

COMMUNITY SAWMILL COMPANY, PETITIONER, VS. THE WORKMEN'S COMPENSATION COMMISSION, THE PROVINCIAL SHERIFF OF ORIENTAL MINDORO AND RESTITUTO MINGO, RESPONDENTS.*G.R. No. L-17937. December 28, 1961*

Ponente: LABRADOR, J.

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Petitioner herein seeks to restrain the respondent Provincial Sheriff of Oriental Mindoro from levying upon the properties of petitioner pursuant to a writ of execution dated October 27, 1960 issued by the Workmen's Compensation Commission in W. C. C. Case No. 25669, entitled, "Restituto Mingo, claimant, versus, Community Sawmill, respondent." Upon the filing of the petition, We gave it due course and issued a writ of preliminary injunction restraining the respondents from enforcing the above mentioned order.

In W.C.C. No. 25669, Restituto Mingo claimed compensation against the Community Sawmill for disability caused to his person in his work with respondent Community Sawmill. The Commission awarded him the amount of P1,950.71 in a decision dated November 19, 1956. Petitioner herein sought to review and set aside said award before Us, but its petition for review was dismissed by Us in G. R. No. L-16246 by resolution dated November 25, 1959. Thereafter Mingo filed a petition in the Workmen's Compensation Commission for the issuance of a writ of execution as a result of which the writ of execution above alluded to was issued. Hence this petition to prohibit or restrain the sheriff from enforcing said writ.

It is alleged in support of the petition that the issuance of a writ of execution by the Workmen's Compensation Commission pursuant to Reorganization Plan No. 20-A is null and void as having been done in excess of or without jurisdiction. Reorganization Plan No. 20-A has been the subject of many decisions of this Court among which are the cases of Corominas vs. Labor Standards Commission, et al., L-14837, prom. June 30, 1961, Manila Central University vs. Calupitan, et al., L-15483, prom. June 30, 1961, Wong Chun vs. Carlism, et al., L-13940, Balrodgan Co., Ltd, et al., vs. Fuentes, et al., L-15015, prom. June 30, 1961, Pastoral vs. The Commissioners of the Workmen's Compensation Commission, et al., L-12903, prom. July 31, 1961, etc. This Court, through Mr. Justice Paredes, in the above mentioned case of Pastoral vs. The Commissioners of the Workmen's Compensation Commission, held that the enforcement of an award in workmen's compensation cases involves a judicial discretion and power granted to the courts (See Sec. 51, Act No. 3428) which could not be taken away from courts of justice by Reorganization Plan No. 20-A. In said decision, Mr. Justice Paredes said:

"It would appear evident, therefore, that the powers given to the W. C. C. by the Reorganization Acts, cannot validly include the power to amend Sec. 51 of the Workmen's Compensation Law, heretofore quoted, for to do so would be to diminish the jurisdiction and the judicial power and functions vested by law on the courts of record, by virtue of said section, to issue or order a writ of execution by the promulgation of a judgment, which power or authority the Workmen's Compensation Commission never had, before the Reorganization Acts had been passed. Where the inquiry to be made involves questions of law as well as facts, where it affects a legal

right, and where the decision may result in the terminating or destroying that right the powers to be exercised and the duties to be discharged are essentially judicial (11 Am. Jur. 904); and being judicial, such powers are granted to or vested upon a court or judicial tribunal (Rhode Island vs. Mass, 37 U. S. [12 Peters] 657, 738 L. ed. [U. S.] 1233, 1266). And there is no gainsaying the fact, that under this concept, an order for the execution of a decision or award of the Workmen's Compensation Commission is essentially a judicial power or function of the court."

Following our above ruling, the petition for prohibition is hereby granted and the writ of preliminary injunction issued by Us, restraining the sheriff from enforcing the award of the Workmen's Compensation Commission, is hereby declared final. With costs against Restituto Mingo.

Bengzon, C.J., Padilla, Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Dizon, and De Leon, JJ., concur.

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