

UNITED PHILIPPINE LINES, INC., PETITIONER, VS. GODOFREDO DEANG, RESPONDENT.

G.R. No. L-33149. March 16, 1971

Ponente: DIZON, J.

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DIZON, J.:

On January 8, 1969, Hearing Officer and Referee Exequiel E. Sison made an award in the total sum of P5,886.58 in favor of Godofredo Deang in Wage Compensation Case No. 2179 against the United Philippine Lines, Inc. who had failed to controvert the claim. On February 13, 1969, the latter filed a Motion to Set Aside the Award, but the Referee denied the same, the order of denial providing further that "benefits received under Section 14 (temporary total disability) by the claimant (respondent) shall be deducted from the amount of the award (of January 8, 1966)."

Subsequently, because petitioner filed a motion for the reconsideration of the above-mentioned order of February 25, 1969, the record of the case was elevated to the Workmen's Compensation Commission. On May 18, 1970, the chairman thereof ordered the remanding of the record to Regional Office No. 3 of San Fernando, Pampanga, upon the ground that the award sought to be set aside had already become final and executory. On the 29th of the same month, petitioner appealed to the Commission en banc from this Order of May 18, 1970, but the appeal was not sustained.

Subsequently, or more specifically on August 4, 1970, the Chairman of the Commission issued a writ of execution and pursuant thereto the Office of the Sheriff of the City of Manila garnished the sum of P5,993.33 deposited in petitioner's name with the First National City Bank of New York at Juan Luna, Manila. In view thereof, petitioner filed on August 26, 1970 a Motion To Set Aside the writ of execution, attaching thereto copies of 59 receipts signed by respondent evidencing the receipt by the latter of the total amount of P4,249.78 as benefits due under the Order of February 25, 1969, claiming that the only remaining amount due to the respondent was the sum of P1,636.80. However, during the hearing held in connection with petitioner's motion, the Hearing Officer refused to allow it to present as its evidence the originals of the aforesaid 59 receipts. Finally, on January 28, 1971, the Commission denied petitioner's Motion To Set Aside the writ of execution. It appears, however, that since October 27, 1970, that is, even before resolving the aforesaid Motion To Set Aside the writ of execution, the Commission had already authorized the payment to the respondent of the sum of P1,636.80, retaining in its custody the remainder of the garnished amount.

It appearing from the foregoing facts that the Referee's Order of February 25, 1969 providing for the deduction of the benefits received by the respondent from the total amount of the award in his favor did not constitute an amendment of the award of compensation, such deduction being in reality a mere incident in the execution of said award; it appearing further that petitioner was denied the right to prove, with the presentation of relevant receipts, the actual payments already made to the respondent on account of the award made in his favor; the Court resolves to dismiss, as it hereby dismisses the present case, but without prejudice (a) to the right of petitioner to present either to the Commission or to the Sheriff in charge of executing the Commission's award,

the 59 receipts mentioned in the basic petition, and (b) to the deduction of the total amount evidenced thereby from the amount of the award made in favor of the respondent, should said re-ceipts be proven to be authentic.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

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