

**INTEGRATED CONSTRUCTION SERVICES, INC. &
ENGINEER-ING CONSTRUCTION, INC., PETITIONERS, VS.
WORKMEN’S COMPENSATION COM-MISSION AND JUANA
RAMORA VDA. DE CORPUZ, RESPONDENTS.**

G.R. No. L-32596. April 15, 1988

Ponente: PADILLA, J.

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PADILLA, J.:

This is a petition for certiorari, mandamus and prohibition with preliminary injunction to annul the order of the Workmen's Compensation Commission[*], dated 11 September 1970, in BWC Case No. 4225-RO-1 entitled "Juana Ramora Vda. de Corpuz v. Integrated Construction Services, Inc. and Engineering Construction, Inc." which dismissed petitioners' motion for reconsideration of the decision of the Workmen's Compensation Commission[**] dated 23 July 1970, reversing the decision of the hearing officer and awarding death benefits under Act No. 3428, known as the Workmen's Compensation Act (WCA, for short) to the private respondent.

On 3 April 1968, Atty. Pedro Fernandez, hearing officer of the Regional Office of the Bureau of Workmen's Compensation in Dagupan City, rendered a decision in BWC Case No. 4225-RO-1 dismissing private respondent Juana Remora Vda. de Corpuz' claim under the WCA, for the death of her son, Orlando Corpuz, while in the employ of petitioners.[1]

Thereafter, private respondent appealed to the Work-men's Compensation Commission (Commission, for short), which assigned the appeal to Associate Commissioner Paciano C. Villavieja. On 23 July 1970, the latter rendered a deci-sion, as aforestated, reversing the decision of the hearing officer and awarding death benefits to the claimant under the WCA. Said decision was received by petitioners on 7 August 1970. On 22 August 1970, petitioners filed with the Commission en banc, by registered mail, a motion for recon-sideration of said decision[2].

On 11 September 1970, the Commission en banc issued the questioned order denying petitioners' motion for reconsi-deration, on the ground that it was filed beyond the 10-day reglementary period prescribed under Sec. 1, Rule 17 of the Rules of the Commission and therefore, the Commission had lost jurisdiction to review said motion for reconsideration.

Hence, this present recourse.

The petitioners contend that their motion for reconsi-deration with the Commission en banc was filed within the reglementary period, because it is Sec. 49 of the WCA which governs appeals from the order, award or decision of an Associate Commissioner to the Commission en banc[3]. The pertinent portion of Section 49 of the WCA, as amended, provides:

"Sec. 49. Procedure ... Any party in inte-rest who is dissatisfied with the order entered by the referee may petition to review the same and the referee may re-open said case, or may amend or modify said order, and

such amended or modified order shall be a final award unless objection be made thereto by petition for re-view. In case said referee does not amend or modify said order, he shall refer the entire case to the Commissioner, who shall thereupon review the entire record in said case, and, in his discretion, may take or order the taking of additional testimony, and shall make his find-ings of facts and enter his award thereon. The award of the Commissioner shall be final unless a petition to review the same shall be filed by an interested party. Every petition for review shall be in writing and shall specify in detail the particular errors and objections. Such peti-tion must be filed within fifteen days after the entry of any referee's order or award of the Commissioner unless further time is granted by the referee or the Commissioner within said fifteen days. All parties in interest shall be given due notice of entry of any referee's order or any award of the Commissioner, and said period of fifteen days shall begin to run only after such notice ..."

As the afore-quoted section provides for a 15-day period for taking an appeal from the time a party is noti-fied of a decision or order of a Commissioner, and since the Commissioner's decision questioned in the case at bar was received by the petitioners on 7 August 1970, the latter contend that the period for filing a motion for reconsidera-tion of such decision extended to 22 August 1970. Hence, petitioners aver that their motion for reconsideration (appeal) with the Commission en banc was filed within the reglementary period, specifically, on the last day for filing said motion.

Petitioners further contend that Sec. 49 of the WCA, which is a substantive provision, was intended to grant the party in interest, who may be dissatisfied with the deci-sion or order of an individual commissioner, ample time to move for reconsideration with the Commission en banc. As such, Section 49 should prevail over Section 1, Rule 17 of the Rules of the Commission, the latter being merely a part of administrative rules and regulations[4].

The respondents submit otherwise. They argue that the 15-day period prescribed by Section 49 of the WCA governs appeals taken from the decision of the Commission en banc to the Court, while the Rules of the Commission are applicable when the party in interest chooses to avail of administrative remedies within the Commission[5].

