

EMILIO L. GALANG, PETITIONER, VS. THE WORKMEN'S COMPENSATION COMMISSION AND JUANITA A. VDA. DE MANLIGAS, RESPONDENTS.

G.R. No. L-33928. March 29, 1972

Ponente: BARREDO, J.

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BARREDO, J.:

Petition for review on certiorari of the final order dated July 20, 1971 of the respondent Workmen's Compensation Commission denying, for having been filed out of time, petitioner's petition for review by the Commission en banc of the decision dated May 4, 1971 of its chairman, in R03-WCC Case No. 2205, affirming with modification of the amount the award made by its referee to respondent-claimant Juanita A. Vda. de Manligas of compensation for the death of her husband, Federico Manligas, admittedly a driver employed in petitioner's business, which occurred when the jeep he was driving very fast in the early morning of November 30, 1967 collided with a truck, parked on the South Superhighway in Bo. Sucat, Muntinlupa, Rizal, while the local policemen were investigating another accident in which the said truck had featured earlier.

Respondent-claimant filed her claim with the Commission on February 9, 1968. After being notified of said claim on February 22, 1968, four days later, or on February 26, 1968, petitioner answered the same, denying liability on the grounds, among others, (1) that the deceased had violated petitioner's standing regulations when he used petitioner's jeep, without the latter's permission, in conducting to petitioner's "project in San Pedro, (Muntinlupa) Rizal" a fellow worker who was under petitioner's instruction to be in said project on November 30, 1967, the same day of the accident in question, and who, in fact, had been given by petitioner P2.00 for bus fare, and (2) that said deceased was guilty of notorious negligence in driving the jeep very fast and in failing to slow down, in spite of the plea of his passengers, as well as in not heeding the policemen who were at the scene and who were signaling him with flashlights and whistles to stop. Overruling petitioner's denial of liability, the Commission held that the failure of petitioner to controvert the claim within ten (10) days from November 30, 1967 when the police notified him of the instantaneous death of Manligas barred him from invoking the defense of non-compensability, and, "furthermore, for having shouldered the burial expenses and having made advance payment of compensation," petitioner "is deemed to have admitted his liability under the (Workmen's Compensation) Act."

This decision of the Chairman of the Commission dated May 4, 1971 was served on petitioner on June 2, 1971. On June 14, 1971, petitioner filed with the Commission a petition for review alleging (1) lack of causal connection between the death of Manligas and his employment with petitioner; (2) notorious negligence on the part of the deceased that proximately caused his death; (3) timely controversion, allegedly conceded by the referee; and (4) that the paying of P1,300.00 to respondent-claimant was not an implied admission of liability but merely the forwarding to her of the proceeds of a group insurance policy. Acting on this petition, the Commission denied the same for having been filed out of time — twelve (12) days, instead of ten (10) days, as prescribed in its rules after service of the decision to be reviewed. Having received copy of this denial resolution on July 30, 1971, on August 3, 1971, petitioner filed a motion for reconsideration, inviting attention to the fact that June 12, 1971,

the tenth day after he was served the impugned decision was Philippine Independence Day, a national holiday, and the following day, July 13, 1971 was a Sunday, and under Section 31 of the Administrative Code, providing that "where the day, or the last day, for doing any act required or permitted by law falls on a holiday, the act may be done on the next succeeding business day" and contending, therefore, that his petition was filed on time. On August 9, 1971, petitioner received the questioned order of the Commission dated August 5, 1971 denying his motion for reconsideration, on the ground that notwithstanding that June 12 and 13, 1971 were a holiday and Sunday, respectively, "respondent could still (have) avail(ed) of the Bureau of Posts or any of its branches in transmitting his petition for review by registered mail, considering that the Bureau of Posts and/or its branches were open(ed) on that day." Hence, the present petition wherein petitioner insists on the timeliness of the filing of his petition for review with the Commission on June 14, 1971.

Very little reflection is needed to see the error in the appealed resolution of the Compensation Commission. Section 31 of the Revised Administrative Code provides:

"SECTION 31. Pretermission of holiday. — Where the day, or the last day, for doing any act required or permitted by law falls on a holiday, the act may be done on the next succeeding business day."

The reason for this injunction is that as a rule public and private offices are closed for the transaction of business on Sundays and holidays, and to include these days in the computation of the requisite period would in effect result in the corresponding shortening of the period without any fault on the part of the party required or permitted to make full use thereof.[1] On the other hand, the resulting lengthening or extension of the period is more apparent than real because, generally, no one is supposed to transact any business on Sundays or holidays. Besides, such a result cannot be attributed to the will or desire of the obligor concerned. Of course, these considerations do not apply to intermediate Sundays and holidays, for the fact that they are non-working days is deemed taken into account in fixing the period, unless the obligation or agreement expressly provides otherwise.

