

**TOMAS U. SOLIVEN, PETITIONER, VS. WORKMEN'S
COMPENSATION COM-MISSION AND REPUBLIC OF THE PHILIPPINES
(BUREAU OF PUBLIC SCHOOLS), RESPONDENTS.**

G.R. No. L-44763. October 27, 1977

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The Court denies with finality for lack of merit the Motion for Reconsideration of the Court's Decision of June 30, 1977 as filed by the Solicitor General on behalf of respondent Republic of the Philippines.

The case of Republic vs. Workmen's Compensation Com-mission, 30 SCRA 811, cited by respondent has no application in the case at bar. The "judicial interpretation" therein that "the power to hear and decide claims for compensation under the Workmen's Compensation Act is, pursuant to Section 46 thereof, under the 'exclusive jurisdiction' of the WCC, subject to appeal to the Supreme Court", while recognizing that Amendatory Republic Act 4119 approved on June 20, 1964 provides that referees "shall assume original jurisdiction over all workmen's compensation cases in the regional offices where they are assigned", and that the com-mission's jurisdiction is therefore not "exclusively appellate" in character but that it may "receive" evidence and "additional testimony",^[1] has not been abandoned or set aside in the decisions at bar (assuming that the same may be deemed not to have been superseded by the procedures provided in Department Order No. 3, Series of 1974 of the Secretary of Labor issued pursuant to LOI No. 190 dated June 3, 1974).

There is therefore no basis for respondents' invoking the Constitution^[2] and strawman-argument that the "judicial interpretation" made in Republic vs. Workmen's Compensation Com-mission, supra, can only be overturned or modified by this Court en banc.

What respondent has lost sight of is that under the law and settled jurisprudence, the fundamental and indisputable jurisdictional rule, as set forth in countless decisions of this Court en banc, is that "decisions in workmen's compensation cases, become, by ex-press 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."^[3]

It is therefore a sine qua non requisite that for the commission to validly exercise its "exclusive jurisdiction" or "primary duty of determining the merits of a claim"^[4] and reverse the referee's decision granting an "undue award", it must have acquired jurisdiction over the referee's decision-award by the perfection of an appeal to it within the 15-day statutory and mandatory period. Failure on respondent's part to take such an appeal, within the statutory period rendered the referee's award final and executory and deprived the commission, by mandate of the law, of jurisdiction to alter or reverse the referee's award. Execution of such final award thereupon became a ministerial function.

Respondent's contention that the commission could "suspend" or disregard the reglementary 30-day period from notice of award within which a last-chance petition for relief from the final and executory award may be filed is tenuous and untenable. The Court has consistently held that such a grace period "is absolutely fixed,

in-extendible, never interrupted, and cannot be subjected to any condition or contingency. Because the period fixed is itself devised to meet a condition or contingency, the equitable remedy is an act of grace, as it were, designed to give the aggrieved party another and last chance" and failure to avail of such last chance within the ultimate grace period is fatal.[5] Furthermore, the equitable remedy of relief from judgment is available only in exceptional cases and the facts showing mistake or excusable negligence (for not timely taking an appeal from judgment, notice and copy of which had been duly served the petitioner) must be clearly and convincingly shown. Where the petitioner has failed to "take the necessary and appropriate precautions required by the circumstances, which resulted in (its) being unable to take an appeal from the said award of the referee" the petition for relief, even if filed within the grace period, will fail since it must be convincingly shown that "fraud, accident, mistake or excusable negligence" prevented the appeal from being timely taken.^{5-a}

As stated by the Court in *Luzsteveco*[6] the doctrine of finality of judgments "is embodied in section 51 of the Workmen's Compensation Act and Rule 19 of the commission's Rules which ordain that as soon as the decision has become final and executory, the Chief of the Unit or duly deputized official of the regional office shall *motu proprio* or on motion of the claimant issue a writ of execution for enforcement of the award granted in the decision. The doctrine is based upon a fundamental public policy that litigants should know exactly when they may obtain execution and consider the case terminated and hence, a strict observance of the reglementary period within which to exercise the statutory right of appeal has been considered as absolutely indispensable to the prevention of needless delays and to the orderly and speedy discharge of judicial business." [7] More so is such doctrine to be faithfully adhered to in workmen's compensation cases in view of the spirit of the Workmen's Compensation Act "to promote the expeditious disposal of workmen's compensation cases" to accomplish its objective of giving death and disability compensation and benefits to the needy workers and their families who are entitled thereto.

ACCORDINGLY, respondent's Motion for Reconsideration is denied.

Makasiar, Muñoz Palma, Martin, Fernandez, and Guerrero, JJ., concur.

[1] These pronouncements were made by this Court to sustain the commission's favorable action directly on the claimant's motion for reimbursement of additional medical expenses without passing through the regional office - although the basic ground for sustaining the commission's order granting such additional reimbursement was that it "partook merely of the nature of a petition for the implementation" of an earlier and final decision which granted disability compensation, reimbursement and medical assistance until the illness was cured or arrested.

[2] "(3) Cases heard by a division shall be decided with the concurrence of at least five Members, but if such required number is not obtained, the case shall be decided en banc: Provided, that no doctrine or principle of law laid down by the Court in a decision rendered en banc or in division may be modified or reversed except by the Court sitting en banc." (Art. X, Sec. 2, Clause 3, 1973 Constitution).

[3] *Hoc Huat Trading vs. Santos*, 24 SCRA 441, 446, citing Sec. 50 of the Workmen's Compensation Act which provides: "SEC. 50. 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 by the Commissioner or his deputy. Fifteen (15) days after the promulgation of the decision the same shall become final unless previously appealed."

[4] Motion for Reconsideration, p. 16.

[5] *Cañete vs. Court of First Instance of Zamboanga del Sur*, 23 SCRA 543 (1968); see also 2 Moran's Rules of

Court 1970 ed., 238 et seq. and cases cited. *Luzsteveco vs. Reyes, et al.*, 71 SCRA 655 (June 30, 1976).

5-a *Republic vs. Lim*, 42 SCRA 163, 169 (1971), per Castro, J.

[6] See fn. 5.

[7] Citing *Alvero vs. de la Rosa*, 76 Phil. 428.

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