

103 Phil. 647

[G.R. No. L-11219. May 07, 1958]

PACITA SALABARIA VDA. DE SUATARON, IN HER OWN BEHALF AND AS NATURAL GUARDIAN OF HER MINOR CHILDREN, EVA AND ROMEO, JR., BOTH SURNAMED SUATARON, PETITIONER AND APPELLEE, VS. HAWAIIAN-PHILIPPINE COMPANY, RESPONDENT AND APPELLANT.

D E C I S I O N

BAUTISTA ANGELO, J.:

On December 20, 1955, Pacita Salabaria Vda. de Suataron, in her behalf and as mother of her minor children Eva and Romeo, filed a petition before the Court of First Instance of Negros Occidental praying that a writ of execution be issued to enforce the award made by the Workmen's Compensation Commission in their favor which was affirmed by the Supreme Court on May 25, 1955 and became final and executory on June 16, 1955. It is claimed that of the total award of P2,171.52, plus the sum of P100.00 as burial expenses, the Hawaiian-Philippine Company, herein referred to as respondent, only paid the sum of P765.19, leaving an unpaid balance of P1,506.33, plus 6 per cent interest thereon from January 29, 1952.

Respondent, in its amended answer, stated that, while the claim of petitioner was pending before the Workmen's Compensation Commission and the Supreme Court, petitioner had been drawing various amounts of money from respondent totalling the sum of P1,519.45 which were withdrawn as payments on account of the compensation to be awarded to petitioner. Consequently, after the award as affirmed by the Supreme Court became final, respondent remitted, to the Workmen's Compensation Commission a check covering the balance in the amount of P792.19. Respondent prayed that the petition be dismissed.

On March 28, 1956, the parties submitted a stipulation of facts and, thereafter, the court issued an order denying the petition to dismiss and

ordering the issuance of the writ of execution prayed for to enforce in full the award made by the Workmen's Compensation Commission as affirmed by the Supreme Court. The court held that under Section 51 of Act No. 3428, as amended by Republic Act No. 772, its function is merely ministerial, or to order the execution of the final award of the Workmen's Compensation Commission.

Respondent filed a motion for reconsideration of the order, which was denied, whereupon respondent filed its notice of appeal and the record on appeal within the reglementary period. The court denied the motion for reconsideration and disapproved the appeal because under the law the decree of the court in the case is unappealable. However, pleading that respondent is not appealing from the judgment of the court to enforce the award but merely from the order denying its motion for reconsideration wherein it asserted that it had already made full payment of the award under section 43, Rule 39, of the Rules of Court, which is final in nature, the court allowed the appeal and suspended the effectivity of the writ of execution.

The case is before us on appeal because it involves purely a question of law.

Among the facts stipulated by the parties before the court a quo are:

"3. That, even while the case was pending determination by the Workmen's Compensation Commission and by the proper courts of justice and on various dates beginning on February 7, 1952, until May 17, 1955, plaintiff had been drawing from the company various sums covered by appropriate vouchers which in the final count totalled P1,750.00. On the said vouchers, all duly signed by Pacita S. Suataron, appear the following notations made by the company and written on the said vouchers when herein plaintiff signed them, acknowledging receipt of the amounts covered by said vouchers:

'(The amount covered by this voucher is a voluntary donation to the family of

the deceased policeman, Romeo Suataron; not as admission of legal liability on the part of the company).’

“4. That the parties submit this case upon the question of whether or not the total amount of P1,750.00, received by plaintiff under vouchers with notation thereon as in the preceding paragraph provided, shall be construed as payments made in settlement of defendant’s compensation liability under the law, the herein plaintiff contending that being ‘voluntary donations’ they should not be so counted and the defendant should be adjudged still liable for the balance of the P2,271.52 awarded, after deducting the sum only of P860.64, representing the amount paid by the company through the Workmen’s Compensation Commission with interest at the legal rate from June 17, 1955 until fully paid. On the other hand, defendant’s stand is that it has more than fully paid such compensation to herein plaintiff.”

Section 51 of Act No. 3428, as amended by Republic Act No. 772, provides:

“SEC. 51. Enforcement of award.-Any party in interest may file in any court of record! in the jurisdiction of which the accident occurred a certified copy of a decision of any referee or the Commissioner, from which no petition for review or appeal has been taken within the time allowed therefor, as the case may be, or a certified copy of a memorandum of agreement duly approved by the Commissioner, whereupon the Court shall render a decree or judgment in accordance therewith and notify the parties thereof.

“The decree or judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same as though the decree or judgment had been rendered in a suit duly heard and tried by the Court, except that there shall be no appeal therefrom.

“The Commissioner shall, upon application by the proper party or the Court before which, such action is instituted, issue a certification that no petition for review or appeal within the time prescribed by section forty-nine hereof has been taken by the respondent.”

It appears from the provision of law above-quoted that when a party in interest files in the proper court a certified copy of the decision of a referee or commissioner which has become final, “the court shall render a decree or judgment in accordance therewith and notify the parties, thereof.” The decree or judgment shall have the same effect as though it had been rendered in a suit duly heard or tried by the court, “except that there shall be no appeal therefrom.” In other words, the function of the court in such a case is merely to render judgment in accordance with the award of the referee or commissioner, and not to modify or alter it as a party may desire, for if the same is allowed over the objection of the opposing party, it may become controversial which would be a proper subject of appeal. Yet the law expressly provides that from such judgment or decree no appeal may be taken, which shows that the function of the court is to enforce the award as certified by the commissioner. The lower court therefore interpreted properly the law when it declined to entertain the claim of deduction invoked by respondent in view of alleged payments made by it during the pendency of the proceedings.

Respondent claims that, even while this case was pending determination by the Workmen’s Compensation Commission and by the proper courts of justice, plaintiff had withdrawn from respondent various sums of money covered by appropriate vouchers which amount to P1,750.00, which partial payments should be considered as payments in advance of the compensation that may be awarded in favor of petitioner. Petitioner on the other hand contends that those payments were made as “voluntary donations” given by respondent to the family of the deceased and as such cannot be deducted from the award. Since these partial payments were made before the finality of the award, or while the same was still pending review by the Supreme Court, this matter should have been taken up by respondent when the award was affirmed by the Supreme Court and the case was returned to the Workmen’s Compensation Commission for its enforcement. It was then the proper time for respondent to raise the question whether the payments so made were payments in advance, as it now contends, or mere voluntary donations as

contended by petitioner. The Commission would then have the opportunity to determine the issue and make the corresponding adjustment in the award as may be proper. At any rate, this step could have been taken by respondent before petitioner filed her petition before the proper court under section 51 of Act No. 3428, as amended by Republic Act No. 772. As the case now stands, the award has become final and executory, and the function of the court is merely to enforce it. This is the mandate of the law.

Wherefore, the appeal is dismissed. The order of the trial court dated June 29, 1956 is affirmed. No costs.

Paras, C.J., Bengzon, Montemayor, Reyes, A., Labrador, Concepcion, Reyes, J.B.L., Endencia, and Felix, JJ., concur.

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