

**MARY J. RANADA, FOR HER-SELF AND IN BEHALF OF THE
CHILD-REN THE MINORS LORENZO AND EMMANUEL AND HER
INCAPACITATED CHILD GEORGE, ALL SUR-NAMED RANADA,
PETITIONERS, VS. WORKMEN’S...**

G.R. No. L-43709. September 30, 1976

Ponente: MARTIN, J.

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MARTIN, J.:

Petition for review of the decision of the Work-men's Compensation Commission in RO4-WC Case No. 150607, modifying the amount of compensation awarded by the Acting Labor Referee in favor of the petitioners.

On January 26, 1974, Judge Santiago Ranada, Sr., then Presiding Judge, Branch XXVII, Court of First Instance of Rizal (Pasay City), died due to stress gastric bleeding. As a result of his death, petitioners filed the present claim for death benefits with the Acting Labor Referee, Regional Office No. 4, Manila, under the Work-men's Compensation Act. Respondent Republic (Supreme Court) did not controvert the claim. Nevertheless, the Acting Labor Referee heard the case on the merits. Petitioners tried to establish that in the course of his employment, Judge Santiago Ranada, Sr. suffered several ailments which have been diagnosed as "Myocarditis, acute, generalized; Obstructive hyper-trophy, prostate; and stress, gastric bleeding," for which he was confined at the Manila Doctor's Hospital and the Medical Center of Manila under the professional care of several doctors. He was operated three times for gastric bleeding. A few days after the last surgery, he died. The attending Physician's Statement of Sick-ness or Injury[1] states that Judge Santiago Ranada's illness was work-connected and that it was the result of, or was at least aggravated by his employment. According to the attending doctor, Ambrosio Tangco, M.D., the "nature of the work of the deceased was ne-cessarily associated with a lot of stress and problems."

On October 30, 1975, the Acting Labor Referee rendered a decision requiring respondent Republic (Supreme Court) to pay to the petitioners the sum of Five Thousand Four Hundred Pesos (P5,400.00) as death compensation and the sum of Thirteen Thousand Three Hundred Sixty Seven Pesos and twelve centavos (P13,367.12) as reimbursement of medical expenses or the total sum of Eighteen Thousand Seven Hundred Sixty Seven Pesos and twelve centavos (P18,767.12); to Atty. Pablo Magno, claimant's counsel of record, the sum of Two Hundred Seventy Pesos (P270.00) as attorney's fees and to the respondent Commission the sum of Fifty-Four Pesos (P54.00) as decision fee.

On November 17, 1975, the respondent Republic (Supreme Court) thru the Office of the Solicitor General, received a copy of said decision and on December 11, 1975 or twenty-four (24) days from receipt of the same, filed a "Petition To Elevate Records" to the respondent Commission. Petitioners filed their objection to the petition on the ground that the decision of the Acting Labor Referee had already become final and executory. In spite of said objection, the records of the case were forwarded to the respondent Commission and the latter *motu proprio* modified the decision of the Acting Labor Referee by ordering the respondent Republic (Supreme Court)

to pay the petitioners the sum of Five Thousand Four Hundred Pesos (P5,400.00) as death compensation and burial expenses; plus the sum of Four Thousand Five Hundred Forty-Five Pesos and Fifty Centavos (P4,545.50) as reimbursement for medical expenses; the sum of Five Hundred Twenty Pesos (P520.00) to Atty. Pablo Magno as attorney's fees; and the sum of Fifty-Eight Pesos (P58.00) to the respondent Commission as administrative fee.

Hence, the present petition for review[2] raising the sole issue as to:

"WHETHER OR NOT RESPONDENT WORKMEN'S COMPENSATION COMMISSION ACTED WITHIN THE AMBIT OF JURISDICTION IN TAKING COGNIZANCE OF, AND RENDERING A DECISION, RESPECTING THE APPEAL INTERPOSED BY RESPONDENT REPUBLIC (SUPREME COURT) IN THE FACE OF THE UNDENIABLE FACT THAT THE APPEAL WAS FILED BE-YOND THE PERIOD ALLOWED BY LAW TO PERFECT AN APPEAL."

