

BATANGAS TRANSPORTATION COMPANY, PETITIONER, VS. TEODORO VELANDO, ET AL., RESPONDENTS.

G.R. No. L-20675. June 23, 1965

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Teodoro Velando filed sometime in May, 1955 a claim for compensation with the Workmen's Compensation Commission for having contracted pulmonary tuberculosis during his employment as a conductor of the Batangas Transportation Company. He alleged that as such conductor he earned a daily wage of P6.38 and worked seven days a week, but on February 14, 1955, while on duty as such conductor, he vomitted blood and since then became disabled and never returned to work. The employer, while admitting having employed claimant, disclaimed liability upon the averment that his sickness is not connected with his employment.

This claim was at first denied upon the ground that claimant's sickness was neither due to art accident arising out of his employment nor was it caused or aggravated by the nature of his employment, but later the decision was reconsidered. Thus, on September 25, 1962, Associate Commissioner Jose Sanchez, after reversing the decision of the hearing officer who originally heard the claim, ordered the company to pay the claimant the amount of P4,000.00 as compensation, plus an additional amount of P1,490.00 as medical expenses. He further ordered that the company should provide the claimant "with such medical, surgical and hospital services and supplies as the nature of this illness may require until said ailment is arrested or cured, pursuant to Section 13 of the Act."

This decision having been affirmed by the Commission en banc on December 10, 1962, the employer interposed the present petition for review.

An important point raised by the employer is one of procedure. It contends that this claim should not have been revived since it has been denied time and again by the Workmen's Compensation Commission on the ground that it is not compensable, citing in support thereof Section 1, Rule 26, of the rules approved by the Commission, in relation to Section 4 of Rule 30 of the Rules of Court. This contention has reference to the provision that any dismissal other than one based on lack of jurisdiction operates as an. adjudication upon the merits resulting in the application of the principle of res judicata.

There is merit in this contention. Section 46 of the Workmen's Compensation Act provides that a decision of the Commission may be appealed to the Supreme Court in the same manner and in the same period as appeals from the Court of Industrial Relations to the Supreme Court; and Rule 44, Section 1, of our Rules of Court, provides that an appeal from a decision of the Court of Industrial Relations shall be perfected within 10 days from notice of the decision appealed from. Likewise, Rule 13, Section 1, of the rules of the Workmen's Compensation Commission^[1] provides that a party may appeal from a decision of the Commission to the Supreme Court within 10 days from the promulgation of the decision, and ii no such appeal is taken, the decision becomes final 15 days after the promulgation of the decision. Of course, our Rules of Court, which are suppletory in compensation cases, allow a party to file a motion for reconsideration, which has the effect of interrupting the period to appeal but no

more than one motion for reconsideration is allowed without express leave of court, which shall be filed within 15 days from the promulgation of the order, deducting the time in which the first motion has been pending, or in the discretion of the court within two days from notice of the order denying the first motion (Rule 54, Section 1). And having in mind all the periods thus mentioned in the light of the facts that had transpired herein, we cannot but reach the conclusion that the decision of the Workmen's Compensation Commission has long become final when it entertained petitioner's third motion for reconsideration.

Thus, the record discloses the following facts: On August 16, 1955, the Commission rendered its decision on the claim filed by respondent stating that his sickness was neither due to an accident arising out of his employment nor was it caused or aggravated by the nature of his employment. On September 10, 1955, respondent filed his first motion for reconsideration. On September 21, 1955, the Commission denied this motion. On October 22, 1955, respondent filed his second motion for reconsideration stating that he was exposed to silica dust and contracted tuberculosis from his co-employees and passengers. On December 16, 1955, the Commission again denied this second motion for reconsideration. And on August 29, 1950, or more than one year after the decision was promulgated, or more than eight months after the denial of his second motion for reconsideration, respondent filed Ms third petition for reconsideration which gave rise to the ruling now subject of this review..

We believe that, although under the rules adopted by the Commission the Rules of Court shall be suppletory and the Commission "shall not be bound by the technical rules of procedure." [2] this liberal spirit cannot be extended to a point where the Commission can no longer act for failure of the interested party to assert his right within the periods allowed for the perfection of the appeal. In other words, that liberality cannot extend to a case where the Commission has already lost jurisdiction to act on a motion not only because no leave for filing it has been obtained but because its decision has long become final for failure to perfect the appeal on time. As a consequence, the Commission acted with grave abuse of discretion bordering on lack of jurisdiction when it acted favorably on the third motion for reconsideration filed by respondent.

Much as we sympathize with the claim of respondent which apparently is meritorious as was later found by the Commission, we cannot disregard the flagrant violation of the rules of procedure committed both by the claimant and by the Commission. This terse ruling is necessary in the interest of orderly procedure in order that proceedings of this nature may not be unduly prolonged. This is more so when the decision of the Commission has already acquired the status of res judicata within the purview of Section 4, Rule 30, of our Rules of Court.

Wherefore, the decision appealed from is reversed. No costs.

Bengzon, C.J., Concepción, Reyes, J.B.L., Paredes, Dizon, Regala, Makalintal, Bengzon, J.P., and Zaldivar, JJ, concur.

Decision reversed.

[1] These rules which were adopted on October 7, 1952 are the ones applicable in this case because the claim herein arose in 1955.

[2]Rule 7, Section 2, October 7, 1952.

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