It is obvious that the Commission's position that although "the last day of filing respondent's petition for review fell on a Saturday which was also a legal holiday and, therefore, the Commission was closed, — respondent could still avail himself of the Bureau of Posts or any of its branches in transmitting his petition for review by registered mail on said date, considering that the Bureau of Posts and/or its branches were opened on that date," assuming as true, which it may not be, that postal offices are opened on Sundays and holidays, overlooks the point that in the eyes of the law, when the Commission where the petition was supposed to be filed was itself closed for business, all other offices, public or private, acting virtually or in fact, as agents of the Commission are likewise deemed closed for the business of the Commission. Indeed, the ruling of the Commission goes against the general understanding of and practice in the application of Section 31 of the Revised Administrative Code aforequoted. This is, in fact, the first occasion that, to the knowledge of this Court, such an interpretation has been adopted by any office of the Government.

While the Commission did err in holding that petitioner's petition for review was filed out of time, the Court feels, however, that substantial justice requires nevertheless, the denial of the present petition. To be sure, We could have refused to give due course — to the same were it not for the novelty of the question involved in the erroneous ruling of the Commission, which We feel is worth clarifying, if only to prevent other offices from adopting it. As We view the present case, petitioner could have assigned as another error of the Commission its failure to rule in his favor as regards the merits of his claim of non-liability, since, as the record discloses, the facts in relation thereto are not disputed and there is sufficient basis for this Court to render judgment thereon.

Ordinarily, when a lower court or a Commission, whose decisions are appealable to this Court, dismisses a case or refuses to act on its merits either because of a technical defect either in the form of the corresponding pleading or the unexcused filing thereof beyond the reglementary period, and We find fault in the dismissal or refusal to act.

We return the case to the court or Commission of origin to give it a chance to pass on the merits of the case. We believe, however, that in cases involving claims for compensation under the Workmen's Compensation Act, the disposition of which, from its very nature, should not suffer unnecessary delay, lest the laudable purposes of the law be substantially defeated, it is within the power of this Court conferred upon it by the letter and spirit of the Act and the injunctions of the Constitution of the Philippines, particularly binding on all departments, agencies and instrumentalities of the Government, specially upon the judiciary, to "afford protection to labor" (Section 6, Article XIV) and to promote social justice (Section 5, Article II), to disregard the usual procedure, if in doing so there would not be any resulting denial of due process; like, for instance, in this case, where it is not disputed that petitioner failed to file the employer's report required by Sections 37 and 45 of the Compensation Act, within the ten-day period prescribed in the provision last mentioned, it appearing that the incident in which private respondent's husband died took place on November 30, 1967, on which date also he was notified thereof by the municipal police of Muntinglupa, Rizal, and it was not until February 26, 1968, four days after a formal claim for compensation was filed that petitioner filed his controversion; wherefore. Our ruling in *Vda. de Calado vs. Workmen's Compensation Commission*, 38 SCRA 567, hereunder quoted, is of unquestionable application; and it would be idle ceremony to remand this claim to the Commission, there being no possibility, in the light of the undisputed facts in the record, that a different decision can be correctly rendered by the Commission. Private respondent should not have been made to wait all these five years, since 1967, for the payment of a claim to which the employer had no legal defense at all.

In *Calado*, We held:

"* * * It is, likewise, clear to Us that under the Act, the most decisive factor in determining the liability of an employer in compensation cases is his strict compliance with the duty to file with the Workmen's Compensation Commission, within the period fixed in the Act, a corresponding notice of the injury or death, whether work-connected or not, suffered by any of his employees or workers, and to formally controvert its liability therefor, if it is not work-connected or is otherwise totally defective, within the time also fixed in the Act, which duty naturally begins to attach from the moment the injury comes to his knowledge in one way or another and, particularly, when the employee avails of the medical or hospital services which the employer is required by the Act to provide (Section 13) and, consequently, the filing of a formal claim by the party entitled is only of secondary importance, considering that a controversion may even be filed before any claim is made, and may, at least, be invoked only when a controversion is duly filed by the employer, considering that the Act expressly provides that the absence of such controversion 'shall constitute a renunciation of his right to controvert.' (Sec. 45.)" [38 SCRA 584-585]

IN VIEW OF THE FOREGOING , the instant petition is denied and the decision in this case is declared immediately executory. Petitioner shall pay the costs.

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

[1] See *Calano vs. Cruz*, 91 Phil. 247; *Gonzaga vs. Ce David*, 110 Phil. 460.

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