The resolution of the issue hinges on whether the award made by the Acting Labor Referee has already become final and executory. Petitioners contend that when respondent Republic filed its petition to elevate the records of the case to the respondent Commission for review, the award made by the Acting Labor Referee was already final and executory for failure of respondent Republic to petition the Workmen's Compensation Commission to review the decision of the Acting Labor Referee within 15 days from notice of the same pursuant to the provisions of Section 49 of the Workmen's Compensation Act.[3] According to the records, the Office of the Solicitor General received a copy of the decision of the Acting Labor Referee on November 17, 1975 and the petition to elevate the records was filed on December 11, 1975 or 24 days after a copy of said decision was received by the Office of the Solicitor General. In fact the trial attorney of the Office of the Solicitor General handling the case admitted that due to extreme pressure of work he was not able to file a timely motion for re-consideration of the aforesaid decision. What was filed was a petition to elevate the records of the case to the respondent Commission and this was on December 11, 1975. Since the reglementary period for reconsideration or review of the award of the Acting Labor Referee prescribed by Section 49 of the Workmen's Compensation Act expires 15 days after receipt of the decision, the same has already become final and executory when the Office of the Solicitor General filed said petition to elevate the records on December 11, 1975. Consequently, the respondent Commission has no more jurisdiction to entertain any petition to review or set aside the decision of the Acting Labor Referee. In *Ramos vs. Republic*, G.R. No. L-41949, February 27, 1976, the Court held:

"The Commission has invariably heretofore adhered strictly to the basic rule that the expiration of the reglementary period for reconsideration or review of an award deprives it of appellate jurisdiction to review or set aside the award by virtue of its having become final and executory. And it has been consistently sustained by this Court which has upheld the Commission's rejections of appeals that were filed out of time on the ground that the questioned award or decision had become final and executory whether the late appellant be the claimant-employee or the employer."

But the respondent Republic claims that the petition to elevate the records of the case to the respondent Commission it has filed is equivalent to a petition for relief from judgment under Section 3, Rule 38 of the Revised Rules of Court[4] and therefore said petition can be considered filed within the reglementary period provided for in said section. Respondent Republic also alleged that pursuant to Section 1, Rule 22 of the Revised Rules of the Workmen's Compensation "when a decision, award or order on the merit has been rendered or issued by the Chief of the Unit or Hearing Officer or Referee in a case, and the aggrieved party thereto by fraud, accident, mistake or excusable negligence has been unjustly deprived of a hearing therein or has been prevented from taking an appeal, he may file a petition with the Commission praying that the records be elevated to said Commission for review and the questioned decision, award or order be set aside;" that pursuant to Section 3 of the same Rule, "the petition must be verified, filed within thirty (30) days after the petitioner learns of the decision, award, or order or other proceedings sought to be set aside and not more than three (3) months after such decision

or award was entered or such proceedings were taken, and must be accompanied with affidavits showing the fraud, accident, mistake or excusable negligence relied upon and the facts constituting the petitioner's good and substantial cause of action or defense, as the case may be." Pursuant to the foregoing sections of Rule 22, of the Revised Rules of the Workmen's Compensation, in order that a relief from judgment may be availed of it must be shown that the aggrieved party, by fraud, accident, mistake or excusable negligence has been unjustly deprived of a hearing therein or has been pre-vented from taking an appeal; that the petition must be filed on time; and the petition must be accompanied with affidavits showing the fraud, accident, mistake or excusable negligence and the facts constituting the petitioner's good and substantial cause of action or defense. In the case before Us, even granting that the filing of the petition to elevate the records for relief of judgment was filed on time, still said petition cannot be sustained because respondent Republic can-not claim that it was prevented by fraud, accident, mistake or excusable negligence from taking an appeal from the decision of the Acting Labor Referee. Its own trial attorney personally handling the case admitted that due to pressure of work he could not file a timely motion for reconsideration of said decision. Mere pressure of work cannot be considered as a valid excuse for not filing a motion for reconsideration of the decision of the Acting Labor Referee. It was pure negligence on the part of the trial attorney assigned to the case not even to request for postponement to file the motion for reconsideration of said decision. Besides there are many trial attorneys in the Office of the Solicitor General who could have attended to the case. Certainly the negligence committed by the trial attorney cannot be considered excusable. Respondent Republic also failed to comply with the requirement that the affidavit of merit attached to the petition to elevate the records must show the facts constituting the valid cause of action or defense of respondent Republic. It merely states in paragraph 3 thereof, the following:

