

PEDRO CARREON, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES (BUREAU OF POSTS) RESPONDENTS.

G.R. No. L-43112. May 31, 1977

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

In these two cases decided jointly as involving a common issue of law, the Court annuls respondent commission's decisions and reinstates the referees' awards of disability compensation in favor of petitioners-claimants on the fundamental ground of the commission's lack of jurisdiction and authority to set aside an award that had already become final and executory for failure to appeal the same within the reglementary period.

In L-43112, the referee after hearing, rendered the decision dated September 3, 1974 granting petitioner-claimant Pedro Carreon the sum of P6,000.00 as disability compensation benefits (for arteriosclerotic heart disease aggravated by the nature of his employment as mail carrier from 1946 to 1972) and P346.70 as reimbursement of medical expenses duly supported by receipts, and ordering respondent Republic (Bureau of Posts) to pay P300. -attorney's fees to Atty. Avelino Latosa and P61. -administrative fees. Copy of the decision was admittedly received by respondent Republic through the office of the Solicitor General on September 4, 1974. Respondent belatedly filed only on September 24, 1974 (five [5] days beyond the 15-day reglementary period to take an appeal) its motion to set aside the decision which was correctly denied by the referee in an order dated September 9, 1975 on the ground that "the decision has already become final and executory." The commission nevertheless ordered the elevation of the record on January 6, 1976 (notwithstanding that no petition for relief had been timely filed or granted) and issued its decision dated January 30, 1976 ordering the claim "dismissed for lack of merit."

In L-43307, the referee after hearing, rendered the decision dated October 27, 1975 granting petitioner-claimant Bienvenido Regala the sum of P6,000.00 as disability compensation benefits (for PTB and bleeding ulcer incurred in the course of his employment since 1973 as laborer involving strenuous work and carrying heavy construction materials) and ordering respondent Republic (Bureau of Agricultural Extension) to pay P300. -attorney's fees to his counsel of record Atty. Maximino C. Lopez and P61.-administrative fees. Copy of the decision was received by respondent Republic through the office of the Solicitor General on November 3, 1975. Respondent belatedly filed only on December 15, 1975 (42 days after notice of the decision or 27 days beyond the 15-day reglementary period to take an appeal) its Motion to Elevate Records (without serving petitioner a copy). The commission nevertheless ordered the elevation of the records on January 27, 1976 (notwithstanding that no motion for relief had been timely filed or granted) and issued its decision of February 25, 1976 ordering the claim "dismissed for lack of merit."

The petitions must be granted, since respondent commission no longer had authority and jurisdiction to set aside the referees' decisions that had already become final and executory for failure to take an appeal within the reglementary period.

In *Vitug vs. Republic*[1] we once again reaffirmed our ruling in *Ramos vs. Republic*[2] that "(the) basic rule of finality of judgments is applicable indiscriminately to one and all and regardless of whether respondent employer be a public or private employer, since the rule is grounded on fundamental considerations of public policy and sound practice that at risk of occasional error, the judgment of courts and award of quasi-judicial agencies must become final at some definite date fixed by law."

We stressed therein once again that "(I)t is of course beyond question that the perfection of an appeal within the statutory or reglementary period is mandatory and jurisdictional and that failure to so perfect an appeal renders final and executory the questioned decision and deprives the appellate court of jurisdiction to entertain the appeal. The lapse of the appeal period deprives the courts of jurisdiction to alter the final judgment." [3] An exception to this basic rule is where there is a timely petition for relief from judgment within the reglementary period (within 30 days from knowledge/notice of the decision-award and within 3 months from entry thereof in workmen's compensation cases[4]), but as already stated hereinabove, no petitions for relief from judgment had been timely filed or granted in the cases at bar.

ACCORDINGLY, judgment is hereby rendered setting aside the decisions of respondent commission and reinstating the referees' decisions in favor of petitioners-claimants Pedro Carreon and Bienvenido Regala with the sole modification that the attorneys' fees are increased to Six hundred (P600. 00) pesos by virtue of the services rendered in this appeal.[5]

Makasiar, Antonio,* Muñoz Palma, and Martin, JJ., concur.

[1] L-44890, Feb. 28, 1977.

[2] 69 SCRA 576 (Feb. 27, 1976).

[3] Citing *Luzsteveco vs. Reyes*, 71 SCRA 655 (June 30, 1976).

[4] Rule 22 of the 1973 Revised Rules of the Workmen's Compensation Commission.

[5] Section 31, Workmen's Compensation Act.

* Designated to sit in the First Division.

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