

ARSENIO SUMILANG, PLAINTIFF AND APPELLANT, VS. GUALBERTO CASTILLO, ET AL., DEFENDANTS AND APPELLEES.

G.R. No. L-16172. April 28, 1962

Ponente: PADILLA, J.

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PADILLA, J.:

Appeal from an order entered on 25 May 1959 by the Court of First Instance of Tarlac dismissing a complaint that prayed for the annulment of an award granted on 7 November 1956 (Annex B) and a writ of execution issued on 20 January 1958 (Annex A) by the Workmen's Compensation Commission.

In a vehicular accident that took place at about 5:00 o'clock on the morning of 6 September 1955 on the National Highway in Malutung Cabun, Capas, Tarlac, Gualberto Castillo suffered physical injuries. At that moment he was beneath a truck owned and operated by Arsenio Sumilang, for whom he worked as driver, examining its motor when another truck belonging to Matilde Mancha of Manila bumped it. The accident also resulted in the death of Matilde Mancha's driver and physical injuries to Emerenciana Sibal and Cornelio Salinas.

Following an amicable settlement entered into by and between Arsenio Sumilang, Gualberto Castillo, Emerenciana Sibal and Cornelio Salinas, on one side, and Matilde Mancha, on the other, on 31 October 1955 Gualberto Castillo received P500 from Matilde Mancha as his share in the total amount of P3,000 paid by the latter as damages.

On 30 January 1956 Gualberto Castillo filed in the Workmen's Compensation Commission a claim for compensation against his employer Arsenio Sumilang without mentioning the payment to him (Castillo) of P500 (W.C.C. case No. 41439).

On 7 November 1956 the Workmen's Compensation Commission entered an award directing Arsenio Sumilang to pay his driver Gualberto Castillo through the Commission the sum of P2,406.29 as compensation for the physical injuries the latter suffered in the aforesaid accident and to the Commission a fee in the sum of P25 (Annex B). On 20 January 1958 the Workmen's Compensation Commission issued a writ of execution to enforce the above award (Annex A).

On 5 March 1958 Arsenio Sumilang filed in the Workmen's Compensation Commission a "complaint" praying that a writ of preliminary injunction be issued to enjoin the execution of the award and that the award be annulled.

On 7 March 1958 the Commission en banc heard the "complaint" and on the same day dismissed it. On 27 March 1958 Arsenio Sumilang received a copy of the resolution dismissing his "complaint."

On 8 March 1958 the Acting Provincial Sheriff of Tarlac sold at public auction a parcel of land (Lot No. 2030 of the Panique Cadastre) belonging to Arsenio Sumilang situated in Paniqui, Tarlac, described in transfer certificate of title No. 10588 issued by the Register of Deeds of Tarlac.

On 22 January 1959 Arsenio Sumilang commenced an action in the Court of First Instance of Tarlac praying for a

writ of preliminary injunction to enjoin the final sale of the aforesaid lot, for the annulment of the award and writ of execution issued by the Workmen's Compensation Commission, for damages in the amount of P100 to reimburse him for the premium on the bond he had filed in connection with his "complaint" filed in the Workmen's. Compensation Commission, for damages, attorney's fees, and for any other just and equitable relief.

On 9 of February 1959 the Provincial Sheriff of Tarlac, assisted by the Provincial Fiscal, filed a motion to dismiss the complaint on the ground that the Court of First Instance of Tarlac lacked jurisdiction to try the case and that, even assuming it has jurisdiction, there was no cause of action against the Provincial Sheriff.

On 12 February 1959 the defendant Gualberto Castillo objected to the issuance of a writ of preliminary injunction and on 17 February 1959 moved for the dismissal of the complaint on the ground that the cause of action was barred by a prior judgment and the complaint stated no cause of action.

On the last mentioned date, the Workmen's Compensation Commission filed a motion to dismiss, on the ground that the Court of First Instance of Tarlac had no jurisdiction over the subject matter and the action was barred by a prior judgment. The Commission also pointed out that Arsenio Sumilang had appealed to the Supreme Court from the resolution adopted by the Workmen's Compensation Commission dismissing his complaint for the annulment of the award and writ of execution (Annex 1) and that the appeal was dismissed by the Supreme Court for lack of merit (Annex 2).

On 21 February 1959 the plaintiff replied to the motion to dismiss filed by the Provincial Sheriff and to that filed by the defendant Gualberto Castillo and on 25 February, to that filed by the Workmen's Compensation Commissioners.

On 25 May 1959, the trial court dismissed the, complaint and denied the prayer for a writ of preliminary injunction.

On 29 June 1959 the plaintiff filed a motion for reconsideration which was denied.

From the order of dismissal, the plaintiff Arsenio Sumilang has appealed.

The three errors assigned by the appellant narrow down to whether the Court of First Instance has jurisdiction or power to annul or set aside an award or writ of execution issued by the Workmen's Compensation Commission.

The appellant contends that it has, whereas the appellees maintain that it does not have.

Section 46 of Republic Act No. 772 amending Act No. 3428 as amended by Act No. 3812 and Commonwealth Act No. 210 provides that—

The Workmen's Compensation Commission shall have exclusive jurisdiction to hear and decide claims for compensation under the Workmen's Compensation Act, subject to appeal to the Supreme Court, in the same manner and in the same period as provided by law and by Rules of Court for appeal from the Court of Industrial Relations to the Supreme Court.

Clearly, under the above quoted provision the Workmen's Compensation Commission has exclusive jurisdiction over workmen's compensation cases. The Reorganization Plan No. 20-A approved pursuant to Republic Act No. 997 as amended by Republic Act No. 1241 provides that the Workmen's Compensation Commission be composed of three members "who shall have the qualifications required of Judge of the Court of First Instance." Under Republic Act No. 772, the decisions, orders or awards entered by the Workmen's Compensation Commission are appealable to the Supreme Court. Such being the case, the Court of First Instance is not empowered or clothed with jurisdiction to review or modify, much less, annul an award or order of execution issued by the Workmen's Compensation Commission.

The order appealed from is affirmed, with costs against the appellant.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J. B. L., and Paredes, JJ., concur.

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