

GORGONIA M. BABULA VDA. DE LUDING, FOR HERSELF AND IN BEHALF OF THE MINORS, RICARDO LUDING, JR., SALVACION LUDING, ADORACION LUDING, VIRGILIO LUDING, EVELYN LUDING AND MANUELITO...

G.R. No. L-33281. October 28, 1980

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Ricardo Luding, the deceased husband of herein petitioner Gorgonia M. Babula Vda. de Luding, and father of the other petitioners, during his lifetime filed with the Workmen's Compensation Unit of the Department of Labor, Regional Office No. IX, Tacloban City, a compensation claim against his employer, herein private respondent Floro Yboa, for pulmonary tuberculosis he (Ricardo Luding) contracted in the course of his employment as projector operator. The regional office rendered a decision in favor of the late Ricardo Luding, the dispositive portion of which reads:

"IN VIEW OF THE FOREGOING, judgment is rendered ordering the respondent to pay in lump sum to the claimant the amount of P900.00 as necessary medical and hospitalization expenses and P2,496.00 which is equivalent to 60% of complainant's average weekly pay for 208 weeks, as compensation.

"Respondent is further ordered to pay in favor of the Workmen's Compensation Commission the sum of P25.00 as required by Section 35 of Republic Act 3428, as amended" (p. 18, rec.).

The Workmen's Compensation Commission modified on August 20, 1962, the aforesaid decision by further ordering private respondent to "provide claimant with such medical, surgical and hospital services and supplies as the nature of his sickness may require until his tuberculosis is declared cured or arrested, pursuant to Section 13 of the Act" (pp. 18-19, rec.).

Private respondent tried to elevate the case to the Supreme Court by filing on September 16, 1962 a motion for extension of time to file a petition for review but the same was not entertained because of his failure to pay the necessary docket fees (p. 32, rec.). Hence, the decision of the Workmen's Compensation Commission became final and executory.

However, despite the finality of the decision of the Workmen's Compensation Commission, private respondent did not comply with the same. Consequently, the regional labor administrator in a letter dated March 9, 1964 requested private respondent to remit the amount to his office. Private respondent did not react. So, on April 21, 1964, the aforesaid administrator sent another letter to private respondent, which reads:

"This has reference to the claim for compensation of your above-named laborer which was referred to this office after our decision was confirmed by the Workmen's Compensation Commission. The Commission awarded the amount of P3,396.00 plus the cost of the proceedings, and in our letter dated March 9, 1964, we requested you (to) remit the amount to this office pursuant to the policy of the Commission. We wish to inform you therefore that should we fail to receive the amount above-mentioned within the period (of) fifteen days

from receipt hereof, we will be constrained to file the necessary writ of execution to enforce the decision of the Commission" (p. 33, rec.).

On May 19, 1967, claimant Ricardo Luding died without having been paid his benefits by private respondent, in spite of his and the regional administrator's repeated demands.

Subsequently, more specifically on July 1, 1970, petitioners herein, being the heirs of the deceased Ricardo Luding, filed with the Court of First Instance of Leyte a complaint (docketed as Civil Case No. 4472) against private respondent Floro Yboa, for revival of judgment with damages. Petitioners therein prayed that judgment be issued in the interest of justice "a) reviving the decision rendered by the Workmen's Compensation Commission, Manila; b) ordering defendant to pay the sum of P5,000.00 as moral damages, P1,000.00 as attorney's fees, P200.00 for miscellaneous expenses incurred, to pay interests of six (6%) per cent per annum from the date of judgment until date of filing; c) to pay the costs of this suit; and to any other remedy just and equitable under the circumstances" (p. 21, rec.).

On July 31, 1970, petitioners received a copy of the answer of private respondent. Private respondent denied practically all the allegations of the complaint; and raised by way of special defenses, among others, the lack of jurisdiction of the Court of First Instance to take cognizance over the case. He likewise raised a counterclaim (pp. 34-36, rec.).

