

**PHILIPPINE RABBIT BUS LINES, INC. PETITIONER, VS. DOMINGO MANIEGO, REGIONAL OFFICE NO. 4, DEPARTMENT OF LABOR, WORKMEN'S COMPENSATION SECTION, MANILA AND WORKMEN'S COMPENSATION ...**

*G.R. No. L-38315. August 22, 1978*

Ponente: MUÑOZ PALMA, J.

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**MUÑOZ PALMA, J.:**

The sole issue posed in this Petition for Review is one of alleged denial of procedural due process.

Petitioner asserts that without having been served with copy of a claim of Domingo Maniego and without having been given an opportunity to be heard, Acting Chief Referee Ernesto H. Cruz, Regional Office No. 4, Workmen's Compensation Commission, issued on October 10, 1973, an award for compensation against it.

We gave due course to the Petition and directed respondent Commission to forward the original records of the case of Domingo Maniego.

The records forwarded to the Court by the defunct Workmen's Compensation Commission do not show: (1) that a "claim for injury or sickness" of Domingo Maniego was filed against Philippine Rabbit Bus Lines, Inc.; (2) that copy of said claim was served on the employer; (3) that a notice was issued by Regional Office No. 4 to the employer concerning the filing of the aforesaid claim; and (4) that a notice of hearing was sent to the parties.

WHEREFORE, considering that from the records of respondent Commission there is no factual and/or legal basis for an outright award in favor of Domingo Maniego, We resolve to remand this case to the Secretary, now Minister of Labor, for proper action on the alleged claim of Domingo Maniego, giving the latter and the employer, Philippine Rabbit Bus Lines, Inc. an opportunity to present their respective evidence. We particularly invite the Minister's attention to the assertion of petitioner herein that a similar claim for compensation was previously filed by the claimant which was properly disposed of by the Department of Labor at the time. In the meanwhile, the award in question is hereby set aside.

**SO ORDERED.**

Teehankee, (Chairman), Makasiar, Fernandez, and Guerrero, JJ., concur.

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