

HOC HUAT TRADING, REPRESENTED BY LEE LOH, OWNER AND PROPRIETOR, PETITIONER, VS. HON. GUILLERMO S. SANTOS, JUDGE, COURT OF FIRST INSTANCE, MANILA, THE CITY SHERIFF; MANILA, THE D...

G.R. No. L-22663. July 31, 1968

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

Original action for certiorari, with preliminary injunction. Upon the filing of the petition herein and the submission and approval of the requisite bond, we issued the writ of preliminary injunction prayed for.

Claiming to be a laborer of Hoc Huat Trading hereinafter referred to as petitioner - on October 4, 1962, Loreto Gremio filed with Regional Office No. 4 of the Department of Labor, Manila - herein-after referred to as the Regional Office - a claim for compensation docketed as RO-Case No. 2426 based upon injuries allegedly suffered by him, while in the performance of his duties, on May 10, 1962, resulting in permanent partial disability. After appropriate proceedings, on October 7, 1963, hearing officer Rodolfo M. Santos rendered a decision in favor of Gremio and against petitioner, for the aggregate sum of P765. 35, apart from the sum of P13.00 due, as to said Regional Office.

Over two (2) months later, or on December 12, 1963, Gremio filed - pursuant to section 51 of the Workmen's Compensation Act¹ civil case No. 55709 of the Court of First Instance of Manila, Branch XI, presided over by Hon. Guillermo Santos, Judge, for the execution of the award in said RO-Case No. 2426, which had allegedly become final and executory, no appeal having been taken therefrom, as attested to by a certification to this effect, issued by the then Acting Regional Administrator. On December 13, 1963, the relief prayed for, in said case No. 55709, by Gremio, was opposed by petitioner herein, upon the ground that its counsel had not, due to oversight, informed his client of said award; that petitioner's failure to appeal therefrom was due, therefore, to fraud, accident, mistake or excusable negligence; and that, petitioner has a "substantial x x x defense, as set forth in an affidavit of petitioner's manager, attached to its aforementioned opposition. Petitioner prayed, therefore, that the award be set aside, pursuant to Rule 38, Section 1, of the Rules of Court.

On the same date, petitioner filed, with the Regional Office, an "urgent motion for reconsideration to set aside the decision and for new trial", based upon the allegation that the award in RO-Case No. 2426 is contrary to law and to the facts; that petitioner had newly discovered evidence, which could alter the result of the case; and that, its failure to seasonably seek a review of the award had been "due to lack of knowledge and information" about its rendition. Acting on said urgent motion, on February 11, 1964, the hearing officer authorized the petitioner to file a petition for review, which was, in fact, filed on March 2, 1964. Said petition was, on March 12, 1964, forwarded by the hearing officer of the Workmen's Compensation Commission - hereinafter referred to as the Commission.

Meanwhile, or on December 21, 1963, Judge Santos had rendered a "judgment/decreed" overruling, in effect,

petitioner's aforementioned opposition, and, sentencing, as well as directing the petitioner to pay P765. 35 to Gremio, pursuant to the award in RO-Case No. 2426, in addition to P100 as attorney's fees and the costs, apart from the P13 due to the Regional Office. The corresponding writ of execution having been issued on January 2, 1964, petitioner filed, on January 23, 1964, a motion to "set aside and/or recall" said writ, after depositing with the cashier of the Court of First Instance of Manila, the sum of P765.3 to prevent the sale of properties levied upon by the Sheriff of Manila. Soon thereafter, or on January 24, 1964, Gremio filed a motion praying that he be authorized to withdraw and collect the amount so deposited by petitioner and that the latter be, moreover, required to pay the additional sum of P203.89, for the complete satisfaction of said "Judgment/Decree" judge Santos granted this motion, despite petitioner's opposition thereto.

A reconsideration of the order to this effect having been denied, petitioner commenced the present action for certiorari, with preliminary injunction, against Judge Santos, the Sheriff of Manila, the Disbursing Officer of the Department of Justice and Loreto Gremio. Petitioner, maintains that Judge Santos had committed a grave abuse of discretion, amounting to lack of jurisdiction, "in issuing the order of March 12, 1964, authorizing Gremio to withdraw and collect said cash deposit with the Sheriff of Manila, because the authority to order the execution of the award in RO-Case No. 2426 presupposes the finality thereof, which is allegedly negated by the due course, given by the hearing officer, to the petition for review, filed on March 2, 1964, by petitioner herein.

In this connection, it should be noted that the award of a referee or Commissioner in a workmen's compensation case "shall become final unless a petition for review of the same shall be filed by an interested party, " which "petition must be filed within fifteen (15) days after the entry of any referee's order or award of the Commissioner unless further time is granted by the referee or the Commissioner within said fifteen (15) days, " which "shall begin to run only after x x notice" of the entry of said order or award to the parties concerned.[2] In the case at bar, notice of the order-award of October 7, 1963, was received by petitioner's counsel on October 14, 1963, so that said period, of fifteen (15) days expired on October 29, 1963. It is admitted that, up to December 12, 1964, when Civil Case No. 55709 was instituted, petitioner had not done anything to appeal from said award. In fact, the records show that the first step taken by the petitioner in connection therewith was its "urgent motion for reconsideration" and to set aside the award, as well as for new trial, filed on December 13, 1963, or sixty (60) days after notice of the award had been served on petitioner's counsel.

