

ELIODORA C. VDA. DE CORPUZ, PETITIONER, VS. THE COMMANDING GENERAL, PHILIPPINE ARMY, RESPONDENT.

G.R. No. L-44077. September 30, 1978

Ponente: GUERRERO, J.

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GUERRERO, J.:

This is a petition for mandamus filed to compel the respondent Commanding General of the Philippine Army to pay petitioner the full death compensation benefits awarded to her and her children in the decision dated October 5, 1971 by Acting Referee Claro Q. Riego de Dios of the Workmen's Compensation Unit, Labor Regional Office No. 4, Manila, in W.C. Case No. R04-13114, entitled "Eliodora C. Vda. de Corpuz, et al. vs. Republic of the Philippines (Philippine Army)".

The facts of the case are simple and uncontroverted. For the service-connected death of T/Sgt. Cornelio Corpuz, the wife, petitioner herein, and her children were awarded the amount of P6,000.00 plus burial expenses in the amount of P200.00. This award became final and executory and the Solicitor General indorsed the same to respondent Commanding General of the Philippine Army for payment. However, instead of implementing the full award, the office of said respondent prepared General Voucher No. W-7023 in the amount of only P2,950.00, deducting from the total award the amounts of P3,000.00 representing the gratuity paid to petitioner under Republic Act No. 610, otherwise known as the Armed Forces Death Gratuity and Disability Pension Act of 1951 and P250.00 for burial expenses under Section 699 of the Revised Administrative Code, as amended, or a total of P3,250.00 apparently on the ground that the benefits received under RA 610, also under Section 699 of the Revised Administrative Code with respect to the burial expense and the Workmen's Compensation Act are mutually exclusive.

Notwithstanding the vehement protest of petitioner against said deductions, respondent refused to make full payment. Petitioner then sought the aid of the Office of the President of the Republic of the Philippines, which rendered a decision on May 6, 1972, denominated as OP Decision No. 19, S. 1972, thru Acting Assistant Executive Secretary Ronaldo B. Zamora. The decision noted therein that "the payment of gratuity to the claimant under Republic Act No. 610 was not brought to the attention of the hearing officer; hence it was not considered in the decision of this case which became final for failure of the Government to appeal the same within the prescribed period,"[1] and ruled in the dispositive portion as follows:

"Premises considered, this Office holds that the deduction in question is without legal justification. Accordingly, payment of the entire amount awarded as death compensation to the heirs of the late T/Sgt. Cornelio Corpuz is hereby authorized, subject to availability of funds and the usual auditing requirements."[2]

Despite this definitive ruling, respondent Commanding General, thru Major Maraan Y. Calapis, Army Adjutant, insisted in his 1st Indorsement dated July 5, 1972 that "the deduction from the award is in order and therefore the basic request of the claimants for full payment should be denied."[3] Respondent explained that the Philippine

Army has a cause of action against claimants for reimbursement of the sum of P3,250.00 already given to them under RA 610 and Section 699 of the Revised Administrative Code to avoid double compensation.

On account of this firm posture adopted by said respondent, Assistant Executive Secretary Ronaldo B. Zamora reiterated that the deduction in question cannot be legally sustained in a decision dated March 9, 1973 denominated as OP Decision No. 168, S. of 1973. While agreeing that the Philippine Army has a cause of action against herein claimants for reimbursement of the amount of 3,250.00, the Secretary, however, said that the recovery thereof should be pursued through the proper legal remedy, not by way of deducting the same from the Workmen's Compensation Award. He further emphasized "that the instant claim was granted for the reason that, albeit the simultaneous payment of gratuity under the Workmen's Compensation Act and Republic Act No. 610 is not allowed, (his) Office or any office under the Executive Department is powerless to review or alter a decision of the Workmen's Compensation Commission, much more after the same has become final and executory".[4] The dispositive portion of the aforesaid decision states:

"For all the foregoing, this Office reiterates that the deduction in question cannot be legally sustained and hereby directs the payment of the entire amount awarded as death compensation to herein claimants, subject to availability of funds and the usual auditing requirements."[5]

But this second directive failed to move respondent to release the balance of the award prompting petitioner to file this instant petition for mandamus.

