

LUZON STEVEDORING CO., INC., PETITIONER VS. THE HONORABLE CESAREO DE LEON, COMMISSIONER OF THE WORKMEN'S COMPENSATION COMMISSION, ATANACIO A. MARDO, REFEREE, WORKMEN'S COMPENSAT...*G.R. No. L-8316. April 15, 1955*

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/af53d1e1fba2/>**BAUTISTA ANGELO, J.:**

This is a petition for certiorari seeking to set aside the orders of respondent Commissioner dated September 11, 1954 and September 22, 1954 entered in Case No. 18045 of the Workmen's Compensation Commission and to have and order issue directing respondent Atanacio A. Mardo to refer the case to said Commission for review.

Teresa Javier Vda. de Gonzales, et al., filed on April 22, 1952 with the Workmen's Compensation Commission a claim for compensation by reason of the death of one Maximino Gonzales, who was an employee of respondent Luzon Stevedoring Co., Inc. (Case No. 18045). The company, answering the claim, filed a motion to dismiss on the ground that the right of action of the claimants had already prescribed. This motion was denied, and, after hearing, the referee, Atanacio A. Mardo, rendered decision on February 23, 1954 ordering the company to pay the sums of P1,560 and P60, respectively, as compensation benefits and burial expenses to minors Antonio, Purification, Leonardo and Natividad, children of the deceased, but dismissing the case with regard to the claim of the widow and the children who had attained their age of majority before the filing of the claim with the Commission. On March 9, 1954, the company filed a motion for reconsideration insisting on its claim that the right of action of claimants had already prescribed, but the referee denied the motion in an order issued on April 1, 1954 wherein he neither amended nor modified his former decision.

On April 17, 1954, the company filed with the Supreme Court a petition to review by way of certiorari the decision of the referee, which petition was dismissed on the ground that "the decision involved is merely that of the referee, and under section 46 of Republic Act No. 772, appeal to the Supreme Court should be from the decision of the Commissioner." On May 19, 1954, following the suggestion of this Court, the company filed with the Workmen's Compensation Commission a motion praying that the referee be ordered to refer the case to said Commission for review inasmuch as said referee in denying said motion for reconsideration neither amended nor modified his former decision. This motion was denied in an order entered on September 11, 1954 on the ground that the decision sought to be reviewed had already become final. Its motion for reconsideration having been denied, the company interposed the present petition for certiorari.

The question to be determined is whether the decision of the referee dated February 23, 1954 had already become final when petitioner filed its motion praying that the case be referred to the Workmen's Compensation Commission for review under section 49, Act No. 3428, as amended by Republic Act No. 772.

Said Section 49 provides in part:

"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 a 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 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."

It is clear from the above provision that any party in interest who is dissatisfied with the order issued 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 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 of said case. The award of the Commissioner shall be final unless a petition to review is filed by an interested party. The law also provides that every petition for review shall be in writing and must be filed within 15 days after the entry of the referee's order or award of the Commissioner unless further time is granted.

In the instant case, petitioner filed a motion for reconsideration of the order of the referee granting compensation benefits to some of the claimants well within the period of 15 days after its entry, and the referee did not amend nor modify his original decision but merely reiterated it. Such being the case, the duty of the referee was to refer the entire case to the Commissioner in order that it may review the case as provided for by law. The referee failed to comply with this duty which motivated the petitioner to file a motion with the Commission in order that such duty may be performed. Respondent Commission denied said motion on the mistaken belief that the decision of the referee had already become final. This is an error which amounts to an abuse of discretion.

It is true that the petitioner filed a motion for reconsideration instead of a petition for review as required by the law, but in our opinion this is a mere technical error which cannot affect the nature of the motion for reconsideration filed by petitioner for, in effect, its purpose is to seek a review of the decision of the referee. It is therefore evident that said decision had not yet become final when petitioner filed its motion to refer the entire case to the Commission and, hence, respondent Commissioner committed an abuse of discretion when he denied said motion.

Wherefore, petition is granted. Respondent Commissioner is hereby directed to have the entire record of the case referred to the Commission for review as provided for by law, without pronouncement as to costs.

Pablo, Acting C. J., Bengzon, Montemayor, Reyes, A., Concepcion, and Reyes, J. B. L., JJ., concur.

Petition granted.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.