

**CITY OF DAVAO, PETITIONER AND APPELLANT, VS. THE
DEPARTMENT OF LABOR, THROUGH REGIONAL OFFICE NO. 8,
DAVAO CITY, AND HEIRS OF ABEQUIBIL, RESPONDENTS AND
APPELLEES.**

G.R. No. L-19488. January 30, 1965

Ponente: REGALA, J.

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REGALA, J.:

This is an appeal of the City of Davao from the decision of the Court of First Instance of Davao. Originally taken to the Court of Appeals, the appeal was later certified to this Court on the ground that purely questions of law are involved.

The facts are not in dispute. Isaac Abequibil was a laborer in the Office of the City Engineer of Davao. He died of pulmonary tuberculosis, contracted while in the performance of his duties, for which reason he was given, while still alive, the "allowances" provided in Section 699 of the Revised Administrative Code which reads as follows:

"Allowances in ease of injury, death, or sickness incurred in performance of duty.—When a person in the service of the national government or in the service of the government of a province, city, municipality or municipal district is so injured in the performance of duty as thereby to receive some actual physical hurt or wound the proper Head of Department may direct that absence during and period of disability thereby occasioned shall be on full pay, though not more than six months, and in such case he may in his discretion also authorize the payment of medical attendance, necessary transportation, subsistence, and hospital fees of the injured person. Absence in the case contemplated shall be charged first against vacation leave, if any there be.

"If a person in such service is killed or dies of injuries received or sickness contracted in line of duty, the Department Head shall authorize the payment of reasonable burial expenses and of six months' salary or wages in no case less than one thousand pesos in the surviving spouse or dependent child or children of such deceased person.

"In case of sickness caused by or connected directly with the performance of some act in the line of duty, the Department Head may in his discretion authorize the payment of the necessary hospital fees.

"For employees of a city the time allowance and disbursements contemplated above shall not be granted except upon recommendation of the Municipal Board or council of the city; in case of employees of a provincial government, upon the recommendation of the provincial board; and in the case of employees of a municipal or municipal district government, upon the recommendation of the municipal council or municipal district mayor, as the case may be." (As amended by Rep. Act No. 1232, June 7, 1955)

On May 11, 1959, Isaac Abequibil's widow filed against the City of Davao a claim under the Workmen's Compensation Act, the pertinent provisions of which state:

"Sec. 2 Ground for compensation.—When an employee suffers personal injury from any accident arising out of

and in the course of his employment, of contracts tuberculosis or other illness directly caused by such employment, or either aggravated by or the result of the nature of such employment, his employer shall pay compensation in the sums and to the person hereinafter specified. * * *

"Sec. 3. Applicable to the Government.—This Act shall also be applicable to mounted messengers in the service of the National Government and all its political subdivisions and to the employees and laborers employed in public works and in other industrial concerns of the Government and its political subdivisions and instrumentalities: Provided, however, That laborers and employers insured with the Government Service Insurance System and their dependents when entitled to the benefits of said insurance system shall in addition to the same be entitled to the benefits granted by this Act.

"Sec. 39. Definition of various words —In this Act, unless the context indicates otherwise, the definition of various words used therein shall be as follows:

"(a) 'Employer' includes every person or association of person incorporated or not, public or private, and the local representative of the deceased employer. * * "

From the foregoing, the benefits of the Workmen's Compensation Act are made available to mounted messengers in the service of the National Government and its political subdivisions, and to the employees and laborers employed in the public works. As adverted to above, the deceased Isaac Abequibil was a laborer in the City Engineer's Office of Davao.

The claim was originally filed in Regional Office No. 8 of the Department of Labor. But the city objected to its jurisdiction, its contention being that the above provisions of the Workmen's Compensation Act had been repealed by Section 699 of the Revised Administrative Code. It was also argued that having earlier paid "allowances" under the Administrative Code provision in question, any compensation benefit that the city might be ordered to pay under the Workmen's Compensation Act would constitute double compensation.

Regional Office No. 8 denied the motion to dismiss, including a subsequent motion to vacate order, which was actually a motion for reconsideration. And so the city filed this petition for certiorari with the Court of First Instance of Davao, but failing to get relief from it, the city brought this appeal.

In dismissing the petition for certiorari in this case, the lower court held.

1. That there is no conflict between the Revised Administrative Code and the Workmen's Compensation Act, because the latter contemplates an award after hearing while the former is intended for the emergency relief of employees who meet with accidents while in the performance of their duties;
2. That assuming that the two laws are inconsistent each other, the Workmen's Compensation Act should over the Administrative Code on the principle that case of conflict between a special and a general law, the former should prevail;
3. That no question of double compensation can arise cause the amount given under the Administrative Code to be treated as an advance payment of any workmen compensation in the event an award is given to the employee or his heirs; and
4. That although the question raised is one of jurisdiction, certiorari is not the proper remedy because appeal is available to the petitioner.

The city maintains an opposite stand. It contends that, contrary to the lower court's decision, a hearing is just as indispensable to the processing of claims under the Administrative Code as it is in the adjudication of workmen's compensation cases, because under the fourth paragraph of Section 699 of the Code, the payment of time

allowance may be authorized by the department head only upon recommendation of the municipal board or council in case of cities, like the City of Davao. The city likewise maintains that the Administrative Code should be considered the applicable law.

We affirm the decision of the lower court in dismissing the petition for certiorari although for a different reason.

The writ of certiorari is intended to keep an inferior court within its jurisdiction, and, consequently, only questions of jurisdiction may be raised. Only jurisdictional matters may be averred in the petition, inclusive of matters of grave abuse of discretion, which are equivalent to lack of jurisdiction. (3 Moran, Comments on the Rules of Court 143 [1963]) No question of jurisdiction is involved in this case. Although the ground relied upon by the city in moving for the dismissal of the claim was the alleged lack of jurisdiction of Regional Office No. 8, its motion appears to be based in reality on its claim that Section 699 of the Administrative Code repealed the provisions of Section 3 of the Workmen's Compensation Act.

Indeed, there can be no doubt as to the jurisdiction of labor regional offices to adjudicate workmen's compensation claims like the claim of Abequibil's widow. In several cases, this Court sustained that jurisdiction against the claim that Reorganization Plan 20-A, which reorganizes offices in the Executive Department of the Government, is unconstitutional. (See *San Miguel Brewery, Inc. vs. Sc-bremesana, et al.*, G. R. No L-18730, Sept 16, 1961; *La Mallorca vs. Ramos*, G. R. No. L-15476, Sept. 19, 1961; and *Madrigal Shipping Co. vs. Melad, et al.*, G. R. Nos. L-17362, L-17367-69, Feb. 28, 1963)

What the City of Davao should have done instead, upon the denial of its motion to dismiss, was to appeal to the Workmen's Compensation Commission which has exclusive appellate jurisdiction over decisions of regional offices.

Under the circumstances, we find it unnecessary to pass upon the other issues raised.

WHEREFORE, the decision appealed from is hereby affirmed.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, Makalintal, Bengzon, J.P. and Zaldivar, JJ., concur.

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