But on November 13, 1970, the parties filed a joint motion for judgment based on the stipulation of facts, as follows:

"1. Plaintiffs are heirs of the late Ricardo Luding who died intestate on May 19, 1967 at Tacloban City although there is no judicial declaration of heirship;

"2. Plaintiffs are dependents of Ricardo Luding listed in his WCC Case No. R-52 (R-VI-104);

"3. In said WCC case a decision was rendered in favor of claimant Ricardo Luding against the defendants;

"4. Said decision became final and executory;

"5. Defendant received a letter dated April 21, 1964 marked as Annex C of the complaint in this case;

"6. Until now said decision has not been satisfied;

"7. This action has been filed within the period for revival of judgment; and

"8. No return of service of writ of execution has been made by the Provincial Sheriff of Samar for no writ of execution has been received by said Sheriff.

"Tacloban City, November 13, 1970.

"SGD. PAPIANO L. SANTO SGD. VICENTE M. MACABIDANG

Counsel for Plaintiffs Counsel for Defendant

Kapunan Memorial Bldg. Catbalogan, Samar

Tacloban City

PTR No. 1526962 PTR No. 1525612

July 15, 1970 Jan. 20, 1970

Tanauan, Leyte Catbalogan, Samar

"WITH OUR CONFORMITY:

"SGD. GORGONIA BABULA

SGD. FLORO YBOA

VDA. DE LUDING

Defendant"

Plaintiff

On November 26, 1970, respondent judge issued an order dismissing the case for lack of jurisdiction over the subject matter, but without prejudice on the part of the plaintiffs, herein petitioners, to resort to the appropriate remedy before the Workmen's Compensation Commission. According to the respondent judge -

"The present action has been filed by plaintiffs with this Court obviously on the basis of the second and last sentences of the following provision of Rule 39 of the Revised Rules of Court:

"Sec. 6. Execution by motion or by independent action. - A judgment may be executed on motion within five (5) years from the date of its entry or from the date it becomes final and executory. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action."

"It is, however, the view of this Court that the foregoing provision relied upon by plaintiff in filing the present action does not give authority to this Court to revise the judgment rendered by the Workmen's Compensation Commission because Sec. 46 of the Workmen's Compensation Act, as amended, specifically provides that it is the Workmen's Compensation Commission which has the exclusive jurisdiction to hear and decide claims for compensation under the said Act, subject to appeal to the Supreme Court.

"As a matter of fact, Sec. 51 of the Workmen's Compensation Act, as lately amended by Republic Act No. 4119, now provides that enforcement of the award of the Workmen's Compensation Commission is to be through a writ of execution issued by said Commission or the duly deputized official of the regional offices under the department of labor pursuant to Rule 39 of the Rules of Court. It may be noticed that this is an amendment to the previous provision wherein it was the regular courts which issued writs of execution of decisions in workmen's compensation cases.

"Now, then, if the Workmen's Compensation Commission has, under the present law, exclusive jurisdiction over compensation cases and it is also the very body which issues writs of execution of its own awards, the Court thinks that there is no logic whatsoever why, to enforce its awards after the lapse of five (5) years from their finality, it is no longer said Commission, but a regular court, which has the power to do so.

"Precisely, the Court believes that even in matters of jurisdiction, the rule to the effect that what cannot be done directly can neither be done indirectly also holds true" (pp. 88-90, rec.).

A motion for reconsideration was duly filed by the petitioners, but the respondent judge denied the same and in addition made the following observation, thus:

"x x x in providing that the Workmen's Compensation Commission may enforce its awards through writs of execution pursuant to Rule 39 of the Rev. Rules of Court, Sec. 51 of the Workmen's Compensation Act is understood to make reference to pertinent sections of said Rule 39 which may be applicable to awards of the Workmen's Compensation Commission considering their nature. If this is so, there is no reason why an action to enforce an award in the same manner pointed out in the second portion of Sec. 6, Rule 39 may not be availed of by a prevailing party before the Workmen's Compensation Commission itself or the duly deputized official of a regional office under the Department of Labor" (p. 43, rec.).

Hence, this recourse taken by petitioners in forma pauperis (p. 44, rec.).

WE gave due course to the petition.