For respondent Commanding General of the Philippine Army to insist on deducting from a final and executory award under the Workmen's Compensation Act the sums paid to petitioner under Republic Act No. 610 and Section 699 of the Revised Administrative Code is, indeed, an unlawful act of excluding petitioner from the use and enjoyment of a right to which the latter is entitled under the law. A final and executory award entitles petitioner to its enforcement according to its letter. It is not susceptible of any change or alteration by the officer charged with its implementation as the latter's duty on the matter constitutes only a ministerial act that does not call for the exercise of discretion. The adamant refusal of respondent to enforce the award completely is also an unlawful neglect to perform an act which the law specifically enjoins as a duty resulting from his office. Consequently, mandamus is a proper remedy. Clearly, there is no other plain, speedy and adequate remedy in the ordinary course of law than the issuance of this writ especially in this case where petitioner had sought the help of the Office of the Chief Executive of the land which consistently ruled in her favor but failed to convince respondent to effect the full payment of the award.

A case on all fours with the present case is at of Antonio Falcon vs. Ismael Mathay, Sr., etc., L-30303, August 31, 1970, 34 SCRA 765, where this Court granted the writ of mandamus prayed for to compel the Auditor General to pass in audit and approve for payment a final award of the Workmen's Compensation Commission against the Republic of the Philippines. In disposing of the case, this Court ruled:

"The denial of the claimed deduction by the Workmen's Compensation Commission having become final, the respondent Auditor General has no alternative but to approve the payment of the Commission's award. For him to insist on reducing the compensation payable thereunder (by insisting that the indemnity paid under Republic Act No. 610 should be subtracted from it) amounts to review by him of the Commission(s) final award, and no such review is authorized by law or jurisprudence. The decision of the Workmen's Compensation Commission are exclusively appealable to the Supreme Court, yet, even the latter is powerless to alter the award that have become final, so long as they are made within the Commission's jurisdiction, which is not questioned in this

case."

Respondent, thru the Solicitor General, views this petition for mandamus as a mode for the issuance of "an extraordinary judicial writ to coerce a double payment of benefits, a payment not allowed and, in fact, excluded by the very statutes upon which entitlement is based." [6] Then, he concludes "that mandamus is not only improper but it also should not be used to amend the law, reverse existing court decisions, and create an unfair advantage for one beneficiary not enjoyed by countless others, x x x x." [7]

The provisions of the statutes referred to above are Section 5 of the Workmen's Compensation Act, as amended and Section 9 of the Republic Act No. 610, as amended, herein quoted as follows:

"Sec. 5. Exclusive right to compensation. - The rights and remedies granted by this Act to an employee by reason of a personal injury entitling him to compensation shall exclude all other rights and remedies accruing to the employee, his personal representatives, dependents or nearest of kins against the employer under the Civil Code and other laws, because of said injury." [8] (italics supplied)

"Sec. 9. Repeal or modification of laws. - Except as hereinafter provided, any gratuity or pension received under the provisions of this Act shall be in addition to any retirement pay payable under existing laws. Provided, That no person who has received the death or disability benefits under Republic Act Numbered Five hundred seventy-three shall be entitled to the benefits of this Act. No payment shall hereafter be made to the beneficiaries of deceased officers and enlisted men of the Armed Forces of the Philippines or the Philippine Constabulary under the provisions of Republic Act Numbered Thirty or any other law granting similar benefits to officers and employees, generally, of the national, provincial, or municipal government. x x x" [9] (italics supplied)

In support of his stand, respondent cites the case of Republic of the Philippines (Philippine Air Force) vs. Workmen's Compensation Commission and Erlinda L. Doyon, No. L-30320, March 29, 1972; 44 SCRA 191, where this Court ruled:

"It will thus be seen that Republic Act No. 610 bars payment under other laws; so does the Workmen's Compensation Act. Hence, if one is paid under Republic Act No. 610, he may not again be paid under the Workmen's Compensation Act, unless as in the case at bar, what was received under the first law is less than what can be received under the Workmen's Compensation Act, in which event, considering that both laws are social legislations designed to provide a system whereby dependents are awarded benefits to prevent them from being destitute and a charge upon society, the difference in amount may still be ordered paid by the Workmen's Compensation Commission in a proper case brought to it."

