

LEONARDO MADRIGAL, PETITIONER AND APPELLANT, VS. CITY SHERIFF OF MANILA, CITY OF MANILA AND VALERIANO C. BUENO, RESPONDENTS AND APPELLEES. VALERIANO C. BUENO, PETITIONER, VS. LE...

G.R. Nos. L-17766 and L-18486. August 31, 1962

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

G. R. No. L-17766 is an ordinary appeal from a decision of the Court of First Instance of Manila dismissing Special Civil Case No. 43102 of said court for mandamus and damages, whereas G. R. No. L-18486 is an appeal by certiorari from a decision of the Court of Appeals.

On September 23, 1958, Hon. Jose Sanchez, as Associate Commissioner of the Workmen's Compensation rendered a decision in W.C. Case No. R03-30881 thereof, entitled "Leonardo Madrigal vs. Valeriano Bueno", sentencing the latter to pay the sum of P4,000 to Madrigal, as compensation for injuries sustained by him, on May 4, 1954, while allegedly under Bueno's employment. Acting on behalf of the Commission, said Associate Commissioner issued, on October 6, 1959, a writ for the execution of said decision. Before the Sheriff of Manila could enforce said writ, or on November 6, 1959, Bueno filed with the Court of First Instance of Manila a petition for certiorari and prohibition—which was docketed as Special Civil Case No. 41883, entitled "Valeriano Bueno vs. Leonardo Madrigal, Hon. Jose Sanchez and the Sheriff of Manila"—for the annulment of "all previous proceedings" in said W.C. Case No. R03-30881. In due course, this petition for certiorari and prohibition was, on February 8, 1960, dismissed by said court, with double costs, whereupon Bueno appealed to the Court of Appeals (CA-G.R. No. 27192-R), which, in a decision promulgated on March 16, 1961, affirmed the action taken by the lower court. Case G. R. No. L-18486 is the appeal by certiorari taken by Bueno from said decision.

Meanwhile, or on February 15, 1960, an alias writ of execution of said decision of the Workmen's Compensation Commission had been issued by the same. Although some properties had been levied upon in pursuance of said alias writ of execution, the Sheriff of Manila refused to proceed with the sale of such properties, owing to the pendency of said Special Civil Case No. 41883. Hence, Madrigal instituted the present action in the Court of First Instance of Manila (Civil Case No. 43012 thereof) against said officer and Bueno, to compel the former to proceed with the aforementioned sale, and to recover from both moral damages (P7,000.00), corrective and exemplary damages (P5,000.00) and attorney's fees (P5,000.00). After appropriate proceedings, said court rendered judgment dismissing the case without costs. Hence, the appeal taken by Madrigal in G. R. No. L-17766. On Subsequent motion of Bueno, and upon the filing of a P200.00 bond, we issued therein a writ of preliminary injunction restraining the Sheriff from proceeding with the sale above referred to.

Madrigal maintains in G. R. No. L-17766 that it is the ministerial duty of the Sheriff to comply with the aforementioned alias writ of execution, there being, when this case was initiated in the lower court, no judicial order restraining the enforcement of said writ. Upon the other hand, respondent justifies his refusal to execute the

same, upon the ground that it is null and void.

Appellee's contention in G. R. No. L-17766 is well taken. Pursuant to section 51 of Act No. 3428, an award of the Workmen's Compensation Commission shall be enforced by filing¹ a certified copy thereof with the court of first instance of the province in which the accident occurred, whereupon said "court shall render a decree or judgment in accordance with" said award, which "decree or judgment shall have the same effect * * * as though" it "had been rendered in a suit duly heard and tried by the court, except that there shall be no appeal therefrom". It is such "decree or judgment" of the court, not the decision or award of the Workmen's Compensation Commission, that will eventually be enforced and, needless to say, the writ for the execution of said judicial decree or judgment can be issued only by a court of justice, not by said Commission (*Potente vs. Saulog Transit*, 105 Phil., 525; *A. V. H. Company of the Philippines, vs. Workmen's Compensation Commission*, L-17502, May 30, 1962). Although the Reorganization Plan No. 20-A, adopted by the Government Survey and Reorganization Commission claiming to act under the provisions of Republic Act No. 997, vests in the Commission the authority to issue said writ of execution, we have repeatedly held that such grant of authority is beyond the powers conferred by said Republic Act No. 997, as well as unconstitutional (*Pastoral vs. W.C.C.*, 112 Phil., 742; *Everlasting Pictures, Inc. vs. Fuentes*, L-16512, November 12, 1961; *A. V. H. Co. of the Philippines vs. W.C.C.*, *supra*). Appeals held, in its decision therein:

Referring now to case G. R. No. L-18486, it appears that petitioner sought therein to annul the proceedings before the Workmen's Compensation Commission, upon the ground that the same had given him no opportunity to defend himself. In this connection, the Court of Appeals held, in its decision therein:

"Bueno avers that he was not given an opportunity to defend himself before the Commission. We have scrupulously scrutinized the record, and we find that Bueno completely disregarded the notices, warnings and requirements of the Commission. He was duly warned by letter of the Commission dated September 14, 1954 that if he failed to submit the report required of him, the Commission would have no alternative but to declare him in default. The Commission's second communication dated October 25, 1954 was likewise disregarded. Under these circumstances, the Commission was fully justified in making the award to Madrigal.

"Although Bueno duly received the decision of the Commission dated September 23, 1958 on September 30, 1958, he did not counter the said decision by way of either a motion for reconsideration or an appeal therefrom to the Supreme Court by certiorari. The said decision has become final and executory. Needless to say, the Commission could thereafter issue a writ of execution to enforce its decision."

We are fully in accord with this view of the Court of Appeals, insofar as the legality of the proceedings in the Workmen's Compensation Commission leading to the rendition of the decision thereof is concerned. As above stated, however, said Commission had no authority to issue the writ of execution above-mentioned.

Wherefore, the decision appealed from in case G. R. No. L-17766 is hereby affirmed, and the writ of preliminary injunction therein issued by this Court made permanent, whereas the decision of the Court of Appeals involved in case G. R. No. L-18486 is affirmed only insofar as the legality of the decision of the Workmen's Compensation Commission is concerned, and modified in all other respects conformably to our decision in said G. R. No. L-17766, without special pronouncement as to the costs in this instance. It is so ordered.

Padilla, Labrador, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

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