I

This case -- rooted from a simple workmen's compensation claim -- presents the revolting or shocking predicament of the petitioners (the spouse - a laundry-woman - and eight children of the late Ricardo Luding, who as aforesaid, died on May 19, 1967 without collecting from his employer, herein private respondent, a single centavo of his compensation benefits awarded by the Workmen's Compensation Commission) in seeking the fruition, through a revival of judgment (with damages), of the said compensation award of the Workmen's Compensation Commission which has become final and executory eighteen (18) years ago. The records reveal that the workmen's compensation claim was initiated in the Department of Labor, Workmen's Compensation Unit, Tacloban City, in 1955 -- twenty-five (25) years back. An award was rendered in favor of the late Ricardo Luding which was modified by the Workmen's Compensation Commission on August 20, 1962 (pp. 23-25, rec.); and which became final and executory sometime in September, 1962, following the private respondent's abandonment of his intention to appeal the case to the Supreme Court. Despite its finality, the award was never executed. While the Workmen's Compensation Commission, upon the persistent demands of the late Ricardo Luding, sent in 1964 letters to private respondent reminding him of his obligation under the award, private respondent never heeded the same; nor did the Commission subsequently issue a writ of execution even as it was already empowered with the enactment of Republic Act 4119 on June 20, 1964 to issue motu proprio writs of execution to enforce its orders or awards.

II

The parties are one that the subject award of the Workmen's Compensation Commission should be revived under Section 6 of Rule 39 of the Revised Rules of Court - a judgment may be executed on motion within five (5) years from the date of its entry, or from the date it becomes final and executory. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action -- before any payment may be made by the private respondent to the petitioners.

The point of disagreement lies in the body that has jurisdiction over the action for revival of judgment. Petitioners contend that the regular court (the respondent court in this case) has jurisdiction over the action; but private respondent submits that the regular courts do not have jurisdiction. As already stated, the respondent court sustained the claim of private respondent and dismissed the action, but without prejudice to the right of petitioners to resort to the Workmen's Compensation Commission as the proper forum or body which has jurisdiction over the action for revival of judgment (award of the Workmen's Compensation Commission).

III

WE entertain grave doubts on the necessity of an action for revival of an unexecuted compensation award after the lapse of five (5) years from its finality. WE cannot however pass upon the same, considering that no issue or question has been raised on the matter. Hence, WE are limited to the jurisdictional issue presented by the parties.

WE rule that the Workmen's Compensation Commission, not the regular court, has jurisdiction over the action for revival of the compensation award.

1. Formerly, jurisdiction to try and decide workmen's compensation cases under the Workmen's Compensation Act was vested in the regular courts. But with the enactment of Republic Act No. 772, beginning June 20, 1952, all claims for compensation should be decided exclusively by the Workmen's Compensation Commission, subject to appeal to the Supreme Court. However, Section 23 of said Republic Act No. 772 added Section 51 to the Workmen's Compensation Act, which gave to the regular courts of record the authority to enforce awards of the Workmen's Compensation Commission, thus:

"Any party in interest may file in any court of record in the jurisdiction of which the accident occurred a certified copy of a decision of any referee or the Commissioner, from which no petition for review or appeal has been taken within the time allowed therefor, as the case may be, or a certified copy of a memorandum of agreement duly approved by the Commissioner, whereupon the Court shall render a decree or judgment in accordance therewith and notify the parties thereof.

"The decree of judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same as though the decree or judgment had been rendered in a suit duly heard and tried by the Court, except that there shall be no appeal therefrom.

"The Commissioner shall, upon application by the proper party or the Court before which such action is instituted, issue a certification that no petition for review or appeal within the time prescribed by section forty-nine hereof has been taken by the respondent."

Subsequently or on June 20, 1964, aforesaid Section 51 was amended by Section 17 of Republic Act 4119 empowering the Workmen's Compensation Commission to enforce its own decision, order or award, thus:

"As soon as a decision, order or award has become final and executory, the Commission or the duly deputized official in the regional offices under the Department of Labor, as the case maybe, shall *motu proprio* or on motion of the interested party, issue a writ of execution requiring the sheriff or the proper officer to whom it is directed to execute said decision, order or award, pursuant to Rule thirty-nine of the Rules of Court of the Philippines."

