

DAVID FUENTES, PETITIONER AND APPELLEE, VS. ISABELO V. BINAMIRA, RESPONDENT AND APPELLANT.*G.R. No. L-14965. August 31, 1961*

Ponente: DE LEON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/26abc6ee1ea1/>**DE LEON, J.:**

On April 4, 1957, David Fuentes filed a petition with the Court of First Instance of Cebu, praying that a writ of execution be issued for the enforcement of a decision of the Workmen's Compensation Commission dated August 23, 1954, which awarded to him the sum of P308.23 as compensation for injuries he sustained in the course of his employment with the respondent Isabelo V. Binamira. The petition in substance alleges that the said award or decision was rendered after hearing and due investigation and that it has already become final and executory. Attached to the petition is a certification signed by Commissioner Cesareo de Leon stating "that from the letter-computation of the Workmen's Compensation Commission dated August 23, 1954, certified true copy attached, which was entered as its final decision in the above-entitled case, no appeal to the Supreme Court was filed by the respondent within the time prescribed by Act No. 3428, as amended."

Answering the petition, respondent Isabelo V. Binamira claims that he was never informed of the proceedings had before the Workmen's Compensation Commission; that pursuant to the letter-computation of the Commission warning him that if after 15 days from receipt thereof, the said Commission does not hear from him, it shall presume that he is in full accord therewith and the same shall be entered as the final decision in the case, he wrote a letter addressed to the Commission, disclaiming liability to pay compensation on the ground that claimant David Fuentes was never employed by him; that he submitted evidence in support of his claim that petitioner was not his employee in the form of an affidavit executed by one Jose Batitay; and that he was never informed as to any further action taken by the Commission in the case, thereby leading him to believe that the case had been duly dismissed. The answer also contains a "cross-petition", alleging that the letter-computation, assuming it to be an award or decision, is illegal, the same being violative of due process since he was not given any opportunity to be heard and was not notified thereof. For relief, respondent prays that the award or decision made by the Commission be declared null and void, and the petition for execution dismissed.

On September 5, 1958, when the case was called for hearing, with due notice to the parties, respondent failed to appear. That same day, after hearing petitioner, the lower court rendered its judgment approving and confirming all the terms and conditions of the award made by the Workmen's Compensation Commission and ordering respondent to pay the petitioner the amount of compensation awarded therein with interest at the legal rate from the filing of the petition until full payment, plus costs.

The following day, September 6, respondent filed an "Urgent Motion to Lift Order of Default and for Rehearing," alleging that he was not duly notified of the hearing. Five days later, or on September 11, he also filed an "Urgent Motion for Reconsideration," alleging the same ground as that stated in his first motion and contending that all the proceedings already had, including the judgment rendered, are null and void.

Acting upon both motions, the lower court, on September 13, 1958, denied the same for lack of merit, holding that the notice of the hearing held on September 5 had been duly served upon respondent, and that it was fully justified in hearing petitioner's evidence and rendering judgment based upon the award of the Workmen's Compensation Commission, which has already become final and executory. Motion for reconsideration of this last mentioned order having been also denied, the respondent appealed directly to this Court.

The appeal is clearly without merit and was erroneously allowed by the court below.

Section 51 of Act No. 3428, as amended, provides:

"SEC. 51. Enforcement of award.—Any party in interest may file in any court of record in the jurisdiction of which the accident occurred a certified copy of a decision of any referee or the Commissioner, from which no petition for review or appeal has been taken within the time allowed therefor, as the case may be, or a certified copy of a memorandum of agreement duly approved by the Commissioner, whereupon the court shall render a decree or judgment in accordance therewith and notify the parties thereof.

"The decree or judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same as though the decree or judgment had been rendered in a suit duly heard and tried by the Court, except that there shall be no appeal therefrom.

"The Commissioner shall, upon application by the proper party or the Court before which such action is instituted, issue a certification that no petition for review or appeal within the time prescribed by section forty-nine hereof has been taken by the respondent."

In the case of *Salabaria Vda. de Suataron, etc. vs. Hawaiian-Philippine Company* (103 Phil., 647) involving the application of the above provisions of law, this Court, thru Justice Bautista Angelo, made the following pronouncements:

"Under section 51 of Act No. 3428, as amended by Republic Act No. 772, when a party in interest files in the proper court a certified copy of the decision of a referee or commissioner which has become final, 'the court shall render a decree or judgment in accordance therewith and notify the parties thereof.' The decree or judgment shall have the same effect as though it had been rendered in a suit duly heard or tried by the court, 'except that there shall be no appeal therefrom.' In other words, the function of the court in such a case is merely to render judgment in accordance with the award of the referee or commissioner, and not to modify or alter it as a party may desire, for if the same is allowed over the objection of the opposing party, it may become controversial which would be a proper subject of appeal. Yet the law expressly provides that from such judgment or decree no appeal may be taken, which shows that the function of the court is to enforce the award as certified by the commissioner."

