

BENJAMIN T. ASUNCION, PETITIONER, VS. LUZ DE ASIS DE AQUINO, RESPONDENTS.*G.R. No. L-13704. April 18, 1962*

Ponente: BAUTISTA ANGELO, J.

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On June 20, 1950, Luz de Asis de Aquino, in her behalf and of her three minor children, filed a claim for compensation against Benjamin T. Asuncion for the death of her deceased husband with the Workmen's Compensation Division of the Department of Labor, copy of which was furnished the latter by registered mail on the same date. In spite of repeated summons served on him to appear before the public defender in charge of the investigation of the claim, Asuncion failed to appear.

When Republic Act No. 772 was enacted on June 20, 1952, all records pertaining to compensation claims, including that filed by Luz de Asis de Aquino, then pending before the Workmen's Compensation Division, were transferred to the newly created Workmen's Compensation Commission. In the meantime, or more specifically on May 24, 1951, Luz de Asis de Aquino, in the same capacity as before, filed a complaint claiming the same compensation with the Court of First Instance of Pangasinan, which was docketed as Civil Case No. 11738.

On May 11, 1953, during the pendency of Civil Case No. 11738, the Workmen's Compensation Commission acted *motu proprio* on the claim previously filed by Luz de Asis de Aquino, and finding the same warranted on the basis of the records then on file in the office of the defunct Workmen's Compensation Division of the Department of Labor, awarded compensation in favor of claimant in the amount of P3,000.00, plus P100.00 for burial expenses. However, because Asuncion disclaimed liability to pay the compensation on the ground that the deceased had never been employed by him, in order to give him an opportunity to prove his defense, the Commission set the case for hearing twice, with notice to both parties. In both instances, Asuncion failed to appear, so hearing was held, and on January 29, 1955, the Commission issued another award in favor of claimant which practically involved the same amount as in the previous award. Copy of this award was received by petitioner on March 28, 1955.

On April 5, 1955, Asuncion filed a motion for reconsideration alleging that the Commission had no jurisdiction over the claim since at the time it acted thereon there was a similar claim then pending before the Court of First Instance of Pangasinan aside from the fact that Asuncion was not given his day in court because he has not been duly notified of the hearing before the Commission. The motion for reconsideration having been denied, Asuncion interposed the present petition for certiorari.

Before the effectivity of Republic Act No. 772 on June 20, 1952, which conferred exclusive jurisdiction on the Workmen's Compensation Commission to hear and decide workmen's compensation claims, all such claims had to be filed and adjudicated by the regular courts. In effect, this was done by the widow Luz de Asis de Aquino. She filed an action to enforce her claim before the Court of First Instance of Pangasinan pursuant to Act No. 3428, as amended. Petitioner now contends that since the claimant filed her claim before the court of first instance

before the enactment of Act No. 772, said court had already acquired jurisdiction to try and decide the claim of which it cannot be divested even if the Workmen's Compensation Commission was given exclusive jurisdiction to try all cases pertaining to workmen's compensation claims. In other words, it is claimed that the enactment of Republic Act 772 did not have the effect of divesting the Court of First Instance of Pangasinan of its jurisdiction to act on the present claim and so the Workmen's Compensation Commission acted thereon without authority of law.

There is no merit in this contention. While the regular courts had jurisdiction to try and decide compensation cases under Act No. 3428, as amended by Act 3812 and Commonwealth Act No. 210, however, upon the enactment of Republic Act No. 772 the regular courts were divested of such jurisdiction, because the same was transferred to the Workmen's Compensation Commission. Thus, insofar as claims accruing before June 20, 1952, but formulated thereafter, are concerned, the proper forum is the Workmen's Compensation Commission and not the regular courts. It is true that when Republic Act No. 772 was enacted the instant claim has already been filed with the Court of First Instance of Pangasinan and as such it can be said that it has already acquired jurisdiction to try and decide the same, but the fact remains that upon the enactment of said Act said court has been divested of its power to hear and decide it and so it can no longer continue acting on said claim. It has been held that jurisdiction over a pending case may be ousted by the valid repeal of a statute on which it wholly depends unless the repealing Act contains a clause saving pending actions from the operation of the repeal (21 C.J.S., 148). And as Republic Act No. 772 does not contain such saving clause, the Workmen's Compensation Commission acted properly when it took cognizance and decided the instant claim, contrary to the claim of petitioner.

