

**POBLETE CONSTRUCTION COMPANY AND DOMINGO POBLETE,
PLAINTIFFS AND APPELLANTS, VS. SOCIAL SECURITY COMMISSION
AND JUDITH ASIAIN, DEFENDANTS AND APPELLEES.**

G. R. No. L-17605. January 22, 1964

Ponente: DIZON, J.

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DIZON, J.:

Poblete Construction Co. and Domingo Poblete, its president and general manager, appeal from the order of the Court of First Instance of Rizal dated May 19, 1960 dismissing Civil Case No. 2049—an action for certiorari against the Social Security Commission—hereinafter referred to as the Commission—and Judith Asiain—and dissolving the writ of preliminary injunction issued therein.

In a petition filed with the Social Security Commission on January 27, 1960, (Case No. 78) Judith Asiain sought to recover from appellants the death benefits she would have been entitled to receive from the Social Security System had appellants—the employers of her husband—reported him to the System for coverage prior to his death, as required by law.

Appellants' motion to dismiss the petition on the ground that the Commission had no jurisdiction over the case, as appellee's husband was not covered by the System, was denied and the Commission required appellants to answer the claim. Not having done so, the Commission, upon motion of appellee, entered an order of default and set the date for the reception of appellees' evidence. In view thereof, appellants filed with the Court of First Instance of Rizal a petition for certiorari with injunction (Civil. Case No. 2049-P) to enjoin the Commission from further proceedings in said case. The Court issued a writ of preliminary injunction restraining the Commission from proceeding with the case pending final determination of the action for certiorari.

Instead of filing an answer to the petition for certiorari, appellees moved to dismiss the case on the ground of lack of jurisdiction and improper venue. Over appellants' opposition, the lower court issued the order appealed from.

Appellants now claim that the lower court erred in dismissing the case and in not ruling, after trial, that the Social Security Commission has no jurisdiction to try and decide the petition filed with it by Judith Asiain and her minor children, the subject matter of which should have been submitted in an ordinary civil action before the regular courts.

We find the present appeal to be without merit.

In taking cognizance of the petition filed by Judith Asiain (Case No. 78), the Social Security Commission was exercising its quasi-judicial powers granted by Section 5 (a) of Republic Act No. 1161, as amended. Even assuming, for the sake of argument, that the claim aforementioned was not within the jurisdiction of the Commission, and that it would be proper to issue a writ of certiorari or injunction to restrain it from hearing and deciding the same, a Court of First Instance has no jurisdiction to issue either of said writs against the Commission. It must be observed that in accordance with the provisions of Section 5, paragraphs (a) and (c) of

Republic Act No. 1161, as amended, the decisions of said Commission are reviewable both upon law and facts by the Court of Appeals, and that if the appeal from its decision is only on questions of law, the review shall be made by us. It is clear from these provisions that the Commission, in exercising its quasi-judicial powers, ranks with the Public Service Commission and the Courts of First Instance. As the writs of Injunction, Certiorari and Prohibition may be issued only by a superior court against an inferior court, board or officer exercising judicial functions, it necessarily follows that the Court of First Instance of Rizal, where appellants filed their petition for certiorari, had no jurisdiction to entertain the same.

Wherefore, the order appealed from is hereby affirmed, with costs.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, Paredes, Regala and Makalintal, JJ., concur.

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