In another case (*Severo vs. Pelayo, etc., et al.*, 103 Phil., 28; 54 Off. Gaz., [34] 7899), this Court, commenting on the same provisions of law, said:

"Section 51 of Act No. 3428, as amended, does not require that before the hearing of a petition filed pursuant thereto, there should be a notification to the other party; it only provides that upon the filing of an application for execution of a decision of any referee or Commissioner together with a certified copy of the award, the court shall render a decree or judgment in accordance therewith and notify the parties thereof. Thus, the petitioner herein is only entitled to be notified of the judgment entered in accordance therewith."

Conformably to the above rulings, respondent cannot validly claim that the judgment rendered by the court below is null and void on the ground that he was not notified of the hearing set for September 5, 1958. As the law now stands, he was not entitled to notice except that of the judgment rendered, and it is admitted that he was duly notified thereof.

Respondent, in his answer below, as well as in his brief, also questions the legality of the award made by the Workmen's Compensation Commission on the ground that he had not been notified of the proceedings had therein as well as of the award itself. The lower court, however, ruled that he could no longer contest the validity or sufficiency of the award made by the Commission since said award had already become final and executory. We find this ruling to be correct, for, as already seen, the law expressly provides that the only function of the courts of justice in the execution or enforcement of an award of the Workmen's Compensation Commission shall be merely to render a decree or judgment in accordance therewith, not to modify or alter it as a party may desire, and that no appeal shall be taken from such decree or judgment. Needless to say, to allow a party, like herein respondent-appellant, to question the validity of the award of the Commission would make the judgment or decree for its enforcement controversial and consequently a proper subject of appeal.

We are, moreover, inclined not to give serious consideration to respondent's contention that the award or decision of the Workmen's Compensation Commission was rendered without due process. No pretense is here made by respondent that he had no knowledge of the accident causing injury to petitioner, or that no notice of such injury or claim for compensation was made upon him. Yet, he did not controvert the claim of the petitioner for compensation. Such being the case, he is also deemed to have waived his right to interpose any defense, and he could not prove anything in relation thereto, nor complain that he was deprived of his right to a hearing. (*Victorias Milling Co. vs. Workmen's Compensation Commission, et al.*, G. R. No. L-10533, May 13, 1957; *Tan Lim Lo vs. Workmen's Compensation Commission, et al.*, 104 Phil., 522; 55 Off. Gaz., [9] 1570; *Central Azucarera Don Pedro vs. De Leon, et al.*, 105 Phil., 1141; *Dangue vs. Franklin Baker Co. of the Phil., et al.*, 107 Phil., 1083; *General Shipping Co. vs. Workmen's Compensation Commission and Vda. de Ricardo*, 109 Phil., 60). The record also shows that respondent had received copy of the award before it became final and executory, and upon receipt thereof he sent a letter to the Commission disclaiming liability to pay compensation on the ground that petitioner has never been his employee. To substantiate his claim, respondent even submitted evidence in the form of an affidavit executed by Jose Batitay. This circumstance shows there has been substantial compliance with the law, for section 49 of the Workmen's Compensation Act authorizes the Commissioner, or the referee, to take the testimony of witnesses of the claimant or receive ex parte evidence even without notice to the adverse party, provided such other party is given an opportunity to rebut the same by necessary evidence. (*Marinduque Iron Mines Agent, Inc., vs. Workmen's Compensation Commission, et al.*, 99 Phil., 480; 53 Off. Gaz., [17] 5611). Evidently, what the Act seeks to safeguard against is not lack of previous notice but the denial of opportunity to be heard on the claim.

It is significant to note that in his letter to the Commission, contesting its award as contained in the letter-computation, the only ground relied upon by respondent is his claim that petitioner has never been his employee. There is nothing in the record to show that besides this argument he has also advanced lack of due notice of the claim, or of hearing prior to the rendition of the award. It is, therefore, not difficult to believe that respondent's complaint that he was denied his day in court is but a mere afterthought.

Respondent, likewise, claims that he was not informed of the final action taken by the Commission in the case thereby depriving him of the right to appeal. The letter, however, overruling his objection to the award of the Commission was sent to him at the same address specified in his pleadings in this case. In the absence of any proof to the contrary, it may be presumed that he received the same in the ordinary course of the mail.

In any event, the matter of the alleged denial of his right to a hearing and lack of notice of the award or decision should have been taken up by respondent in a proper proceeding as in a petition for relief. (See *Buenaflor vs. De Leon, et al.*, 97 Phil., 78.) As the case now stands, the award has become final and executory, and the function of the court is merely to enforce it. This is the clear mandate of the law.

In view of the foregoing, the appeal should be, as it is hereby, dismissed. The judgment below is affirmed, with costs against respondent-appellant.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Paredes, Dizon, and Natividad JJ., concur.
Barrera, J., in the result.

Bautista Angelo, J., on leave, took no part.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.