We find this line of reasoning of respondent completely devoid of merit as it conveniently evades the material fact brought to light by petitioner that the award has become final and executory. The finality of the award not having been denied or disputed, the case is closed against respondent in view of the ruling in *Falcon vs. Mathay* (supra), a case squarely in point.

By reason also of the finality of the award, the doctrine enunciated in *Republic vs. Workmen's Compensation Commission and Doyon* (supra) is not applicable. An excerpt from the factual backdrop of the said case is pertinent, and We quote:

"Both the Philippine Air Force and the Office of the Solicitor General wrote the Commission that they were not controverting the widow's claim, the death of Cpl. Doyon being in their opinion compensable under the Workmen's Compensation Act. They requested, however, that the sum of P3,000.00 already paid under Republic Act No. 610 be deducted from whatever award would be given to the widow; that there be no adjudication for burial expenses, payment thereof having already been made."

While the payment, therefore, of gratuity under Republic Act No. 610 and the burial expense benefits under Section 699 of the Revised Administrative Code were properly and timely raised in the aforesaid case of Doyon, such facts were not brought to the attention of the hearing officer in the instant case thereby resulting in the rendition of an award which became final and executory as the Solicitor General did not interpose an appeal.

Moreover, barely two months after the promulgation of the decision in Republic vs. Workmen's Compensation and Doyon, the validity of the doctrine therein laid was put in issue in the case of Republic of the Philippines (Philippine Constabulary) vs. Workmen's Compensation Commission and Flora A. Vda. de Anchez, No. L-34352, May 31, 1972; 45 SCRA 358 where this Court took note of the "well-reasoned observation" of the Workmen's Compensation Commission in its decision holding that the amount received by the claimants under R. A. No. 610 should not be charged against the compensation due under Act No. 3428, as amended, to wit:

"x x x The death benefits given under R.A. 610 is given in recognition of the added risks peculiar to Armed Forces personnel as our guardian of our national security; while the benefits granted under Act No. 3428, as amended, as part substitute for lost earnings of the workmen who are victims of work-connected accidents, sickness or death. In other words, while the origin of the employer's obligation emanates from only one reason, namely, the employee's injury, illness or death, the former law is given as a gratuity in appreciation of said employee's past services, while the latter law is a social legislation which has for its purpose the amelioration of service connected injuries or illnesses of the victims and their dependents in case of death so that they will not become a social outcast."

While this Court ruled in the aforesaid Anchez case that the P3,000.00 previously received by respondents-claimants under Republic Act 610 should be deducted from the total award made to them under the Compensation Law, it did so "if only from the standpoint of adhering to precedent"[10] and on the consideration "that, unlike previous laws of similar nature, Republic Act 610 does not appear to be expressly intended to grant the benefits therein provided for in recognition of the added risks peculiar to Armed Forces personnel as our guardian of our national security and all such thought implies."[11]

Petitioner herein now prays for a re-examination of the aforesaid doctrine claiming that there is no express provision in the law relative to the exclusiveness of R. A. 610 vis-a-vis the WCA and neither is there any provision in the Workmen's Compensation Act that expressly excludes benefits under R. A. 610 and Section 699 of the Revised Administrative Code. She further asserts that while it is true that R.A. 610 makes no express mention about its concept and purpose as a gratuity benefit, the legislative intent prompting the passage of R.A. 610 in 1951 was to give higher benefits to military men "in recognition of or commensurate with the hazards attendant to military service." This particular intent, she states, can be deduced from the explanatory note to House Bill No. 1516, the parent bill of R. A. 610. And from the deliberations of Senate Bill No. 252, parent bill of R. A. 5859 which amended R. A. 610 by increasing the gratuity from P3,000.00 to P6,000.00, it can allegedly be seen that the purpose of such amendment is based on the increased cost of living, medical care and attention and not on the basis of merely equalizing said benefit with that granted in the Workmen's Compensation Act, as amended.