Dean Montemayor in his book, *Labor, Agrarian and Social Legislation*, 1967 ed., commented:

"Before the enactment of R.A. 4119, the Workmen's Compensation Commission has no power to issue writs of execution for its awards or decisions. The interested party had to file in a court of record, in the jurisdiction of which the accident occurred, a certified copy of the referee's or Commissioner's final decision and the Court would issue a judgment based upon said decision. It was the judgment of the court that could be enforced by a writ of execution to be issued by the said court" (*Pastoral vs. Commissioners*, 2 SCRA 850 [1961] and several cases cited).

"The provisions of Reorganization Plan No. 20-A which authorized the Workmen's Compensation Commission to issue writ of execution were declared unconstitutional (*A.V.H. and Co. vs. WCC*, 5 SCRA 207 [1962]; *Everlasting Pictures, Inc. vs. Fuentes*, 3 SCRA 539 [1961]; *Pastoral vs. Commissioners*, *supra*).

"Presently, however, with the amendment by R.A. No. 4119, the Workmen's Compensation Commission or the

referee, as the case may be, has the power to issue writs of execution to enforce its or his decision, order or award" (p. 158).

2. The stringent provisions of Section 51 before its amendment by Republic Act 4119 made enforcement of compensation awards tedious and burdensome to the poor and unlettered claimants who, more often than not, are the claimants in workmen's compensation cases. According to the explanatory notes to House Bill 1583, parent bill of Republic Act 4119, Section 17 of the bill seeks to validate the powers of the regional offices and the Workmen's Compensation Commission to issue writs of execution for the enforcement of their final awards, which procedure proved to be highly successful in effecting speedy settlement of compensation awards. A speedy enforcement of compensation awards was thus more or less insured and assured to the poor claimants. Republic Act 4119 indeed strengthened the Workmen's Compensation Commission as an important social justice arm of the State and liberated the claimants from the shackles of the uncertainties, delay, expenses and hardships attendant upon enforcement of awards in regular courts.

3. It can therefore be readily perceived from the various amendments introduced into the Workmen's Compensation law by the legislature that its intention is to completely confine compensation claims as well as all its incidents within the exclusive jurisdiction of the Workmen's Compensation Commission. Indeed, this form of administration of compensation claims has a two-fold purpose; to administer speedy and effective justice to injured or ailing employees and laborers who are in need of immediate relief because of enforced idleness of the family's breadwinner, and to do away with the cumbersome, expensive court litigations (Francisco, Labor Laws, 2nd ed., 791). It is sad to note, however, that despite the improvements introduced into the law, the instant claim of petitioners remained unenforced.

From all the foregoing, there is reason to conclude that the action for the revival of the herein compensation award falls within the jurisdiction of the Workmen's Compensation Commission.

IV

Considering, however, the peculiar circumstances of this case and the pitiful situation of the petitioners, WE opted by authority of OUR resolution in the case of *Guardiano vs. Talisay Silay Milling Co., Inc.* (G.R. No. 52288, June 20, 1980) to outrightly issue a writ of execution against private respondent. In that case of *Guardiano*, therein claimant initiated sometime in 1952 a workmen's compensation claim for the death of Romeo Guardiano against therein respondent company, which resulted into a favorable award only on January 9, 1967 in the amount of P4,675.00 representing death benefits, burial expenses and litigation expenses; that petitioner-claimant thereafter or on August 24, 1967, filed a motion for execution of judgment; but despite her numerous follow-up letters to the Commission at least twice every year thereafter until 1976, no definite action on the motion was taken by the Commission to implement the decision; that on September 3, 1977, petitioner wrote a letter to the President of the Philippines requesting assistance, which letter was endorsed to the sub-regional director of Bacolod City, who set the hearing of the case on March 28, 1979; that respondent company failed to appear in said hearing as well as in the subsequent date of hearing; that on August 25, 1979, the chief of Legal Affairs and Head Task Force, Bacolod City, recommended that petitioner bring the case to the ordinary court for revival judgment, considering that "the period of five years within which complainant can enforce award by writ of execution has prescribed" invoking Section 6, Rule 39 of the Rules of Court; consequently, petitioner came to US and on June 20, 1980, WE resolved as follows:

"xx xx xx xx.

