

BARTOLOME E. SAN DIEGO, PETITIONER-APPELLEE, VS. SALVADOR R. VILLAGRACIA, ET AL., RESPONDENTS, ATTYS. JESUS NACIONGAYO, AGUSTIN T. MISOLA AND PROCOPIO SANTOS, RESPONDENTS-APPELL...

G.R. No. L-20411. February 17, 1968

Ponente: CASTRO, J.

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CASTRO, J.:

On November 3, 1958 Bartolome San Diego instituted certiorari proceedings in the Court of First Instance of Manila to set aside a decision of the Iloilo Regional Office (No. 5) of the Department of Labor, ordering him to pay P2,350 to Adelina Bieles as compensation for the death of her husband who was, at the time of his death, in the employ of San Diego as radio operator. The gravamen of the action is that Reorganization Plan 20-A, which gave regional offices of the Department of Labor jurisdiction to try and decide workmen's compensation claims, was un-constitutional because it was not passed in the manner prescribed for the enactment of statutes and because it diminished the jurisdiction of courts.

On April 24, 1959 the court issued a writ of preliminary injunction directing the respondents Salvador R. Villagracia and Tirso J. Cabili, labor administrator and hearing officer, respectively, of the Regional Office 5 in Ilo-ilo, and "[their] attorneys, representatives, agents, and any other person assisting [them], to refrain from proceeding and subsequently issuing a writ of execution in WCC Case No. 1319."

It appears, however, that at the time the petition for certiorari was filed, WCC case 1319 had left the regional office, having been elevated on September 19, 1958 to the Workmen's Compensation Commission in Manila for review, in view of the filing by the petitioner San Diego of a motion for reconsideration. It therefore became necessary for the latter to amend his petition so as to include the chairman and the associate commissioners of the WCC as party respondents. This he did on August 27, 1959, but it was not until February 1, 1960 that the amended petition was admitted by the court because the petitioner himself filed a motion for the admission of the amended pleading only on January 27, 1960. In the meantime, the WCC proceeded with the review of WCC case 1319, decided it, and on January 22, 1960, through its secretary, the respondent Procopio Santos, issued a writ of execution.

On May 20, 1960 the petitioner asked the court to cite Agustin T. Misola and Jesus M. Naciongayo, attorneys for the claimant Adelina Bieles, and Procopio Santos, secretary of the WCC, for contempt. He claimed that

"a) Atty. Agustin T. Misola sought, and obtained in said WCC Case No. 1319 a writ of execution; and

"b) Atty. Jesus M. Naciongayo, to implement said writ of execution in WCC Case No. 1319 so obtained, as above indicated, sought and obtained in said WCC Case No. 1319 an order directing the Philippine Trust Company, Manila, to deliver to the Sheriff of Manila as it did deliver - P1,021.48 out of petitioner's savings account with said bank; and

"(c) the respondent Atty. Procopio Santos knowingly and wilfully in violation of, and in disobedience to, the aforesaid writ of preliminary injunction, and in disregard thereto, aided and abetted the other respondents in proceeding, and subsequently obtaining - he issued the writ of execution and implementing said writ of execution in said WCC Case No. 1319."

In their answer, Misola and Naciongayo averred that it was the WCC which actually issued the writ of execution and that what they did was nothing but "routine." For his part the respondent Santos claimed that he was not a party enjoined by the court and that, as a matter of fact, the amended petition (including the WCC commissioner as party respondents) was admitted by the court only on February 1, 1960, nine days after the issuance of the writ of execution in WCC case 1319.

The court found the explanation unsatisfactory and sentenced each of the three respondents-appellants to pay a fine of P50, but, on motion of the latter, the court reconsidered its order and set the matter for hearing on August 30, 1962. The petitioner, as movant, did not appear on the day of the hearing. Nevertheless the respondents were heard and afterwards were again found guilty of contempt and, as before, were sentenced to pay a fine of P50 each.

Hence this appeal.

The pertinent provisions of section 3 of Rule 64 of the old Rules of Court (now section 3 of Rule 71) read:

"After charge in writing has been filed, and an opportunity given to the accused to be heard by himself or counsel, a person guilty of any of the following acts may be punished for contempt:

". . . .

"(b) Disobedience of or resistance to a lawful writ, process, order, judgment, or command of a court, or injunction granted by a court or judge."

The two requisites of this species of indirect contempt are: first, that the writ be lawful and, second, that the disobedience be willful. Neither of these requisite is pre-sent in this case.

First. As we have stated in the beginning, the petitioner filed his action in 1958 on the theory that the Regional Office 5 of the Department of Labor did not have jurisdiction of WCC case 1319 because Reorganization Plan 20-A was unconstitutional. It was since been held, however, that Plan 20-A is not unconstitutional insofar as it gives labor regional offices jurisdiction over workmen's compensation claims.[1] This must be the reason why the petitioner did not press his action for certiorari which was finally dismissed for non-suit on June 13, 1962.