However, inasmuch as this is a suit for mandamus, We find that this is not the proper time for the re-examination

of the present doctrine. The right of petitioner to the enforcement of the whole award under the Workmen's Compensation Act is clear, well-defined and certain as the said award has become final and executory and it is elementary that once a judgment has become final and executory, the prevailing party is entitled as a matter of right to a writ of execution.[12] Any opinion expressed by this Court upon the validity of the doctrine wished to be re-examined would, therefore, be not necessary to the decision of this case and would merely constitute an obiter dictum.[13] Moreover, a discussion thereof would, in effect, put in issue the validity of the final and executory award of Acting Referee Claro Q. Riego de Dios - something which may not be done in a suit for mandamus as the validity of a final judgment cannot be assailed collaterally unless the ground of attack is lack of jurisdiction or irregularity in their entry apparent on the face of the record or because it is vitiated by fraud.[14]

WHEREFORE, the writ of mandamus prayed for is hereby granted ordering respondent Commanding General of the Philippine Army to pay petitioner the sum of P3,250.00 unlawfully deducted from her award of P6,200.00 under the Workmen's Compensation Act.

No costs.

SO ORDERED.

Makasiar and Fernandez, JJ., concur.

Teehankee, J., (Chairman), concurs in a separate opinion.

Muñoz Palma, J., concurs in the result.

[1] Annex "A", Petition; Rollo, p. 6.

[2] Ibid; Rollo, p. 9.

[3] Annex "B", Petition; Rollo, p. 15.

[4] Annex "C", Petition; Rollo, p. 17.

[5] Ibid; Rollo, p. 18.

[6] Comment of Respondent; Rollo, pp. 40-41.

[7] Ibid.

[8] Workmen's Compensation Act.

[9] Republic Act No. 610.

[10] Republic of the Philippines vs. WCC and Anchez (supra), p. 364.

[11] Ibid, p. 366.

[12] Rules of Court, Rule 39, Sec. 1; De Fiesta vs. Llorente, 25 Phil. 554; Lim vs. Singian, 37 Phil. 817; Philippine Trust Co. vs. Santamaria, 53 Phil. 463; Ebero vs. Cañizares, 79 Phil. 152; Mananzala vs. Narvasa, 101 Phil. 1260; Facundo vs. Pabalan, 4 SCRA 375

[13] C. Auyong Hian vs. Court of Tax Appeals, 59 SCRA 110.

[14] Cadano v. Cadano, 49 SCRA 33.

CONCURRING OPINION

TEEHANKEE, J.:

I concur in the main opinion penned by Mr. Justice Guerrero and wish to add only that the persistent refusal of respondent Commanding General thru Major Maraan Y. Calapis, Army Adjutant, to pay and release to petitioner the total sum of P3,250.00 unlawfully deducted from the final and executory award of P6,200.00 due petitioner under the Workmen's Compensation Commission's October 5, 1971 decision - despite two decisions and directives of the Office of the President^[1] to make such payment - appears to be a clear case where petitioner may seek proper redress against said officials, civilly for damages as well as administratively. Article 27 of the Civil Code expressly grants petitioner such causes of action in its provision that "(A)ny person suffering material or moral loss because a public servant or employee refuses or neglects, without just cause, to perform his official duty may file an action for damages and other relief against the latter, without prejudice to any disciplinary administrative action that may be taken."^[2] The salutary purpose of this codal article imposing personal and administrative liability on public officers, servants and employees is to prevent them, from willfully and without just cause refusing or neglecting to perform their official duty – of paying petitioner the amount unlawfully deducted from the Workmen's Compensation Commission award in this case - and causing petitioner needless material and moral loss, despite the contrary directives of the Office of the President which were total disregarded.

[1] Thru Acting Asst. Exec. Secretary Ronaldo Zamora dated May 6, 1972 and March 9, 1973; see page 2 main opinion.

[2] Cf. Javellana vs. Tayo, 6 SCRA 1042, 1051.

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