

BENJAMIN Z. VILLANUEVA (DECEASED; SUBSTITUTED BY WIFE BEATA TABAÑO), PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION, AND THE REPUBLIC OF THE PHILIPPINES (LAND TRANSPORTATION ...

G.R. No. L-44108. July 31, 1978

Ponente: GUERRERO, J.

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GUERRERO, J.:

Petition for review originally filed by petitioner Benjamin Z. Villanueva seeking the reinstatement of the Acting Referee's decision dated October 30, 1975 allowing his claim for compensation but reversed by the respondent Commission by its decision dated February 18, 1976.

From the evidence adduced during the hearing, petitioner appears to be a former employee of the Land Transportation Commission, with the designation of MV Registrar III. Effective February 1, 1974, the GSIS, declaring him "totally and permanently disabled," approved his retirement. He was then only 60 years of age. Two days after date of retirement, or on February 3, 1974, petitioner complained of dizziness, back pains, chilling, pains in the anus and general body weakness. He was immediately brought to the Siliman University Medical Center, Dumaguete City, where he was declared to be suffering from "upper respiratory tract infection, viral encephalomyelitis, ischio-rectal abscess, fistula en anu." From February 3, 1974 to March 7, 1974 he was confined at the said hospital, petitioner suffering a relapse from December 24, 1974 to January 6, 1975. Thus, on September 13, 1974, petitioner filed against the respondent Republic his claim for disability benefits under the Workmen's Compensation Act before the Department of Labor, Regional Office No. 8 in Cebu City.

In a decision dated October 30, 1975, Acting Referee Jess B. Gador, finding that, to wit:

"(T)he evidence adduced has substantially established a connection, contributory at least, between the employment and the disease. Despite all the opportunities given, the respondent failed to dissociate the connection. Therefore, We hold that the illness come within the compensatory ambit of the Act."

disposed of petitioner's claim as follows:

"WHEREFORE, judgment is hereby rendered in favor of the claimant and against the respondent, ordering the latter the following (sic):

(1) To pay to the claimant, Benjamin Villanueva, in lump sum through this Office,

- (a) SIX THOUSAND PESOS (P6,000.00) as temporary total disability compensation,
- (b) THREE THOUSAND SIX HUNDRED THIRTEEN PESOS and 85/100 (P3,613.85) as reimbursement for hospital and medical expenses,
- (c) To pay to Atty. Bonifacio Cruz, Counsel for the Claimant, through this Office, THREE HUNDRED PESOS (P300.00) as attorney's fees, and
- (d) To pay to the Workmen's Compensation Fund SIXTY ONE PESOS (P61.00) as administrative fee."

On December 16, 1975 the Office of the Solicitor General, counsel for the Republic, received a copy of the above decision. On January 17, 1976, the Republic filed with the respondent Commission a verified "Petition to Elevate Records for Relief from Judgment," on the ground that it was prevented from appealing the aforementioned award of the referee by reason of excusable negligence pursuant to and in accordance with Sections 1 and 3, Rule 22 of the Revised Rules of the Workmen's Compensation Commission. Opposition thereto was filed by petitioner but the Commission nevertheless took cognizance of the Republic's petition, and on February 18, 1976, it rendered the appealed decision reversing the referee's award on the ground that "when he (petitioner) allegedly got sick sometime on February 3, 1974, there exists no more employer-employee relationship. He had been retired from the service effective February 1, 1974."

Hence, the present petition[1], raising two questions of law: (1) whether the respondent Commission acquired appellate jurisdiction over the case and thus render the appealed decision, considering the failure of the respondent Republic to perfect an appeal within the period allowed by law, and (2) whether the appealed decision reversing the referee's award is in accordance with the established evidence and law.

The resolution of the first issue hinges on whether the award made by the Acting Referee has already become final and executory. Petitioner contends that when respondent Republic filed its petition to elevate the records of the case to the respondent Commission for relief from judgment, the award made by the Acting Referee was already final and executory for failure of respondent Republic to file a petition for review or a motion for reconsideration of the Acting Referee's decision within 15 days from notice of the same pursuant to the provisions of Section 1, Rule 19 of the Revised Rules of the Workmen's Compensation Commission and Section 49 of the Workmen's Compensation Act. On the other hand, respondent Republic claims that it has timely file a meritorious Petition to Elevate the Records for Relief from Judgment pursuant to and in accordance with Sections 1 and 3, Rule 22 of the Revised Rules of the Workmen's Compensation Commission, and that therefore, the referee's award has not yet become final and executory.

The respondent Republic's claim is without merit. Since the reglementary period for reconsideration or review of the award of the Acting Referee 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 January 17, 1976. Hence, the respondent Commission has no more jurisdiction to set aside the decision of the Acting Referee. It is true that the Revised Rules of the Workmen's Compensation Commission provides in Rule 22, Sections 1 and 3 a "last chance" whereby an aggrieved party may petition for relief from judgment. But the said Rule prescribes the sine qua non conditions for the proper allowance of said petition, the non-observance of which will cause the disallowance thereof. Thus, pursuant to the foregoing Rule,[2] in order that relief from a judgment may be availed of, it must be shown that (1) the aggrieved party, by fraud, accident, mistake or excusable negligence has been unjustly deprived of a hearing therein or has been prevented from taking an appeal, (2) that the petition must be filed on time, and (3) 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, it is granted that the Republic's petition for relief was filed on time, having been filed 21

days after receipt of the Acting Referee's decision. But the timeliness of the petition does not alone suffice. Among others, the sine qua non conditions for proper allowance thereof include excusable negligence and good substantial defense.[3] The records disclose that the trial attorney for the Republic "was not able to act on the referee's decision immediately or within the period required for filing a motion for reconsideration" because of "the volume and pressure of work, not to mention attendance of Court hearings and the intervening holidays." It is the Court's consistent view that such is not the excusable negligence envisioned by the Rules as would warrant the equitable remedy of relief from judgment which is availed of only in exceptional cases.[4] As ruled by the Court in the case of *Ranada v. WCC* (p. 266),

"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. xxx

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."

With this resolution of the principal jurisdictional issue, the secondary general grounds asserted by petitioner in support of its petition that the Commission's decision was not supported by substantial evidence and was not in accordance with law are rendered moot. The referee's decision, having become final and executory, constitutes the law of the case and need not be reviewed all over again.[5]

WHEREFORE, judgment is hereby rendered reinstating the Acting Referee's decision of October 30, 1975 with the modification increasing the attorney's fees to SIX HUNDRED PESOS (P600.00).

SO ORDERED.

Teehankee, (Chairman), Makasiar, Muñoz Palma, and Fernandez, JJ., concur.

[1] Treated as a special civil action per the Court's resolution dated January 5, 1977.

[2] Rule 22 of the Revised Rules of the Workmen's Compensation Commission provides:

"Rule 22. Relief from Decisions, Awards or Orders or Other Proceedings

Section 1. Petition to Elevate Records for Relief from Judgment.- 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.

Section 2. x x x

Section 3. Time for Filing Petition; Contents and Verification.- The petition under Section 1 hereof 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.

xxx xxx xxx "

[3] Dirige v. Biranya, 17 SCRA 840.

[4] Dirige v. Biranya, supra; Martinez v. WCC, 73 SCRA 271; Ranada v. WCC, 73 SCRA 263.

[5] Luzon Stevedoring Corp. v. Reyes, 71 SCRA 655.

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