Petitioner's failure to appeal or otherwise seek a review of said award, within the statutory period of fifteen (15) days, was allegedly due to "oversight" on the part of petitioner's counsel. In fact, the affidavit of petitioner's manager in support of said urgent motion, explicitly states that "for reasons unknown", said counsel had failed to communicate said award to his client. Such "reasons unknown" do not and can not constitute the "fraud, accident, mistake" referred to in said Rule 38. Although the "oversight" mentioned by the petitioner may and does amount to "neglect, " it is not the "excusable" neglect essential to the relief provided for in said Rule. It is rather the neglect that should be discouraged, censured and condemned,[3] indeed, "if a final order or judgment can be reopened every time a party alleges that he has not previously been aware thereof and that his attorney, on a mistaken notion or without authority, has failed to appeal, the end of litigations would be speculative, if not dependent upon the will of the parties "[4]

Independently of the foregoing, decisions in workmen's compensation cases, become, by express statutory prescription, final and executory after fifteen (15) days from notice thereof, "unless previously appealed," or a petition for review has been filed within the same period.[5] As a consequence, it is, to say the least, debatable whether or not Rule 38 of the Rules of Court could apply thereto without, in effect, modifying the law, which, the Supreme Court can not do by Rules on pleadings, practice and procedure. In fact, the spirit of Act No. 3428 - which is to promote the expeditious disposal of workmen's compensation cases, to the point of providing that

"there shall be no appeal" from the decision thereon of Courts of first Instance - seems to be incompatible with the application there-to of Rule 38 of the Rules of Court. Thus, by invoking the same, petitioner has managed to defer for six (6) years the final determination of Gremio's claim. The nature of the relief sought to be afforded by said Act to incapacitated laborers is manifestly inconsistent with such delay.

Then again, the hearing officer merely forwarded the petition for review to the Commission. Neither the latter nor the hearing officer had set aside the decision-award of October 7, 1963. What is more, the hearing officer found "no error sufficient to justify any modification or amendment of said decision." Upon the other hand, under the Rules of Court, which petitioner herein invokes, a Court may order the execution of a decision pending appeal therefrom. Assuming that said Rules are applicable to the situation obtaining in the present case, we are not prepared to declare that Judge Santos had committed a grave abuse of discretion in authorizing the execution of said decision. Indeed, the law^[6] commands "any court of record in the jurisdiction in which the accident occurred," to "render a decree or judgment in accordance" with "a decision of any referee or x x Commissioner from which no petition for review or appeal has been taken within the time allowed therefor" which is fifteen (15) days from notice - upon presentation of certified copy of said decision, which Gremio filed with the lower court.

It may not be amiss to note that petitioner herein had deposited only part of the sum adjudicated to the claimant in this case, and that, the aforementioned award of the hearing officer was affirmed in a decision rendered, on October 8, 1965, by the Chairman of the Workmen's Compensation Commission, which has, likewise, become final and executory. On July 26, 1966, the Commission, therefore, demanded payment of said award and petitioner's counsel replied, on August 11, 1966, that the Commission could dispose of the sum deposited with the Clerk of Court, on January 23, 1964, as it may deem best. In other words, the issue raised by petitioner herein has thereby become moot.

WHEREFORE, the petition in this case should be, as it is hereby dismissed and the writ of preliminary injunction issued by this Court, accordingly, dissolved, with costs against petitioner, Hoc Huat Trading.

IT IS SO ORDERED.

Reyes, JBL, Dizon, Makalintal, Zaldivar, Sanchez, Angeles, and Fernando, JJ., concur.
Ruiz Castro, J., did not take part.

[1] Act No. 3428 As Amended.

[2] "Any party in interest who is dissatisfied with the order entered by the referee may petition to review the same and the referee may re-open said case, or may amend or modify said order, and such amended or modified order shall be a final award unless objection be made there to by petition for review. In case said referee does not amend or modify said order, he shall refer the entire case to the Commissioner: who shall thereupon review the entire record in said case, and, in his discretion, may take or order the taking of additional testimony, and shall make his findings of facts and enter his award thereon. The award of the Commissioner shall be final unless a petition to review be filed by an interested party. Every petition for review shall be in writing and shall specify in detail the particular errors and objections. Such petition must be filed within fifteen days after the entry of any referee's order or award of the Commissioner unless further time is granted by the referee or the Commissioner within said fifteen days. All parties in interest shall be given due notice of the entry of any referee order or any award of the Commissioner, and said period of fifteen days shall begin to run only after such notice, and the mailing of a copy of said order or award addressed to the last known address of any party in interest shall be sufficient notice." (Section 49, Act No. 3428 As Amended.)

[3] Echevarri v. Velasco, 55 Phil. 57n; nobles v. San Jose, 52 O.G. 6193.

[4] Valeriano v. Kerr, 103 Phil. 681, 682.

[5] See Section 49, supra. "SEC, 5???. Decision. - After the hearing of a case by the Commissioner, his deputy or any of the referees, the same shall be decided according to its merits and the decision be promulgated and signed ay the Commissioner or his deputy. Fifteen (15) days after the promulgation of the decision the same shall become final unless previously appealed.

[6] "SEC. 51. Enforcement of award. - Any party in interest may file in any court of record in the jurisdiction of which the ac-cident 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 b section forty-nine hereof has been taken by the respondent."

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