

TOMAS U. SOLIVEN, PETITIONER, VS. WORKMEN'S COMPENSATION COM-MISSION AND REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), RESPONDENTS.

G.R. No. L-44763. June 30, 1977

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

These two cases are jointly decided as involving a common is-sue of law. The Court once more annuls respondent commission's decisions and reinstates the referees' awards of disability compensation and benefits on the fundamental ground of the commission's lack of jurisdiction and authority to set aside an award that has already become final and executory for failure to appeal the same and to grant petitions for relief from judgments that were filed beyond the ultimate grace periods fixed by the Commission Rules.

In L-44763, the referee, after hearing, rendered the decision dated September 25, 1975 granting petitioner-claimant Tomas U. Soliven the sum of P6, 000.00 as disability benefits (for bronchial asthma and neuritis which he contracted as classroom teacher, later as head teacher in 1947, during his employment as such from June 1, 1931 until he was forced to apply for optional retirement on July 16, 1966 due to the severity of his ailments) and ordering respondent Republic (Bureau of Public Schools) to pay P300-attorney's fees and P61-administrative fees. Copy of the decision was admittedly received by respondent through the office of the Solicitor General on December 19, 1975. Respondent failed to appeal within the reglementary 15-day period "due to the volume and heavy pressure of work." Respondent belatedly filed only on February 3, 1976 its "Petition to Elevate Records for Relief and Judgment," sixteen (16) days beyond the ultimate 30-day grace period from knowledge/notice of the decision allowed by the Commission Rules[1] for the purpose. The commission nevertheless entertained the petition for relief and rendered its decision dated March 5, 1976 reversing the referee's decision and absolving respondent from all liability.

In L-45381, the referee, after hearing, rendered the decision dated September 10, 1975 granting petitioner-claimant Eulogia Malijan the sum of P2, 095. 74 for disability benefits (for service-connected ailments of myxedema, goiter and "almoranas" [hemorrhoid] during her employment as teacher corresponding to the period of disability from August 13, 1969 up to her reaching the compulsory retirement age on September 13, 1970 or 56-3/7 weeks) and ordering respondent Republic (Bureau of Public Schools) to pay P104. 70-attorney's fees and P21.00 administrative fees. Copy of the decision was admittedly received by respondent through the office of the Solicitor General on September 11, 1975 but respondent again failed to take an appeal within the reglemen-tary period "due to the pressure and volume of work." It was only at the earliest on December 29, 1975 (date of its Petition to Elevate Re-cords for Relief from Judgment) or 109 days afterwards that respondent filed such petition for relief, way beyond the ultimate 30-day grace period from knowledge/notice of the decision and not more than 3 months from entry of the decision, allowed by the commission Rules for the pur-pose. The commission nevertheless entertained the petition for relief and rendered its decision dated February 2, 1976 reversing the "decision appealed from" and dismissing the claim "for lack of merit."

Hence, the petitions at bar which must be granted, since respondent commission's decisions of reversal were null and void as it no longer had authority and jurisdiction to set aside the referees' decisions that had already become final and executory for failure of respondent to appeal the same and to file timely petitions for relief from judgment within the reglementary period.

In *Carreon vs. WCC* and *Regala vs. WCC*,^[2] we reaffirmed the settled doctrine that "(the) basic rule of finality of judgments is applicable indiscriminately to one and all and regardless of whether respondent employer be a public or private employer, since the rule is grounded on fundamental considerations of public policy and sound practice that at risk of occasional error, the judgment of courts and award of quasi-judicial agencies must become final at some definite date fixed by law."^[3]

We again stressed therein that "(I)t is of course beyond question that the perfection of an appeal within the statutory or reglementary period is mandatory and jurisdictional and that failure to so perfect an appeal renders final and executory the questioned decision and deprives the appellate court of jurisdiction to entertain the appeal. The lapse of the appeal period deprives the courts of jurisdiction to alter the final judgment."

As to the exception or "last chance" of a timely petition for relief from judgment within the reglementary period (within 30 days from knowledge/notice of the decision-award and within 3 months from entry thereof) first granted expressly in workmen's compensation cases by the 1973 Commission Rules, the Court stated in *Luzon Stevedoring Corp. vs. Reyes*,^[4] prescinding from the validity or non-validity of the justification advanced for seeking such relief, that considering the underlying purpose of the Workmen's Compensation Act to promote the expeditious disposition of workmen's compensation claims, the grace period granted for seeking relief from judgment must be taken as "absolutely fixed, inextendible, never interrupted and cannot be subjected to any condition or contingency. Because the period fixed is itself devised to meet a condition or contingency, the equitable remedy is an act of grace; as it were, designed to give the aggrieved party another and last chance" and reaffirmed the established rule that failure to avail of such last chance within the grace period fixed is fatal.

Respondent's claim in L-45381 that petitioner Malijan's present petition was filed almost a year after she was notified of the commission's decision of reversal is of no moment, since as already indicated, said decision was null and void as the commission had no jurisdiction to set aside the referee's decision that had already long become final and executory. Petitioner (after her counsel finally succeeded in securing certified copies of vital records needed for this petition which had to await the organization of the Compensation Appeals and Review Staff of the Secretary of Labor who took over the voluminous and mixed-up commission records as successor of the defunct commission) could properly come to this Court by way of a special civil action of certiorari within the prescriptive period (and duly impleaded the Secretary of Labor as successor of the defunct commission) to have the commission's decision set aside as null and void for lack of jurisdiction to render the same.

ACCORDINGLY, judgment is hereby rendered setting aside the decisions of respondent commission and reinstating the referees decisions in favor of petitioners Tomas U. Soliven and Eulogia Malijan, with the sole modification that the attorney's fees are increased to Two hundred nine pesos and fifty-seven centavos (P209. 57) in L-45381 by virtue of the services rendered by counsel in this appeal.^[5]

SO ORDERED.

Makasiar, Muñoz Palma, Martin, Fernandez, and Guerrero, JJ., concur.

[1] Rule 22, section 3, WCC 1973 Revised Rules.

[2] L-43112 and L-43307, decided jointly on May 31, 1977.

[3] Citing Vitug vs. Republic, L-44890, Feb. 28, 1977 and Ramos vs. Republic, 69 SCRA 576 (Feb. 27, 1976).

[4] 71 SCRA 655, 663 (June 30, 1976). See also Martinez vs. WCC, L-43744, Sept. 30, 1976.

[5] No increase of the P300. - attorney's fees is awarded petitioner Soliven's private counsel in L-44763, as he is represented in this appeal by public counsel, the Citizens Legal Assistance Office, Department of Justice.

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