

“Y” SHIPPING CORPORATION, PETITIONER AND APPELLANT, VS. AGUSTIN BORCELIS, ET AL., RESPONDENTS AND APPELLEES.*G.R. No. L-16538. October 27, 1961*

Ponente: BAUTISTA ANGELO, J.

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The present appeal stems from a claim for compensation filed by Agustin Borcelis on March 25, 1957 against "Y" Shipping Corporation before the Workmen's Compensation Commission for certain injuries suffered by him while in the employ of the latter as a truck driver. The claim not having been controverted, an award was made by the regional administrator ordering the corporation to pay Borcelis the sum of P742.81. Within the reglementary period, however, the corporation filed a petition for review, which was denied by the regional administrator, causing the elevation of the case for review to an associate commissioner. In due time, the latter affirmed the award, whereupon the corporation filed a motion for reconsideration before the Commission en banc; and when the same was denied, it brought the matter before this Court on a petition for certiorari. This petition was dismissed for lack of merit.

On October 13, 1959, pursuant to paragraph 12, article III, of Reorganization Plan No. 20-A, and section 1, Rule II of the Workmen's Compensation Commission, Commissioner Jose Sanchez issued a writ of execution commanding the enforcement of the award. On December 27, 1959, the corporation filed an urgent motion for the recall of the writ on the ground that the Workmen's Compensation Commission has no such power, which motion was denied. And when his move to have the order reconsidered failed, the corporation instituted the present petition for prohibition before the Court of First Instance of Manila (Case No. 41965). Contending that the Commission has the power to issue the disputed writ of execution under section 1, Rule 11, of the Workmen's Compensation Commission, in relation to paragraph 12, article III, of Re-organization Plan No. 20-A, respondents pleaded for the dismissal of the petition. The court found this plea meritorious, and dismissed the petition. Hence, the present appeal.

The only issue raised in this appeal is whether the Workmen's Compensation Commission can issue a writ of execution to enforce its decisions pursuant to the provisions of Reorganization Plan No. 20-A and the rules and regulations promulgated to implement the same, which issue is now of no moment considering our recent decision in the case of *Pastoral vs. The Commissioners of the Workmen's Compensation Commission, et al.*, 112 Phil., 742; wherein we said in part:

"The above legal provisions are clear and unequivocal, both in their language and purpose. The interested party may file in any 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 will issue a judgment based upon said decision of the referee or Commissioner; and it is this judgment of the court that can be enforced by a writ of execution to be issued by the said court, considering Sec. 8, Rule 39, of the Rules of Court.

* * * * *

"It would appear evident, therefore, that the powers given to the W.C.C. by the Reorganization Acts, cannot validly include the power to amend Sec. 51 of the Workmen's Compensation Law, heretofore quoted, for to do so would be to diminish the Jurisdiction and the judicial power and functions vested by law on the courts of record, by virtue of said section, to issue or order a writ of execution by the promulgation of a judgment, which power or authority the Workmen's Compensation Commission never had, before the Reorganization Acts had been passed. Where the inquiry to be made involves questions of law as well as facts, where it affects a legal right, and where the decision may result in the terminating or destroying that right, the powers to be exercised and the duties to be discharged are essentially judicial (11 Am. Jur. 904); and being judicial, such powers are granted to or vested upon a court or judicial tribunal (Rhode Island vs. Mass. 37 U.S. [12 Peters] 657, 738 L. ed. [U.S.] 1233, 1266.) and there is no gainsaying the fact, that under this concept, an order for the execution of a decision or award of the Workmen's Compensation Commission is essentially a judicial power or function of the court."

In the light of the foregoing decision, it is clear that the writ of execution issued by the Workmen's Compensation Commission which is the subject of the present appeal is null and void.

Wherefore, the order appealed from is set aside, without costs.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Paredes, and De Leon, JJ., concur.

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