

MANUEL DIVINAGRACIA, PETITIONER, VS. COURT OF FIRST INSTANCE OF MANILA AND DON BOSCO TECHNICAL INSTITUTE, INC., RESPONDENTS.

G.R. No. L-17690. December 28, 1961

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Original action of prohibition and injunction to restrain the Court of First Instance of Manila from further proceedings in Civil Case No. 43192 thereof, entitled "Don Bosco Technical Institute, Inc. vs. The Workmen's Compensation Commission et al.," and to annul and set aside a writ of preliminary injunction therein issued.

Respondent Don Bosco Technical Institute, Inc, hereafter referred to as the Institute is a duly registered non-stock corporation, organized in accordance with the laws of the Philippines. As such it operates two shops, in one of which tables, chairs and other furniture are manufactured. While working in this shop on February 28, 1957, Manuel Divinagracia, a carpenter by occupation, had an accident, in consequence of which he lost the use of one eye, with the danger of affecting the other eye by sympathetic ophthalmia. Divinagracia having filed a claim for compensation therefor, Regional Office No. 3 of the Department of Labor rendered, on December 19, 1957, after due hearing, a decision sentencing the Institute to pay him the aggregate sum of P2,909.27-less P378.10, already advanced to him as compensation and surgical expenses, aside from requiring the Institute to pay P30.00 as fees of said office. This award was, on appeal taken by the Institute, affirmed, on August 17, 1959, by the Chairman of the Workmen's Compensation Commission, whose decision was, on motion for reconsideration of said Institute, affirmed in a resolution of the Commission, sitting en banc, dated January 6, 1960, Thereupon, the Institute appealed by certiorari to the Supreme Court, where the case was docketed as G. R. No. L-16500, entitled "Don Bosco Technical Institute vs. Workmen's Compensation Commission and Manuel Divinagracia", which, by resolution of January 21, 1960, was dismissed upon the ground "that the questions involved are factual and there is no merit in the petition". Twice the Institute sought a reconsideration of this resolution, but to no avail. The aforementioned decision of the Commission having thus become final and executory, the Commission issued; on May 6, 1960, the corresponding writ of execution.

Soon thereafter, or on May 19, 1960, the Institute commenced said Civil Case No. 43192 of the Court of First Instance of Manila, against the Commission, the Sheriff of Manila, the Philippine Trust Company and Manuel Divinagracia, to annul the said decision and writ of execution of the Commission, upon the ground that it had neither jurisdiction to entertain Divinagracia's claim for compensation nor authority to issue said writ of execution. In its complaint in said case the Institute prayed, also for a writ of preliminary injunction, which was issued by the Court of First Instance of Manila on May 21, 1960. Divinagracia moved to dismiss the case, but, by an order dated September 19, 1960, said Court deferred the resolution of the motion until after trial on the merits.

On November 7, 1960, Divinagracia commenced the present action for prohibition and injunction, against the Court of First Instance of Manila and the Institute for the purpose indicated above upon the theory that, inasmuch

as the decision of the Commission in his favor had already become final and executory, respondent Court had exceeded its jurisdiction in suspending the execution of said decision. Upon the filing of the petition herein we issued a writ of preliminary injunction commanding respondent Court to refrain from trying and deciding said Civil Case No. 43192, until further orders.

The Institute, maintains that the Commission was without jurisdiction to hear divinagracia's claim because said Institute is a non-profit, religious, charitable, educational corporation to which the Workmen's Compensation Act, allegedly, does not apply, and that the Commission's decision-thereon and the writ for the execution thereof are accordingly, null and void.

It appears, however, that, upon the presentation of said claim for compensation, the Institute filed an answer contesting the applicability thereto of the Workmen's Compensation Act, for the reason that the Institute is a religious, charitable, educational and non-profit institution; that upon the rendition of the decision or award of the Regional Office No. 3 of the Department of Labor, which, in effect, overruled this objection, the Institute appealed to the Commission and then filed therein, on October 28, 1958, a motion to dismiss based upon the alleged lack of jurisdiction of said Commission; that this motion was virtually denied in the decision of the Chairman of the Commission, dated August 17, 1959, which held that students had nothing to do with the shop in which Divinagracia worked and suffered the injury upon which his claim is based, and that said shop was established by the Institute for profit-making purposes; that on motion for reconsideration of said decision, based upon the theory that the evidence of record did not support these findings, the same were affirmed by the Commission on and that in its aforementioned appeal by certiorari to the Supreme Court, the Institute contended "that the Honorable Workmen's Compensation Commission erred in finding that jurisdiction can be acquired over the petitioner and the respondent claimant on the ground that the former is organized and operated for gain and/or profit".

In other words, said alleged lack of jurisdiction of the Commission was invoked at all stages of the original proceedings and had been overruled upon the ground among others, that the shop in which Divinagracia worked and suffered the injury in question was operated for profit, not for religious, charitable or educational purposes. Regardless of the accuracy of this finding, the same is now conclusive insofar as Divinagracia and the Institute are concerned. The inevitability of this conclusion becomes more apparent when we consider that said finding was explicitly assailed in the petition for certiorari in G.R. No. L-16500 of this Court and in the motions for reconsideration therein filed by the Institute, and that said petition was dismissed for lack of merit and the aforementioned motions for reconsideration were denied by this Court. The character of the Institute, insofar as Divinagracia's claim is concerned, and the jurisdiction of the Commission to pass upon the same, as well as the legality of its aforementioned decision thereon are, therefore, *res adjudicata* and no longer subject to review by any court.

However, the disputed writ of execution is null and void, for the power to issue such writ is judicial in nature, and cannot be vested in administrative bodies, like the Commission. Indeed, the procedure for the enforcement of an award is set forth in section 51 of the Workmen's Compensation Act, reading:

"Any party in interest may file in any court of record in the jurisdiction of which the accident occurred a certified copy of a decision of any referee or the Commissioner, from which no petition for review or appeal has been taken within the time allowed therefor, as the case may be, or a certified copy of a memorandum of agreement duly approved by the Commissioner, whereupon the court shall render a decree or judgment in accordance therewith and notify the parties thereof.

"The decree or judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though, the decree or judgment had been rendered in a suit duly heard and tried by the court,

except that there shall be no appeal therefrom.

"The Commissioner shall, upon application by the proper party or the Court before which such action is instituted, issue a certification that no petition for review or appeal within the time prescribed by section forty-nine hereof has been taken by the respondent."

Hence, in *Pastoral vs. The Commissioners of the Workmen's Compensation Commission*, L-12903 (July 31, 1961), we expressed the following view, which has been reiterated in *Community Sawmill Co. vs. The Workmen's Compensation Commission, et al.*, *infra*, p. 753):

"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 gain saying 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."

For this reason, respondent court did not err in taking cognizance of Civil Case No. 43192 thereof and in issuing therein the writ of preliminary injunction complained of.

Wherefore, the petition in this case is dismissed, and the writ of preliminary injunction therein issued hereby dissolved, without costs.

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

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