

SANTIAGO SYJUCO, INC., PLAINTIFF AND APPELLANT, VS. FELISA RESULTAN, ETC. ET AL., DEFENDANTS AND APPELLEES.*G.R. No. L-15050. August 30, 1962*

Ponente: MAKALINTAL, J.

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Plaintiff appeals from the judgment of the Court of First Instance of Manila dismissing its complaint seeking to enjoin the enforcement of the writ of execution issued by the Workmen's Compensation Commission in connection with the award made by it in W.C.R. case No. R03-53661.

The following facts are not disputed: Upon the death in April 1958 of Justo Resultan, a salesman of appellant company, his widow Felisa Resultan filed a claim for death benefits under the Workmen's Compensation Law. Since appellant did not controvert the claim appellee Cesareo de Leon, Workmen's Compensation Commissioner, issued an award on July 29, 1958 directing payment to the claimant and her children of P4,000.00 as death compensation and P200 as burial expenses, aside from legal fees incident to the proceedings. The award became final and executory on September 15, 1958.

On October 1, 1958, upon motion by the claimant, the Commission issued a writ of execution. Pursuant thereto the sheriff of Manila on October 13, 1958 garnished appellant's funds in the Philippine Bank of Commerce to the extent of P4,042.75. Accordingly the said bank issued on October 24, 1958 the corresponding manager's check in the name of the sheriff. The next day, October 15, the present action was commenced by appellant company in the Court of First Instance of Manila to enjoin the enforcement of the writ of execution. A writ of preliminary injunction was issued, as a result of which payment of the aforesaid check was suspended. On November 28, 1958 the trial court rendered the judgment appealed from, dismissing the complaint and dissolving the writ of injunction.

From the proceedings below and from the briefs of the parties on appeal we gather that two issues are presented for resolution: (1) whether or not the Workmen's Compensation Commission is authorized by law to make an award for the payment of death benefits in lump sum instead of by installments; and (2) whether or not it can issue a writ of execution for the enforcement of its award.

The record of the proceedings in the Commission is not now before us, but there is no dispute as to the fact that the award is for death compensation in the sum of P4,000.00, without specifying just how it is to be paid. In the absence of such specification it should be understood that payment is to be made in lump sum, and hence execution of the judgment can only be ordered in that manner. The authority of the Workmen's Compensation Commission to settle and adjudicate the claim in question is admitted by the parties. So is the correctness of the amount awarded. Since the award became final and executory without an appeal having been taken therefrom, we fail to see how the same may be modified in the present action in the sense of providing for its payment not in lump sum but in installments. In any event, the question has become moot, because even if it be held that the amount of P4,000.00 should have been ordered paid in weekly installments, to extend for a period of not more

than 208 weeks pursuant to section 10 of the Workmen's Compensation Act (Act 3428, as amended by Republic Act No. 772), it would now avail appellant no practical benefit, for the entire period has already expired since appellant's liability to pay compensation attached in April 1958. For according to Section 45 of the same Act, if the right to compensation is not controverted, as in this case it was not, the employer shall begin paying the same either on or before the fourteenth day after disability or within five days after the employer first has knowledge of the accident.

As we see it, therefore, the real issue in this case is whether or not the Workmen's Compensation Commission may issue a writ of execution to enforce its judgment. The authority to issue such writ is based on Section 12 Article III of Reorganization Plan No. 20-A, which has been declared void and unconstitutional insofar as it vests the Commission and its regional offices with a judicial power properly pertaining to regular courts. (*Corominas vs. Labor Standards Commission, et al.*, 112 Phil., 551; *Pastoral vs. the Commissioners of the Workmen's Compensation Commission, et al.*, 112 Phil., 742; *"Y" Shipping Corporation vs. Borcelis*, 113 Phil., 275; *Divinagracia vs. Court of First Instance of Manila, et al.*, 113 Phil., 743; and *Community Sawmill Co., vs. The Workmen's Compensation Commission, et al.*, 113 Phil., 753. In these cases we have declared that the Commission has no power to order the execution of its decisions and that they must be enforced in accordance with Section 51 of the Workmen's Compensation Law, which provides:

"SEC. 51. Enforcement of award.—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 therefore, 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 2 decree or judgment had been rendered in a suit duly heard and d 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."

While we are constrained to reverse the judgment appealed from, we are nevertheless hard put to accept with good grace the position of appellant, a big and solvent corporation, which has seen fit to raise technical obstacles to the payment at one time of what it admits to be a just and lawful claim. Surely the little inconvenience such manner of payment might entail, if it existed at all, could have been overlooked in favor of the urgent needs of the deceased employee's widow and children. It is to be hoped that if the amount awarded to them has not yet been paid up to now, appellant will pay it as soon as possible instead of compelling the awardees to go through the procedure of execution as prescribed by law.

The judgment appealed from is reversed; the writ of execution issued by appellee Workmen's Compensation Commission, together with all proceedings in connection therewith, is vacated; and appellees are permanently enjoined from enforcing the same. No costs.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon and Regala, JJ., concur.

Judgment reversed.

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