

SAMAR MINING CO., INC., PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION, EMETERIA VDA. DE MENDOZA AND TRINIDAD VDA. DE MENDOZA, RESPONDENTS.

G.R. Nos. L-29938-39. March 31, 1971

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

Appeal from an order of the Workmen's Compensation Commission and its resolution en banc denying the petition of herein petitioner, for the consolidation of two cases filed in two different regional offices for compensation for the death of one and the same person.

As a consequence of the death on April 5, 1967 of Fernando Mendoza, an employee of petitioner at its mining operations in Buug, Zamboanga del Sur, two separate claims for death compensation were filed against petitioner in two different regional offices of respondent Commission. The records, upon examination, show that one was first filed on May 4, 1967 with Regional Office No. IV, Manila, by Trinidad Vda. de Mendoza;^[1] and the second was filed afterwards on July 31, 1967 with Regional Office No. IX, Zamboanga City by Emeteria Vda. de Mendoza.^[2] Each claimant claims to be the legal wife and surviving spouse of the deceased and entitled to the compensation payable for his death.

As both claimants insisted on their separate claims being heard and tried by the respective regional offices where they were filed, and the regional office referees were disposed to proceed separately, notwithstanding their being aware of the pendency of the two cases, petitioner filed with respondent commission its petition for consolidation of the two cases. It alleged that since the cases involved a common question of law and fact concerning the death of the decedent, consolidation of the cases would avoid confusion and best serve the interests of all parties concerned and therefore prayed for the consolidation and joint hearing by one referee either in Manila or Zamboanga City of the two cases.

Respondent commission, through its chairman, issued its order dated October 7, 1968, holding that consolidation would serve the best interests of petitioner alone in that: "such a concession in its behalf would prejudice one or the other of the two claimants. If the cases were to be consolidated and heard in Zamboanga City, the claimant who resided in Manila would have to go all the way to Zamboanga City with all her witnesses for every hearing conducted therein until such time as the cases can be terminated. On the other hand, if the cases were to be heard in Manila, the same inconvenience would result to the claimant who resided within the jurisdiction of the Zamboanga City regional Office. In other words, while one or the other of the claimants would be prejudiced in either case, the petitioner would be spared from a similar inconvenience, and in fact, its best interest alone would be served. Such situation was never contemplated in the pertinent Rules of the Workmen's Compensation Commission governing venue."

It therefore denied consolidation ruling that "(U)nder Sec. 2, Rule 6 of the Rules of the Commission, the claim shall be filed with the Workmen's Compensation Unit of the Regional Office where the injury or illness was

received or contracted or where the claimant or any of the claimants reside or where the respondent or any of the respondents reside or has his place of business, at the option of the claimant (underscoring supplied). Implicit in this provision is that the claimant, or claimants where there are several of them, are given the right to select such venue of action as are legally provided for their benefit."

Reconsideration of the denial order having been denied by the resolution of November 22, 1968 of the commission en banc, petitioner filed this appeal.

The petition has merit and should be granted.

The commission's Rules, particularly, Rule 6, section 2, provide for the proper venue of claims and adequately cover the case at bar. Said Rule provides:

"Sec. 2. Where Filed. The claim shall be filed in triplicate, with the Workmen's Compensation Unit of the Regional Office where the injury or illness was received or contracted or where the claimant or any of the claimants re-side or where the respondent or any of the respondents reside or has his place business, at the option of the claimant. The unit where the claim is first filed shall assume exclusive jurisdiction over the case. x x" (Underscor-ing ours)

Thus, as restated by the Court in *Philippine Cotton Development Corp. vs. Workmen's Compensation Commission*,^[3] "a claim for compensation may be filed and heard in the regional office of any of the following places: where the accident occurs; where the claimant, or any of them, if more, resides, or where the respondent or any of them, if more resides, at the option of the claimant." The Commission's rules contemplated that as in the case at bar, there may be more than one claimant for the same compensable death against the same employer and granted the choice of venue to the claimants as a whole, but expressly provide that where there is a conflict as to choice of venue among the claimants, the unit where the claim is first filed shall assume exclusive jurisdiction over the case. This is but in accord with the analogous rule on venue for the settlement of the estate of deceased persons that" the court first taking cognizance of the settlement of the estate of a decedent, shall exercise jurisdiction to the exclusion of all other courts."^[4]

To construe the rule, as respondent commission did, as allowing several conflicting claimants to select as many venues of action as are legally provided for the same compensable claim and against the same employer would not be conducive to the orderly administration of justice. There is only one subject matter and one cause of action against petitioner-employer involved in the case at bar, arising from the death of the decedent, even though there are two claimants claiming the right to receive the same death compensation, each claiming to be the legal widow and dependent. They cannot each claim the right to pursue their respective claims in separate and independent proceedings, with unnecessary duplication of hearings and reception of evidence on the common and identical question of compensability of the claim to the detriment of the public interest and of the parties themselves, when they are in effect alternative claimants and the validity of their conflicting claims to the same death compensation must be determined and resolved in one proceeding. The possibility of confusion that would result should the two referees arrive at conflicting decisions on the merits of the identical question of fact and of law presented with the compensability of the death being upheld in one case and the claim for compensation being dismissed in the other case, should be avoided.