The contention that the Workmen's Compensation Commission acted on the claim without affording petitioner his day in court is also of no avail. The record shows that petitioner was duly notified of the two hearings set for the purpose, as may be seen from the following statement appearing in the resolution of respondent Commission dated February 20, 1958: "The first notice was dated November 3, 1953 and the second February 5, 1954. The records show that while the first notice of hearing sent to the respondent under Reg. Letter No. 71862 was returned to Manila, no definite information on the final disposition of said letter could be given by the Bureau of Posts as the latter's registry records for 1953 had already been condemned. However, as per return card the 2nd notice of hearing under Registered Letter No. 68781 was delivered to and received by the addressee (respondent Benjamin T. Asuncion) on March 17, 1954. Despite this notice, the respondent failed to appear."

Moreover, even if it may be true that petitioner received the notice of hearing scheduled for February 19, 1954 only on March 17, 1954, the fact remains that he did not take any step to have a new hearing set until long after he received copy of the order containing the award against him. In other words, he received the order of award on March 28, 1955 and it was only on April 5, 1955 that he filed a motion for reconsideration wherein he brought to the attention of the Commission for the first time that he received the notice of hearing only on March 17, 1954. He therefore kept silent for nearly one year since the hearing was held and so he cannot now be heard to complain, that an adverse action was taken against him without having been given his day in court.

WHEREFORE, petition is denied. The order of respondent Workmen's Compensation Commission dated January 29, 1955 is affirmed. No costs.

Bengzon, C. J., Padilla, Concepcion, Reyes, J. B. L., Paredes, and Dizon, JJ., concur.
Labrador, J., dissents.

DISSENTING OPINION

LABRADOR, J.:

The facts as disclosed in the foregoing opinion are as follows: On June 20, 1950, the claim for compensation was filed before the Workmen's Compensation Division of the Department of Labor. Petitioner herein failed to appear before the Public Defender in charge of the investigation of the claim, so the hearing could not proceed. On May 24, 1951, a complaint claiming the same compensation was filed in the Court of First Instance of Pangasinan, being docketed as Civil Case No. 11738.

The law in force before Republic Act No. 772 was approved and at the time of the filing of the claim in the Workmen's Compensation Division and the filing of the action in the Court of First Instance was Act No. 3428.

Secs. 8, 31 and 32 of said Act are as follows:

"Sec. 8. x x x

(e) x x x ; but if the good offices of said Bureau (of Labor) do not meet with the approval of all parties concerned, the courts shall be competent to settle the matter in case an action is brought, and the employer may turn the money over to the court, subject to disposal by the same. x x x ." (Act 3428)

"Sec. 31. x x x . In case its efforts in this respect fail, it shall take the necessary steps to have the claim submitted to the proper courts, and it may require the provincial fiscals to represent in such proceeding the injured laborer or employee or person or persons entitled to compensation in their respective provinces, except where the claim is against the government or any political subdivision of the same, in which case the court, at the request of the laborer or employee, shall designate an attorney to act as his counsel free of charge. But nothing contained in this section shall be construed to prevent the injured laborer or person or persons to take the case directly into courts, without previous intervention of the Bureau of Labor." (Id.)

"Sec. 32. All actions for compensation brought in the justice of the peace courts and courts of first instance under this Act shall have priority in the dockets of said courts over all cases, except habeas corpus proceedings, election contests and criminal cases, in which the accused are not at liberty on bail. x x x ." (Id.)

Republic Act No. 772 was approved in June, 1952. The majority opinion lays down the principle that even after the case has been filed with the Court of First Instance, the same may be abandoned and another one filed before the Workmen's Compensation Commission, which under the provisions of Republic Act No. 772 (1952) has exclusive jurisdiction over all compensation cases. We believe that such a ruling violates the principle of law that once a court has acquired jurisdiction, it shall continue to exercise jurisdiction over said case unless the Legislature, in a subsequent law, transfers the jurisdiction over such case to another court or body.

In the case at bar, it does not appear that there is a provision in Republic Act No. 772, transferring to the Workmen's Compensation Commission jurisdiction over actions already pending before the Court of First Instance. There being no such provision in Republic Act No. 772, I am, therefore, of the opinion that the Court of First Instance retained jurisdiction over the case already filed before it, even after the passage of Republic Act No. 772 in June 1952.

The case should be retrned to the Court of First Instance of Pangasinan, then to be tried and decided.

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