

FRANCISCO VISITACION, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND RED V COCONUT PRODUCTS, LTD., RESPONDENTS.

G.R. No. L-32076. May 30, 1972

Ponente: REYES, J. B. L., J.

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REYES, J. B. L., J.:

Petitioner prays for review of a decision of the Workmen's Compensation Commission rejecting his claim against the employees, Red V Coconut Products, Ltd., for compensation due to lung disease (tuberculosis) allegedly incurred in the course of employment.

On 8 September 1967, Referee Gualberto Panigbatan, of the Dipolog Sub Regional Office of the Workmen's Compensation Commission (.WCC for short), rendered a decision in favor of the claimant. Elevated for review to the Commission, the case heard by Commissioner Paciano Villavieja, who issued his own decision on 28 November 1969 reversing the award of the Referee.

Petitioner received notice of Commissioner Villavieja's decision on 24 December 1969, and on 6 January 1970 filed a motion for its Reconsideration by the Commission en banc. The latter denied the motion by Resolution of 20 February 1970, holding that Commissioner Villavieja's decision had become final and unreviewable, ten (10) days after the claimant (petitioner herein) had received notice thereof, i.e., on 3 January 1970, pursuant to Section 1, Rule 17, of the Rules of the Commission (published on 10 March 1969, 65 O. G. No. 10).

The claimant received notice of the Resolution of the Commission en banc on 9 March 1970, and filed a motion to reconsider on 19 March of that year. His motion was denied on 19 April 1970, and notice whereof was received by the claimant on 9 May. On 15 May 1970, he filed (by registered mail) his notice of appeal and his petition for review, the latter being received by this Court on 29 May 1970.

The review must be denied. Section 12 of Article III of Reorganization Plan 20-A, authorized by Republic Acts 997 and 1241, empowered the WCC to –

"promulgate rules and regulations governing its internal functions as a quasi judicial body including the power of each member to decide appealed cases from a Regional Office, allowance for appeal from the decision of an individual member to the Commission en banc, and other allied matters * * *."

Pursuant to the powers thus granted, the WCC promulgated its Rules and Regulations (53 Off. Gaz., No. 7) originally on 15 April 1957, later amended on 10 March 1969. Section 3 of WCC Rule 24, as well as section 1, Rule 17, of the amended Rules, provide:

"The Commissioner to whom an appealed case is assigned by the Chairman shall decide the same on its merits. Either appellee or appellant, or both, may seek the reconsideration of the decision of a Commissioner by the Commission en banc within ten (10) days from receipt of said decision * * *." (Italics supplied)

Since it is not denied that petitioner Visitacion received copy of the decision of Commissioner Villavieja on 24 December 1969, his period for resorting to the Commission en banc expired on 3 January 1970. As he failed to apply for review until 6 January 1970, the appeal to the full Commission was correctly dismissed by the latter, and Commissioner Villavieja's decision declared final and executory.

Petitioner contended that under Sections 49 and 50 of Republic Act 772, amending the original Workmen's Compensation Act No 3428, a period of 15 days was set for applying for a review, and that this term should be the one to apply to his case, because it was initiated on 17 May 1959 and followed by another claim dated 9 July 1964, both claims being prior to the promulgation of WCC rules. This argument is without merit, for, as explained by this Court in *Manila Trading & Supply Co. vs. WCC*,^[1] the statutory period of 15 days referred to appeals from an award by a Referee, not to appeals from a decision of one Commissioner to the Commission en banc. Moreover, when petitioner learned of Commissioner Villavieja's decision in December, 1969, the period for appealing therefrom had been long before, since 1957, set at 10 days by the original rules adopted by the WCC. The amended WCC Rules of 1969 merely confirmed this period, so that petitioner's failure to comply with the same in 1969 was inexcusable. It is well established that a party may not claim any vested right in rules of procedure, as "it would create endless confusion in legal proceedings if every case was to be conducted only in accordance with rules of practice, and heard only by the Courts, in existence when its facts arose" (*Tañada and Fernando*, Const. of the Philippines, 1949 Ed., pages 355-356).

But this is not all. Under Section 4 of Rule 43 of the Revised Rules of Court, petitioner should have appealed from the adverse resolution of the WCC en banc within ten (10) days from notice thereof, which he received on 9 March 1970. He did not file his notice of appeal until 15 May of 1970, i.e. after sixty-six (66) days from such notice. Deducting the period of 50 days during which his motion for reconsideration was pending in the WCC (from 19 March 1970 to 9 May 1970 when he was notified of its denial), the petition in this Court was filed sixteen days from notice of the appealed resolution, which is six (6) days too late.

WHEREFORE, We are left no alternative but to declare the appealed decision of commissioner Paciano Villavieja final and executory, reserving to petitioner whatever action, if any, he may have in law against the parties responsible for the double delay previously discussed. Without special pronouncement as to costs.

Makalintal, Zaldivar, Fernando, Teehankee, Barredo, Makasiar, and Antonio, JJ., concur.

Castro, J., did not take part.

Concepcion, C.J., on official leave.

[1] G.R. No. L-31259, 31 March 1971, 38 SCRA 360.

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