

MARCELINA P. VITUG, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), THE WORKMEN'S COMPENSATION COMMISSION, DEFUNCT, AND/OR THE SECRETARY OF LABOR, AND/OR...

G.R. No. L-44890. February 28, 1977

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The Court annuls respondent Commission's decision and reinstates the referee's award of disability compensation in favor of petitioner-claimant on the fundamental ground of the commission's lack of jurisdiction and authority to set aside an award that had already become final and executory or to grant a petition for relief from judgment that was filed beyond the reglementary grace period therefor.

After due hearing on petitioner's controverted claim for disability compensation (dislocation of hip joint as a result of an injury suffered in the course of attending an official conference which eventually disabled her from her work as classroom teacher since June 1, 1927), the Manila Workmen's Compensation Unit awarded petitioner in its decision of February 4, 1974 disability compensation of P6,000.00 and P300.00 for her attorney's fees and ordered respondent to pay P61.00-administrative fee.

Copy of the said decision was served on the Office of the Solicitor General as counsel for respondent Bureau of Public Schools only on November 4, 1975. It is not disputed that government counsel filed no motion for reconsideration (for appeal purposes) within the reglementary fifteen-day period and that it was only on January 8, 1976 (sixty-five [65] days after notice or knowledge of judgment) that they filed a petition to elevate records for relief from judgment based on "the volume and pressure of work of the undersigned Solicitor."

Notwithstanding that it is evident from the record that the decision-award had long become final and executory and that the petition for relief was filed outside the reglementary grace period therefor (within 30 days from knowledge/notice of the decision-award and within 3 months from entry thereof [1]), respondent commission nevertheless took cognizance thereof and in its single-page decision of February 13, 1976 reversed the said decision-award and dismissed the claim "for lack of merit."

Hence, the petition at bar which raises the sole issue of lack of authority on the part of respondent commission to set aside an award that had already become final and executory.

The petition must be granted.

As the Court reaffirmed in *Ramos vs. Republic*,^[2] the basic rule of finality of judgments is applicable indiscriminately to one and all and regardless of whether respondent employer be a public or private employer, since the rule is grounded on fundamental considerations of public policy and sound practice that at risk of occasional error, the judgment of courts and award of quasi-judicial agencies must become final at some definite date fixed by law.

The Court stressed once again in *Luzsteveco vs. Reyes*,^[3] that "(I)t is of course beyond question that the perfection of an appeal within the statutory or reglementary period is mandatory and jurisdictional and that failure to so perfect an appeal renders final and executory the questioned decision and deprives the appellate court of jurisdiction to entertain the appeal. The lapse of the appeal period deprives the courts of jurisdiction to alter the final judgment."

Our ruling in *Luzsteveco* as reaffirmed in *Martinez vs. Workmen's Compensation Commission*,^[4] as to respondent's failure to timely avail of the 30-day grace period from knowledge/ notice of the decision-award to file a petition for relief from judgment is fully applicable here: such failure is fatal since the grace period by its very nature is absolutely fixed, inextendible, never interrupted and cannot be subjected to any condition or contingency. Prescinding therefrom, the proffered justification of "volume and pressure of work" for failing to take an appeal or to file even a petition for extension of time to appeal as permitted by the Commission Rules is, to say the least, not the excusable negligence or mistake that would warrant the granting of the exceptional and equitable remedy of relief from judgment.

ACCORDINGLY, judgment is hereby rendered setting aside respondent commission's decision of February 13, 1976 and reinstating the decision-award of February 4, 1974, with the sole modification that the attorney's fees are increased to Six hundred (P600.00) pesos. This decision shall be immediately executory upon promulgation.

Makasiar, Muñoz Palma, Concepcion, Jr., and Martin, JJ., concur.

[1] Rule 22 of the 1973 Revised Rules of the Workmen's Compensation Commission.

[2] 69 SCRA 576 (Feb. 27, 1976).

[3] ????? SCRA ????? (June ?????, 1976)

[4] L-43744, Sept. 30, 1976.

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