956); *Teodoro, Jr. v. Mirasol*, 99 Phil. 150 (1956).

"To protect the interests of respondent employee, she may intervene as a party in the Bohol case and file a counterclaim for damages against petitioner."

There is, however, a more pragmatic solution to the controversy at bar; and that is to consolidate the Gumaca case with the Cavite case. Considerations of judicial economy and administration, as well as the convenience of the parties for which the rules on procedure and venue were formulated, dictate that it is the Cavite court, rather than the Gumaca court, which serves as the more suitable forum for the determination of the rights and obligations of the parties concerned.

As observed by both the trial and appellate courts, to require private respondents who are all residents of Kawit, Cavite, to litigate their claims in the Quezon Court would unnecessarily expose them to considerable expenses. On the other hand, no like prejudice would befall the defendants transportation companies if they were required to plead their causes in Cavite, for such change of venue would not expose them to expenses which they are not already liable to incur in connection with the Gumaca case. The objection interposed by Superlines that it has its offices in Atimonan, Quezon, should not detract from the over-all convenience afforded by the consolidation of cases in the Cavite Court. For apart from the fact that petitioner and its driver are represented by the same counsel with offices located in Manila, defendants transportation companies can readily avail of their facilities for conveying their witnesses to the place of trial.

The ordered consolidation of cases, to our mind, crystallizes into reality the thinking of our predecessors that:

"x x x The whole purpose and object of procedure is to make the powers of the court fully and completely available for justice. The most perfect procedure that can be devised is that which gives opportunity for the most complete and perfect exercise of the powers of the court within the limitations set by natural justice. It is that one which, in other words, gives the most perfect opportunity for the powers of the court to transmute themselves into concrete acts of justice between the parties before it. The purpose of such a procedure is not to restrict the jurisdiction of the court over the subject matter, but to give it effective facility in righteous action. It may be said in passing that the most salient objection which can be urged against procedure today is that it so restricts the exercise of the court's powers by technicalities that that part of its authority effective for justice

between the parties is many times an inconsiderable portion of the whole. The purpose of procedure is not to thwart justice. Its proper aim is to facilitate the application of justice to the rival claims of contending parties. It was created not to hinder and delay but to facilitate and promote the administration of justice. It does not constitute the thing itself which courts are always striving to secure to litigants. It is designed as the means best adapted to obtain that thing. In other words, it is a means to an end. It is the means by which the powers of the court are made effective in just judgments. When it loses the character of the one and takes on that of the other the administration of justice becomes incomplete and unsatisfactory and lays itself open to grave criticism." (Manila Railroad Co. vs. Attorney-General, 20 Phil. 523)

WHEREFORE, the instant petition is hereby denied. Civil Case No. 1671-G of the Regional Trial Court of Quezon is hereby ordered consolidated with Civil Case No. N-4338 pending before the Regional Trial Court of Cavite. The Regional Trial Court of Quezon, Gumaca Branch, is directed to transfer, without unnecessary delay, the records of Civil Case No. 1671-G to the Regional Court of Cavite, Branch XVI.

**SO ORDERED.**

Makasiar, (Chairman), Aquino, Guerrero, Abad Santos, and Relova, JJ., concur.

Concepcion, Jr., J., on leave.

De Castro, J., on sick leave.

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