Indeed, as the law now stands, original and exclusive jurisdiction over workmen's compensation claims belongs to labor regional offices from whose decisions appeals may be taken to the WCC. The decision of a member of the WCC is in turn appealable to the WCC in banc which is composed of three members "who . . . have the same qualifications as those of judges of the court of first instance." [2] The decisions of the WCC are appealable to the Supreme Court. [3] Court of first instance cannot review, much less annul, the decision of the WCC. [4]

The result is that the writ of preliminary injunction issued by the lower court was a nullity which could not be forced, let alone made the basis of contempt proceedings, against the WCC, its officials and other persons assisting them, such as the respondents Santos, Misola and Naciongayo.

But it said in the appealed order:

"Even admitting, for the sake of argument, that this court has no jurisdiction to entertain the petition for certiorari filed in this case, it is not the respondent who should decide the question of jurisdiction or validity of the orders of this court. As long as the case is still with this court, the orders issued therein are presumed to

be lawful and anybody who willfully disregards the same is guilty of contempt of court."

The court a quo did not seem to be bothered by the fundamental difference between an injunction which, though erroneous, is issued by a court of competent jurisdiction and one which, though correct, is issued by a court which does not have jurisdiction to issue the order. The first is valid and should be obeyed the second is void ab initio.

The injunction issued in this case is of the second type.

Second. The lower court's injunction was directed only against Salvador R. Villagrancia and Tirso J. Cabili of Regional Office 5, and their "attorneys, representatives, agents and any other person assisting [them]." But as we have noted earlier, the action was erroneously brought against the officials of the Regional Office 5 in Iloilo, because by then the case had been elevated to the WCC in Manila for review. The petitioner himself attached to his petition for certiorari (as annex K) a copy of the regional office order dated September 19, 1958 forwarding the case to the WCC. Obviously he realized his mistake; that is why on August 27, 1959 he filed an amended petition, but it was not until January 27, 1960 that he moved for the admission of his amended petition and only because the WCC had earlier (January 22) issued a writ of execution in WCC case 1319. The petitioner thus gambled with his chances on review by the WCC, and it was only when an adverse judgment was rendered against him and it was executed⁷ that he asked the court to admit his amended petition so that he might have a basis for a contempt charge against the new respondents. But even after the amended petition was finally admitted on February 1, 1960, that is, nine days after the writ of execution was issued, no corresponding amendment of the writ of preliminary injunction was made so as to bring within the sphere of its prohibition the WCC and its officials and any person aiding them.

Willfulness implies knowledge of the existence of the order and its provisions. As a general rule, one who is not a party to an action is not subject to the jurisdiction of the court trying the case and cannot reasonably be supposed to be aware of the court's order. Consequently, he cannot be declared guilty of contempt for violation of the order.⁸

The respondent Santos cannot be punished for what he did before the WCC was made a party to the action. What is more, he cannot be punished for doing a duty enjoined upon him by law, absent a restraining or injunctive order against him. This is self-evident, and this the court failed to take into account.

ACCORDINGLY, the order appealed from reversed and set aside, and the respondents-appellant are hereby absolved, at petitioner-appellees cost.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Angeles, and Fernando, JJ., concur.

[1] E.g., *San Miguel Brewery v. Sobremesana*, L-18730, Sept. 16, 1961; In *Mallorca v. Ramos*, L-15476, Sept. 19, 1961.

Latter-day legislation expressly confers jurisdiction on regional offices to hear and decide workmen's compensation claims. See Rep. Act 4119, effective June 20, 1964, amending Workmen's Compensation Act Sec. 48.

[2] Rep. Act 4119, amending Workmen's Compensation Act sec. 7-A.

[3] Workmen's Compensation Act sec. 46.

[4] *Sumilang v. Castillo*, L-16172, April 28, 1962.

[5] *Compañia Gral. de Tabacos v. Alhambra Cigar & Cigarette Mfg. Co.*, 33 Phil. 503 (1916).

[6] See, e. g., *Magallanes v. Sarita*, L-22092, Oct. 29, 1966; *Mendoza v. Alano*, L-16222, May 31, 1961.

7 As a matter of legal history, it may be noted here that after the decision in *A. V. H. & Co. of the Phil. v. WCC* L-17502, May 30, 1962; *Santiago SyJuco Inc. v. Resultan* L-15050, Aug. 30, 1962; *Pastoral v. WCC*, L-12903, July 31, 1961, which denied the power of the WCC to execute its decisions, Congress passed a law (see Rep. Act 4119, effective June 20, 1964, amending Workmen's Compensation Act sec. 51) expressly empowering the WCC to issue writs of execution of its decisions.

8 *Ferrer v. Rodriguez*, L-17507, Aug. 6, 1962.

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