

MIRASOL TRANSPORTATION CO., INC., PETITIONER, VS. NEGROS TRAVELWAYS CORPORATION AND RUSTICO M. MATUS, RESPONDENTS.

G. R. Nos. 45447, 45448. March 30, 1937

Ponente: IMPERIAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-45447/>

IMPERIAL, J.:

The respondents, in their motion, pray for the dismissal of the appeal taken by the petitioner from the decision of the Public Service Commission of January 27, 1937, by reason of said petitioner's failure to file a motion for reconsideration of the decision in question before filing: its petition for review in this court on January 29, 1937.

The respondents contend that the law requires the filing of a motion for reconsideration before an appeal may be taken from an order, ruling, or decision of the commission by certiorari or petition for review. Section 34 of Act No. 146 of the Commonwealth of the Philippines, which took effect on November 7, 1936, provides that any interested party may request the reconsideration of any order, ruling, or decision of the commission by means of a petition filed not later than fifteen days after the date of the notice of the order, ruling or decision in question, stating clearly and specifically the grounds upon which it is based. Section 35 confers jurisdiction upon the Supreme Court to review my order, ruling, or decision of the commission and to modify or set aside such order, ruling, or decision when it clearly appears that it is not reasonably supported by the evidence, or that the same is contrary to law, or that it was without the jurisdiction of the commission. Section 36 provides that any order; ruling, or decision of the commission may be reviewed on the application of any person or public service affected thereby, by certiorari in appropriate cases, or by petition, to be known as petition for review, which shall be filed within thirty days from the notification of such order, ruling, or decision or, in case a petition for the reconsideration of such order, ruling or decision is filed and the same is denied, it shall be filed within fifteen days after notice of the order denying reconsideration. None of these sections referring to the review of any order, ruling, or decision of the commission by the Supreme Court imposes the filing of a motion for reconsideration as a condition precedent to an appeal by means of a petition for review.

The doctrine laid down by this court in the cases of Philippine Shipowners' Association vs. Public Utility Commission (47 Phil., 489), and Philippine Long Distance Telephone Company vs. Provincial Government of Pampanga (G. R. No. 35105, 56 Phil., 826), to the effect that the filing of an application for a rehearing is a condition precedent indispensable to the taking of an appeal from any order, ruling, or decision of the commission, is inapplicable to the case, at bar on the ground that it was based upon section 28 of the old Act No. 3108 requiring the taking of such step before filing a petition for review or certiorari, for which reason in the former case it was stated: "Sections 28 and 35 of the Public Utility Law, Act No. 3108, are applicable. The first cited section provides in part: 'Once a case has been decided after the rehearing, any interested party may, if he so desires, take an appeal to the Supreme Court by following the procedure prescribed in section thirty-five of this Act.' The last cited section then provides in part: 'Any order made by the Commission may be reviewed on the application of any person or public utility affected thereby, by certiorari in appropriate cases, or by petition, to the

Supreme Court, within thirty days from the date upon which such order becomes effective, as herein provided; * * *." These two sections must be construed together. They imply that an application for a rehearing is a condition precedent for the perfection of the appeal. That is the practice followed in the Courts of First Instance. That is the practice which should be followed in public utility cases."

In view of the innovation introduced by Act No. 146, this court holds that in appeals from any order, ruling, or decision of the Public Service Commission, by means of a petition for review, it is not necessary, for the perfection thereof, to file a petition for reconsideration or rehearing of the order, ruling, or decision in question. This court refrains from deciding for the present the question whether or not the same rule governs in appeals by certiorari because this point is neither involved nor submitted for determination.

For the foregoing reasons, the respondents' motion for dismissal is denied.

Avancena, C. J., Villa-Real, Abad Santos, Diaz, Laurel, 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.