Section 1, Rule 17 of the Rules of the Commission, which is invoked by the respondents, provides:

"Sec. 1. Motion or Petition for Reconside-ration - Any party in interest may seek the reconsideration of the decision or order of a member of the Commission by the Commission en banc by filing a motion or petition for reconsi-deration within ten (10) days from receipt of said decision or order."

Respondents contend that Sec. 1, Rule 17 of the Rules of the respondent Commission was promulgated by the latter pursuant to the authority granted to it under Section 7-A of the WCA, as amended by Republic Act No. 4119[6] which provides in part that:

"x x x The Commission may promulgate rules and regulations governing its internal functions as a quasi-judicial body including the power of each member to decide appealed cases from a referee, allowance for appeal from the decision of an individual member to the Commis-sion en banc, and other allied rules covering jurisdiction to review, modify, or affirm all rules and regulations prepared by the Bureau".

The sole issue thus in this case is, whether it is Section 1, Rule 17 of the Rules of the Commission, or Section 49 of the WCA, that governs in determining the reglementary period for filing a motion for reconsideration of the decision of an Associate Commissioner for review by the Commission en banc.

Davao Gulf Lumber Corp. v. Hon. Del Rosario, et al.[7] and, later, Manila Trading and Supply Co. v. Workmen's Compensation Commission[8] have settled that appeals from, or motions for reconsideration of, the decision or order of a member of the Commission to the Commission en banc must be taken or made within ten (10) days from receipt of said decision or order.

Section 1, Rule 17 of the Rules of the Commission states that: "Any party in interest may seek the reconsideration of the decision or order of a member of the Commission by the Commission en banc by filing a motion or petition for reconsideration within ten (10) days from receipt of said decision or order". It is thus clear that the ten (10) day period pertains specifically to a motion for reconsideration from the decision or order of an individual commissioner to the Commission en banc.

On the other hand, Section 49 of the WCA does not deal with reconsideration of a decision of an individual member of the Commission by the Commission en banc. The Section states:

"Sec. 49. Procedure ... x x x The award of the Commissioner shall be final unless a petition to review the same shall be filed by an interested party. Every petition for review shall be in writing and shall specify in detail the particular errors and objections. Such petition must be filed within fifteen days after the entry of any referee's order or award of the Commissioner unless further time is granted by the referee or the Commissioner within said fifteen days. All parties in interest shall be given due notice of entry of any referee's order or any award of the Commissioner, and said period of fifteen days shall begin to run only after such notice ..." (underscoring supplied)

There appears indeed a seeming conflict between Sec. 1, Rule 17 of the Rules of the Commission and Sec. 49 of the WCA. Since the latter section uses the word "commissioner", petitioners take this to refer to the individual members of the Commission. And since the decision or order of a Commissioner is appealable to, or may still be reviewed by the Commission en banc, the petitioners construe the whole provision (Sec. 49) as referring to an appeal from the decision of a Commissioner to the Commission en banc, which can be taken within fifteen (15) days from notice of a Commissioner's decision or order.

But, as settled in *Davao Gulf Lumber v. Hon. Del Rosario, et al.*, Section 49 of Act No. 3428, as amended, refers only to appeals from decisions of the Commission en banc to this Court, meaning that, the word "commissioner" in said provision refers to the Commission en banc. This matter was further explained, and all doubts eviscerated in the *Mantrade* case, after it traced the historical development of Act No. 3428 up to the enactment of its amending law, Republic Act No. 4119.

As traced in the *Mantrade* case, when Section 7-A of Republic Act No. 772 amended Act No. 3428, it provided that:

"Sec. 7-A. Workmen's Compensation Commissioner, Appointment. - There is hereby created in the Department of Labor the Office of the Workmen's Compensation Commissioner hereinafter designated the Commissioner, who shall be assisted by a Deputy Workmen's Commissioner. The Commissioner and Deputy Commissioner shall be appointed by the President of the Philippines ..."

In 1956, Executive Order No. 218 was approved by the Government Survey and Reorganization Commission (created under Rep. Act No. 997), from which Reorganization Plan 20-A emerged, establishing a 3-member Workmen's Compensation Commission in lieu of the Office of the Workmen's Compensation Commissioner. And on 15 April 1957, in pursuance of paragraph 12 of Article III of said Plan, the Commission published its rules in the Official Gazette, which provide inter alia:

"Except as otherwise provided in this Article, the powers and duties pertaining to the Commissioner and Deputy Commissioner of Workmen's Compensation are transferred to and shall be assumed and exercised by the Commission, which body is authorized to delegate the same to the extent that it shall remain an appeal source with corresponding duties of promulgating related rules and regulations ... The Commission may promulgate rules and regulations governing its internal functions as a quasi-judicial body including the power of each member to decide appealed cases from a Regional Office, allowance for appeal from the decision of an individual member to the Commission en banc, and other allied matters"

Among the Rules promulgated by the Commission was Sec. 1, Rule 17, which provides for a 10-day period to appeal the decision or order of a member of the Commission to the Commission en banc.