"3. Despite the fact that, after evaluation of the medical expenses incurred by the deceased, the Compensation Medical Rating Officer recommended only the sum of P4,545.50. Acting Referee Gregorio C. Calasan still awarded the exorbitant sum of P13,367.12."

The foregoing allegation is a mere conclusion or opinion not a statement of facts constituting the valid defense of respondent Republic. An affidavit of merit should state facts not mere opinion or conclusion of laws.[5] It is to be noted that respondent Republic has not even raised the defense that the death of the deceased is not compensable. All it tried to do is to dispute the amount of medical expenses recommended by the Compensation Medical Rating Officer on the naked excuse that he could not believe the amount appear-ing in the receipts of payment for medicines and hospital bills. As between the mere belief of the Com-pensation Medical Rating Officer and the actual receipts presented covering the medicines administered to the deceased and hospital charges which are all contained in the official forms of the hospital, amounting to P13,367.12 which according to the referee are authentic, there is hardly any defense contained in the affidavit of merit. In view of this substantial defect in the affi-davit of merit attached to the petition to elevate records, the same even if treated in the same tenor as a motion for relief cannot empower the respondent Commission to review the decision of the Acting Labor Referee.

Viewed in the light of the foregoing, the Court is of the opinion that there is no sufficient ground in granting the petition for relief filed by the respondent Republic and that it was an error for the respondent Commission to have reviewed the decision of the Acting Labor Referee which has already become final and executory.

WHEREFORE , the decision of the respondent Commission is reversed and set aside and the decision of the Acting Labor Referee, Regional Office No. 4, Manila, hereby reinstated.

No pronouncement as to costs.

SO ORDERED.

Castro, C.J., Muñoz Palma, Aquino, and Concepcion, Jr., JJ., concur.

Teehankee, J., no part.

[1] Annex B of the Petition.

[2] Treated as a special civil action as per resolution of July 7, 1976.

[3] "SEC. 49. Procedure. - Any dispute or controversy concerning compensation under this Act shall be submitted to the Commissioner as provided herein.

x x x x x x x x

Any party in interest who is dissatisfied with the order entered by the referee may petition to review the same and the referee may reopen said case, or may amend or modify said order, and such amended or modified order shall be final award unless objection be made thereto by petition for review. 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 findings of facts and enter his award thereon. The award of the Commissioner shall be final unless a petition to review same shall be filed by an interested party. Every petition for review shall be made 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 the 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, and the mailing of a copy of said order or award addressed to the last known address of any party in interest shall be sufficient notice. x x x x x.

[4] "SEC. 3, RULE 38, Revised Rules of Court. Time for filing petition; contents and verification. -A petition provided for in either of the preceding sections of this rule must be verified, filed within sixty (60) days after the petitioner learns of the judgment, order, or other proceeding to be set aside, and not more than six (6) months after such judgment or order was entered, or such proceeding was taken; and must be accompanied with affidavits showing the fraud, accident, mistake, or excusable negligence relied upon, and the facts constituting the petitioner's good and substantial cause of action or defense, as the case may be."

[5] Price Stabilization Corp. vs. Judge, CFI of Manila, et al., 97 Phil. 153.

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