

**ALFREDO CERBO, PETITIONER, VS. HON. GREGORIO D. MONTEJO,  
AS JUDGE OF THE COURT OF FIRST INSTANCE OF ZAMBOANGA DEL  
SUR, AND WATTS SELECTIVE PHILIPPINE TIMBER CO., INC.,  
RESPONDENTS.**

*G.R. No. L-19881. January 31, 1964*

Ponente: BARRERA, J.

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**BARRERA, J.:**

On February 17, 1961, the Workmen's Compensation Commission rendered a decision (in WCC Case No. 36089) ordering respondent Watts Selective Philippine Timber Co., Inc. to pay to petitioner Alfredo Cerbo the sum of P1,896.80 as compensation for the death of his son, Ernesto Cerbo (former employee of Watts) and P142.26 as attorney's fees. This award has become final and executory, no appeal therefrom having been taken. The only issue here refers to the procedure to be followed for the execution of the final award.

On January 26, 1962, petitioner-awardee filed with the Court of First Instance of Zamboanga City a petition alleging, inter alia, that he is the father of the late Ernesto Cerbo, who died while in the employ of respondent company, on February 25, 195S in Basilan City, Zamboanga del Sur and whose death was declared cotopensible by the Workmen's Compensation Commission in his favor in the decision dated February 17, 1961; that said decision is now final and executory, as certified by the Secretary of the Workmen's Compensation Commission; and that according to Section 51 of the Workmen's Compensation Act (Act No. 3428), "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 ease 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." Petitioner prayed "that judgment be rendered in accordance with the decision of the Workmen's Compensation Commission dated February 17, 1961" and "that thereafter, the parties be notified of the said judgment accordingly."

Acting on said petition, respondent Judge Gregorio M. Montejo (of the Court of First Instance of Zamboanga City), on March 17, 1962, issued an order, to wit:

**"ORDER**

"The petition for enforcement of award dated January 26, 1962 filed by the petitioner is hereby held in abeyance until a complaint is filed in court.

"SO ORDERED."

On April 3, 1962, petitioner filed a motion for reconsideration of said order, on the ground that "the petition dated January 26, 1962 is not one for 'enforcement of award', but a petition praying the court to render judgment based

upon the decision of the Workmen's Compensation Commission, pursuant to the doctrine in *Pastoral vs. Commission*, G. R. No. L-12903, promulgated July 31, 1961 and that the complaint required in said order (of March, 17, 1962) is satisfied by said petition (of January 26, 1962)," as the present proceeding is not an ordinary action contemplated in Section 1, Rule 2, of the Rules of Court, wherein the parties start anew their litigation from the very beginning, but rather a means to land judicial approval of an administrative action, thereby making an administrative decision a judicial one, capable of being executed by the court.

On April 14, 1962, the court issued an order of this tenor:

### **"ORDER**

"Acting on the motion for reconsideration dated April 3, 1962 filed by counsel for the claimant, the same is DENIED, and claimant Alfredo Cerbo is hereby given an opportunity to file a separate action, in order that the Court can acquire jurisdiction, to issue the corresponding writ of execution.

."SO ORDERED."

Dissatisfied with said order, petitioner filed with us, the present petition for mandamus, to compel respondent Judge to render judgment in accordance with the decision of the Workmen's Compensation Commission (of February 17, 1961) and issue execution thereof.

Answering the present petition for mandamus, respondents Judge and Watts Company contend that the Court of First Instance of Zamboanga City "has no jurisdiction to entertain the petition for execution of judgment, in view of the fact that Section 51 of Act No. 3428 provides that the filing of the petition should be made "in any court of record in the jurisdiction of which the accident occurred", and considering that the accident resulting in the death of petitioner's son Ernesto Cerbo "took place Canas, Maluso, Basilan City" according to the decision of the Workmen's Compensation Commission the Court of First Instance of Zamboanga City "cannot acquire jurisdiction over the party-defendant unless summons have "been duly served" and that trial and judgment "without such service is null and void.

This contention of respondents would be tenable if the proceeding in court contemplates trial where the parties are to be further heard on the merits of the case. But this is not so in this instance as the proceeding is summary and special and specific in nature. It merely is intended to elevate the award into a judicial judgment for purposes of execution by court process. The law on the matter is specific, thus:

"Sec. 51. ENFORCEMENT OF AWARD.—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 or 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 heard and tried by the Court, except that there shall be no appeal therefrom."

In other words, all that the law requires is the filing in the proper court of a certified copy of the decision or award with a certification that no appeal has been taken therefrom and is therefore final and executory. No other pleading, much less a formal complaint, is necessary. Upon the filing of this certified copy of the decision or award, the court shall thereupon "render a decree or judgment in accordance therewith and notify the parties thereof". The decree or judgment shall then 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 heard and tried by the court,

except that there shall be no appeal therefrom.

With reference to the contention that the respondent Court of First Instance of Zamboanga City before which the petition was filed has no jurisdiction to take cognizance of the matter as the accident resulting in the death of the employee occurred in Basilan City where another court is sitting, it needs only be considered that the law refers to "any court of record in the jurisdiction of which the accident occurred." It is clear from the language of the laws that the word "jurisdiction" is here used to refer to the place where the proceedings should be instituted. Consequently, it does not affect jurisdiction as such, but only venue. And since the question of wrong venue has not been raised below, the same can not be raised at this instance.

Wherefore, the writ prayed for is granted and the respondent Judge of the Court of First Instance of Zamboanga City is hereby ordered to take cognizance of the case and proceed therein in accordance with law. No costs. So ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Paredes, Dizon, Regala and Makalintal, JJ., concur.

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