

NATIONAL SHIPYARDS AND STEEL CORPORATION, PLAINTIFF AND APPELLEE, VS. JOSE CALIXTO, THE SHERIFF OF THE CITY OF MANILA AND THE ADMINISTRATOR OF THE REGIONAL OFFICE NO. 3, DEPARTM...*G.R. No. L-18471. February 28, 1963*

Ponente: PADILLA, J.

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It does not appear in the record that Jose Calixto filed a claim against the National Shipyards and Steel Corporation, hereafter referred to as the corporation, but he must have filed it because on 21 April 1959 the Administrator of the Regional Office No. 3 Department of Labor, wrote a letter advising the manager of the corporation that Jose Calixto, hereafter referred to as the claimant, was entitled under section 14 of the Workmen's Compensation Act, as amended, to P163.64 (W.C. case No. R03-54091; Annex A). The corporation paid the award. In another letter dated 17 August 1959 the same Administrator required the corporation to pay the claimant the sum of P606.42 as compensation for personal injury suffered in an accident, arising out of and in the course of his employment (Annex B). This amount was also paid. On a certification by the medical officer of the corporation that the claimant was 100% physically fit to work, he was allowed to continue in his job. On 22 July 1960 the same Administrator again wrote to the corporation informing it that the claimant was entitled to 60% of his average weekly wages during the period of his incapacity to work, excluding the three-day waiting period, amounting to P760.45 and to a 60% non-schedule disability amounting to P2,336.26, under sections 14 and 18 of the Workmen's Compensation Act, respectively, or a total compensation of P3,096.69, minus any amount of compensation already paid to him (Annex C). The check and voucher to pay the above award were presented to the Auditor for audit purposes, but the latter returned them for verification or reconciliation, because the medical officer of the corporation certified that the claimant was 100% physically fit to work, whereas the medical officer of the Regional Office No. 3 attested that the claimant was still suffering from a 60% non-schedule disability. On 4 November 1960 the same Administrator made a demand upon the corporation to pay the claimant through the Regional Office No. 3 the sum of P3,096.69 as compensation and P31 as fees (Annex D). On 14 November, the Administrator of the Regional Office No. 3 issued a writ of execution to enforce the award (Annex F). On 25 November, the Sheriff of the City of Manila levied upon a car, Studebaker champion, owned by the corporation and served notice that on 1 December 1960 the car would be sold at public auction. Upon request by the corporation, the sale at public auction was postponed to 9 December 1960 (pp. 29-31, record of the case).

On 5 December 1960 the corporation filed a petition in the Court of First Instance of Manila praying for the issuance of a writ of preliminary injunction to enjoin the Sheriff of Manila from selling at public auction its car levied upon by him and, after hearing, for a writ of prohibition (case No. 45725). On 8 December, the court issued a writ of preliminary injunction, upon a bond filed by the corporation (pp. 17 and 19, record of the case).

After hearing, on 27 March 1961 the court rendered judgment, the dispositive part of which is—

In view of the foregoing, the Court hereby renders judgment declaring the award of November 4, 1960, made by defendant Regional Administrator, Regional Office No. 3 of the Department of Labor, entered in Case No. R03-54091 of said office as well as the execution issued by virtue of said award null and void and declaring the preliminary injunction issued herein permanent. This proceeding is without pronouncement as to costs.

The claimant and the Sheriff of the City of Manila have appealed.

This appeal is predicated on two grounds: that the Regional Office No. 3 of the Department of Labor was legally created by the Reorganization Plan No. 20-A and was empowered to hear and decide money claims of laborers; and that the Regional Office No. 3 has the power and authority to enforce its awards by writs of execution.

It already has been ruled and held that the Reorganization Plan No. 20-A in so far as it confers judicial power to the Regional Offices of the Department of Labor to adjudicate money claims of laborers is null and void.[1] In cases falling under the Workmen's Compensation Act, like in the present case, the Regional Offices may act as referees and render reports to the Workmen's Compensation Commission. Upon the reports which may be approved or rejected, the Commission may render final awards or judgments, which may be executed by writs of execution to be issued by courts of justice.

As regards the second ground, this Court has held that the Regional Office of the Department of Labor are not empowered to order the execution of their awards by writs of execution and that only courts of justice have such power.[2]

The judgment appealed from is affirmed, without pronouncement as to costs.

Bengzon, C. J., Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, Parades, Dizon, Regala, and Makalintal, JJ., concur.

[1] Davao Far Eastern Commercial Co. vs. Montemayor, G.R. No. L-16581, 29 June 1962 and Stoll vs. Mardo, G.R. No. L-17241, 29 June 1962.

[2] Pastoral vs. Commissioners of the Workmen's Compensation Commission, G.R. No. L-12903, 31 July 1961.

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