Thereafter, in 1964, another amendment was introduced to Act No. 3428 by Rep. Act No. 4119. The latter, not only expressly provided that the Workmen's Compensation Commission as then constituted shall continue to exist, but it reproduced as well paragraph 12, Article III of Reorganization Plan 20-A.

Then, in an elaboration of the appearance, retention and meaning of the word "commissioner" in the WCA, despite the several amendments made in said law, the decision of this Court in *Mantrade* held:

"The re-enactment, in R.A. 4119, of all the powers and duties given to the Commission under the reorganization plan, such as the power of each member to hear and adjudicate workmen's compensation cases and the power to promulgate rules for appeal from the decision of an individual member to the Commission en banc, indicate indubitably Congress' intention to preserve the practices of the Commission in the matter of the review of the orders and decisions of its individual members and allied matters. This practice, as we said earlier, had already been sanctioned by this Court even before R.A. 4119 became a law.

The only possible explanation that can be given for the retention of the term "Commissioner" in the Workmen's Compensation Act, even with the enactment of R.A. 4119, appears to be that this latter statute did not modify all, but only some of, the sections added to the Act by R.A. 772, such as the disputed section 49. From a reading of the amendments made by R.A. 4119, it can be safely concluded that had R.A. 4119 touched those sections, the proper corresponding changes would have been made.

A perceptive analysis of R.A. 4119 which modified or amended those sections or provisions incorporated into the Act by R.A. 772 will unfailingly disclose that where the latter had used the word "Commissioner," the former substituted either the word "Commission or Bureau." Consequently, it will be found that it is solely in those sections added to the Act by R.A. 772, but not touched in any manner by R.A. 4119, where the word "Commissioner" still remains.

We thus find that it is clear and obvious legislative design to identify the term "Commissioner" as referring to the Commission en banc, as distinguished from the individual commissioners or members thereof.

Considering the totality of these circumstances and the obvious intention of the law as expressed in section 7-A of the Act, we cannot accept the view in the absence of a clear and overriding indication of legislative intent to the contrary, that Congress did not mean to give the Workmen's Compensation Act a consistent and uniform design and phraseology. Indeed, the nature and structure of our legal and judicial system demand that this Court infuse into our statutes such symmetry and evenness in construction and meaning to the end that no one may doubt what the law really is.

We therefore hold that the period of time within which an appeal (motion for reconsideration) should be made to the Commission en banc from the decision or order of an individual Commissioner is ten (10) days from official receipt of a copy thereof by the aggrieved party. Consequently, the appeal (motion for reconsideration) by the *MANTRADE* to the Commission en banc having been filed out of time, the decision the case at bar has become final and executory" (underscoring supplied)[9].

Consequently, since the petitioners in the case at bar received copy of the decision of Associate Commissioner Villavieja on 7 August 1970, the ten (10) day period within which a motion for reconsideration or an appeal to the Commission en banc could be made or taken therefrom, expired on 17 August 1970. Hence, the Commission en banc did not abuse its discretion in dismissing the petitioners' motion for reconsideration, which was filed on 22 August 1970, on the ground that it had lost jurisdiction to review said decision, the same having become final and

executory.

WHEREFORE, the petition is DISMISSED. The decision of the Commission en banc, dated 11 September 1970, dismissing petitioners' motion for reconsideration, is AFFIRMED. The petitioners are ordered to pay the private respondent the amounts ordered in the decision, dated 23 July 1970 of Associate Commissioner Paciano C. Villavieja. This decision is immediately executory. No motion for extension of time to file motion for reconsideration will be allowed.

SO ORDERED.

Yap, Melencio-Herrera, Paras, and Sarmiento, JJ., concur.

[*] En Banc

[**] Penned by Associate Commissioner Paciano C. Villavieja.

[1] Private respondent's memorandum, p. 2, rollo at 111.

[2] Id.

[3] Petition, p. 2, rollo at 2.

[4] Id. at 3

[5] Rollo at 68

[6] Rollo at 67

[7] 110 Phil. 532

[8] G.R. No. L-31259, March 31, 1971, 38 SCRA 360

[9] Supra, pp. 366-368

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