

A. V. H. & COMPANY OF THE PHILIPPINES, PETITIONER, VS. WORKMEN’S COMPENSATION COMMISSIONER, MARIANO B. ALUMNO, SHERIFF OF MANILA AND SHERIFF OF PASAY CITY, RESPONDENTS.

G. R. No. L-17502. May 30, 1962

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

This is an appeal from an order of the Court of First Instance of Manila dismissing the petition for prohibition in this case, without pronouncement as to costs.

It appears that on October 23, 1958, respondent Mariano B. Alumno filed with Regional Office No. 3 of the Department of Labor a notice of injury or sickness and claim for compensation against petitioner A. V. H. & Company of the Philippines, hereafter referred to as the Company, for injuries sustained by him in the right hand while working as laborer of said Company, in the performance of his duties as such. In due course, the Administrator of said Regional Office rendered an award, on March 12, 1958, declaring Alumno entitled to P206.91 as compensation for said injuries. On petition for reconsideration filed by the Company, said award was, on May 27, 1959, reduced to P161.31. Another motion filed by the Company for the reconsideration of the amended award did not merit favorable action of said Administrator, who, on June 25, 1959, forward the pertinent record to the Workmen's Compensation Commission. On June 22, 1960, an Associate Commissioner thereof rendered a decision ordering the Company to pay P849.09 to Alumno, plus P14.00 as fees of the Commission. No appeal was taken from this decision. On August 18, 1960, the Commission issued a writ of execution directing the sheriff of Manila to seize personal effects of the Company in the amount necessary to satisfy the sum adjudged in said decision. On September 8, 1960; the Commission issued another writ to the same effect addressed to the Sheriff of Pasay City.

Thereupon, or on September 13, 1960, the Company filed with the Court of First Instance of Manila the present action for prohibition against the Workmen's Compensation Commissioner, said Mariano B. Alumno, and the Sheriffs of Manila and Pasay City, with the prayer that said decision of June 22, 1960 and the aforementioned writs of execution be set aside as null and void, because Act No. 3428 is unconstitutional, insofar as it authorizes the rendition of decisions by the Workmen's Compensation Commission, thereby delegating judicial powers to an administrative, agency which is part of the executive department, and because only courts of justice may issue writs of execution. The Company prayed, also, that pending final determination of the case, a writ of preliminary injunction restraining said Sheriffs from complying with the aforementioned write of execution be issued.

Thereupon, said court issued an order giving due course to the petition for prohibition and setting a date for the hearing of the petition for a writ of preliminary injunction. At said hearing respondents filed their respective motions to dismiss the case and prayed that said motions be also considered as motions for reconsideration of the order of September 13, 1960 giving due course to the petition for prohibition. Consequently, or on September 23,

1960, said court issued tile order appealed from, holding that the petition for prohibition is insufficient in substance and in form to warrant the relief therein prayed for inasmuch as the Company had neither appealed from the decision of the Workmen's Compensation Commission, nor called its attention to its alleged lack either of jurisdiction to render the aforementioned decision, or of authority to issue said writs of execution. Hence, this appeal by the Company.

In the petition filed by the Company with this Court, praying that its "appeal by certiorari" be given due course, it, likewise, prayed for a writ of preliminary injunction to restrain the Sheriffs of Manila and Pasay City from complying with the writs of execution sought to be annulled. Upon the posting of a P2,000 bond, we issued said writ of preliminary injunction.

The Company maintains in this Court: (1) that Act No. 3428, as amended, is invalid insofar as it authorizes respondent Commissioner to render an enforceable decision awarding money claims; (2) that Reorganization Plan No. 20-A, in relation to Republic Act No. 997, is invalid; and (3) that respondent Commissioner has acted in excess of and/or without jurisdiction in issuing the writs of execution complained of.

Contrary to appellant's pretense, the Workmen's Compensation Act does not authorize the Workmen's-Compensation Commission to render an, "enforceable" decision, if by "enforceable" appellant means that a writ of execution based upon said decision may be issued. Pursuant to said Act, if the employer adversely affected by said decision does not comply with it, despite his failure to appeal therefrom or to seek a review thereof, a certified copy of said decision shall be filed with the proper court of first instance, "whereupon" the latter "shall render a decree or judgment in accordance therewith", which decree or judgment shall have the same effect as though it had been rendered in a suit duly heard and tried by the court (Sec. 51, Act No. 3428). It is, therefore, this decree or judgment of said court of first instance, not the decision of the Commission, that may be enforced by writ of execution.

Upon the other hand, we have already held that so much of Reorganization Plan No. 20-A as authorizes the Workmen's Compensation Commission to issue writs of execution is unconstitutional (*Everlasting Pictures Inc. vs. Fuentes*, L-16512, November 29, 1961; *Pastoral vs. Workmen's Compensation Commission*, 112 Phil., 742). Hence, the writs of execution issued by the Commission in this case are null and void.

It is true that, as stated in the order appealed from, the Company had failed to comply with the established procedural requirements for the issuance of a writ of prohibition, but, in view of the patent nullity of the writs of execution complained of, we cannot sanction the enforcement thereof, although indirectly, by dismissing the case on purely procedural grounds.

Wherefore, the order appealed from is set aside, the writs of execution in question are declared null and void and the writ of preliminary injunction issued by this Court hereby made permanent, without special pronouncement as to costs. It is so ordered.

Padilla, Bautista Angelo, Reyes, J.B.L., Barrera, Paredes, and Dizon, JJ., concur,

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