The principal question of compensability of the death of the deceased should therefore be heard and resolved in the first case filed in Manila, pursuant to Rule 6, section 2 of the commission's Rules, with the claimant-widow in Zamboanga City, Emeteria, considered an intervenor therein, with a claim adverse to that of the first claimant, Trinidad.

With reference to the commendable concern of the commission for Emeteria, the claimant in Zamboanga City,

who would in such case, according to the commission, have to come all the way to Manila with all her witnesses for the hearings, it might be stated that Emeteria's attendance at the Manila hearings may well be dispensed with. The fact of death on April 5, 1967, of the decedent "when seized by sudden hemi-phlegia" while in the employ of petitioner is after all not disputed and is of record per the employer's reports to the commission. What is simply at issue is stated in the employer's controversion "that the deceased succumbed to a non-industrial illness" and the attendance at the hearings of Emeteria is not necessary for the resolution of this medical question. Whoever of the claimants is finally upheld has in her favor the law's presumption of compensability of the death[5] as well as the general rule of the commission governing proceedings therein that "(T)he hearing, investigation and determination of any question or controversy in workmen's compensation cases shall be without regard to technicalities, legal forms and technical rules on evidence. Substantial evidence shall be sufficient to support a decision, order or award."[6]

What is really essential for Emeteria is to establish her claimed personal status as the legal wife and dependent spouse of the deceased entitled to payment of the compensation, in the same manner as it is equally essential for the first claimant in Manila, Trinidad, to establish her claimed personal status as such as against Emeteria. Again, here it would be principally a matter of documentation and Emeteria may submit the documents in proof of her marriage to the referee in the Zamboanga City case, who would forward the same to the case in Manila to be considered with the documents submitted by Trinidad. Any supplemental testimonial evidence that Emeteria might wish to submit could likewise be taken by the referee in the Zamboanga City case by deposition upon written interrogatories under Rule 24, sections 25 to 27. Will due notice to Trinidad, who may submit cross-interrogatories. By analogy to the same Rule, Emeteria may further submit written interrogatories questioning Trinidad's claimed status to the referee in Manila, who may propound them to Trinidad at the hearings here, and take all such evidence under consideration in resolving the conflict between the two claimants.

The procedure above suggested is in consonance with the commission's own Rule 11, section 9 for consolidation and joint hearing of claims, to wit:

"Sec. 9. Joint Hearing of Claim. -- The referee to whom cases or claims involving a common question of law or fact arising from the same occurrence or accident against a common employer, are assigned for hearing and decision may order a joint hearing on said cases and render only one decision thereon when he believes that justice can best be served thereby."

as well as with Rule 31, section 1 of the Rules of Court, applicable in a suppletory character,[7] which provides that the court ordering consolidation of actions or joint hearing thereof "may make such orders concerning proceedings, therein as may tend to avoid unnecessary costs or delay."

The two cases shall therefore be consolidated with the case filed in Manila, RO4-WC Case No. 7052, prevailing, subject only to the right reserved to Emeteria to submit in Zamboanga City, upon due notice to the other parties, to the referee in the Zamboanga City case her documentary evidence and testimonial evidence upon deposition by written interrogatories, as well as any interrogatories she may wish to have propounded to Trinidad, which shall be forwarded to the Manila case to form part of the record thereof. Only one decision shall be rendered in the said Manila case, resolving the compensability of the death of the deceased Fernando Mendoza as well as the question of who among the two claimants is the legal wife and dependent of the decedent entitled to receive any compensation payable under the Workmen's Compensation Act, for the purposes of the Act.

The Commission's determination as to who of the two claimants is the legal wife of the decedent and as such a dependent entitled under section 9 of the Act to the compensation[8] is a legal question that is subject to appeal in a proper case to this Court for final determination. The hearing referee is therefore enjoined to receive all evidence from the complainants as to their respective claimed status as dependent wife of the decedent, and to

resolve the issue, subject to the commission's decision on review, conformably to the provisions of substantive and adjective law. In *Republic vs. Workmen's Compensation Commission*,^[9] the Court overruled the commission's award of compensation to two alleged illegitimate children of the deceased that to the widow, which was not disputed by the employer) on the ground that their filiation, on which was based the commission's award to them as dependent children, had not been established in accordance with the pertinent provisions of the Civil Code and that the baptismal certificates presented by the claimants did not satisfy the Code's requirement of a record of birth or authentic writing for purposes of meeting its provisions on voluntary recognition of the claimed filiation.