"And considering, therefore, that this case has dragged on for a total of 28 years with the Department of Labor failing to issue a writ of execution of the decision rendered 13 years ago by the Workmen's Compensation

Commission; that petitioner filed her motion for execution well within the five-year period, and which she followed up persistently from the date it was filed up to the present; that respondent failed to appear in the hearings scheduled by the Regional Director and failed to comment on the petition filed by the petitioner on December 1, 1979 as required by Our resolution of January 11, 1980; and that the lapse of time x x x through no fault of petitioner (and) the inaction of the defunct commission should not redound to the prejudice and disadvantage of the petitioner who is justly entitled to her claim;

"Considering further that the resolution of November 17, 1976 of this Court in L-42403 (Visayan Stevedore Transportation Company vs. WCC, et al.), this Court, observing 'that with the abolition of the Workmen's Compensation Commission, considerable difficulty has been encountered in looking for the records of finished cases,' issued a writ of execution directly to the Sheriff of the province where the case was filed in the interest of justice and to avoid needless delays.

"WHEREFORE, considering all the foregoing, the Court now likewise RESOLVES TO DIRECT the Division Clerk of Court to issue writ of execution directly to the Sheriff of Bacolod City for satisfaction of the judgment in this case against respondent Talisay Silay Milling Co., Inc." (p. 132, rollo of G.R. No. 52288).

Mutatis mutandis, WE believe that the same course of action may be taken in the instant case. Like petitioner Guardiano's situation at the time of her filing of the petition, herein petitioners have failed to benefit from the compensation claim of the late Ricardo Luding which was filed as early as July 6, 1955 (p. 25, rec.) or a period of more than 25 years now. While petitioners herein did not file any motion for execution, unlike Guardiano, the fact is that they followed it up with the Workmen's Compensation Unit of the Department of Labor Office at Tacloban City, which on the other hand, sent letters to the private respondent urging him to pay the award. Such failure of herein petitioners to file a motion for execution due maybe to their ignorance of the then cumbersome procedure under Section 51 before its amendment by Republic Act 4119 in 1964 and of the subsequent new and speedier procedure introduced by Republic Act 4119 of enforcing compensation awards -- which could have been avoided if the Workmen's Compensation Commission had not been remiss in its duty under the aforesaid amendment authorizing it to motu proprio issue writs of execution to enforce its own awards and orders against the employers -- should not, as in the Guardiano case, redound to the prejudice and disadvantage of herein petitioners.

Moreover, private respondent's answer in the lower court did not advance any justification for his obstinate refusal to pay the award to the late Ricardo Luding and subsequently to his heirs, herein petitioners. Private respondent even attempted to mislead the respondent court when he denied practically all the allegations in the revival with damages complaint, including the existence of the compensation award in favor of the late Ricardo Luding, only to subsequently admit the same in the motion for judgment based on stipulation of facts which he jointly filed with the petitioners. And even at this late stage, private respondent has not offered any reason -- other than the absence of a writ of execution -- for his failure to pay petitioners' just and valid claim.

There is no need to pass upon the question of whether the respondent court has jurisdiction to take cognizance of the complaint insofar as the claim for damage is concerned; because the same is not covered by the stipulation of facts.

WHEREFORE, THE CLERK OF COURT OF THIS DIVISION IS HEREBY DIRECTED TO IMMEDIATELY ISSUE A WRIT OF EXECUTION DIRECTLY TO THE SHERIFF OF TACLOBAN CITY FOR SATISFACTION OF THE AWARD IN THE COMPENSATION CASE AGAINST PRIVATE RESPONDENT. WITH COSTS AGAINST PRIVATE RESPONDENT.

SO ORDERED.

Teehankee, Acting C.J., Fernandez, Guerrero, and Melencio-Herrera, JJ., concur.

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