It should be noted, however, that the commission may, in accordance with section 8 of the Act,^[10] act as referee and arbitrator between the two claimants and help them reach a mutually acceptable compromise settlement of allotting the compensation among themselves and their dependent children, if any, in order to avoid unnecessary expense, delay and litigation between them. It should be borne in mind that in cases where the second wife had in good faith contracted marriage with the decedent notwithstanding the subsistence of his marriage with the first wife, the Court has generally sought and applied a just and equitable solution and division of the decedent's estate among the two innocent surviving parties.^[11]

ACCORDINGLY, the order and resolution en banc appealed from are hereby reversed, and the two cases are ordered consolidated, heard and decided by only the referee in Manila in RO4 -WC Case No. 052 (Manila), who shall proceed in accordance with the procedure stated in the three preceding paragraphs. Without costs.

Concepcion, C.J., Reyes, J. B. L., Dizon, Makalintal, Zaldivar, Ruiz Castro, Villamor and Makasiar, JJ., concur. Fernando, JJ., concurs and in addition files a separate opinion. Barredo, J., concurs in a separate opinion.

[1] Docketed as RO4-WC Case No. 7052 (Manila) en-titled "Trinidad Vda. de Mendoza vs. Samar Mining Co., Inc."

[2] Docketed as ROX-4416 (Zamboanga City) entitled "Emeteria Vda. de Mendoza vs. Samar Mining Co., Inc."

[3] 2 SCRA 16 (May 19, 1961); emphasis furnished.

[4] Rule 73, section 1.

[5] Section 44, Act 3428, as amended.

[6] Rule 10, section 1 of the Commission's Rules.

[7] Rule 143.

[8] "Sec. 9. Dependents of the injured person. -- The following persons, and no others, shall be considered as dependents and entitled to compensation under the provisions of this Act:

A son or daughter, is under eighteen years of age or incapable of supporting him or herself, and unmarried, whether actually dependent upon the deceased or not;

The widow, only if she was living with the deceased or was actually dependent upon him, totally or partly; x x" (Act No. 3428 as amended).

[9] 13 SCRA 272 (1965).

[10] "SEC. 8. Death Benefit. - x x x When several persons are entitled to compensation and there is disagreement concerning the share of the compensation each should receive, the Commission shall act as referee and designate the share to be allotted to each dependent." (Act 3428, as amended).

[11] See *Consuegra vs. GSIS*, L-28093, Jan. 30, 1971 and cases cited.

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CONCURRING OPINION

BARREDO, J.:

I concur, but I do not see the necessity for the decision in this case going beyond holding that the separate claims herein involved should be heard and decided by the referee in Regional Office No. IV, Manila, to the exclusion of the referee in Regional Office No. IX, Zamboanga City and that the Workmen's Compensation Commission has jurisdiction to determine who between the two claimants is the legal widow of the deceased worker entitled to be paid the compensation provided by law to a "dependent widow". After all, these are the only two issues that require determination by this Court. Once the above issues of venue and jurisdiction are settled, it is, in my considered view, a little officious on Our part to suggest any procedure that the parties should follow in the conduct of their respective cases. The danger in proposing guidelines which are not fixed by any law or rule for the specific purpose herein involved, namely, the settlement of claims under the Workmen's Compensation Act, and, therefore, not binding upon anyone, lies in that the parties might conceivably adopt other own devices they believe more conducive to their respective ends, in which event, this Supreme Court would be placed in the unenviable position of being ignored. Worse, as far as simplifying procedures is concerned, such deviation by either party might give rise to unforeseeable complications and incidents, the resolution of which will further delay the final disposition of the main case, and thus, the laudable objective, evident in the main opinion, of hastening said disposition would be defeated. Withal, I, for one, am not certain that the suggested procedure of written interrogatories is the most workable and expeditious one, but I dare not make my own suggestion, since to do so would be inconsistent with my view that the parties should be left free to do what they believe is proper under the circumstances.

Again, in its obvious effort to assist the parties in finding ways of settling their dispute most speedily and inexpensively, the main opinion has strayed into matters which I am afraid constitute pre-judgment somehow of such issues as the compensability of the illness which caused the death of the worker in question, the necessity of the personal presence during the hearings in Manila of the claimant from Zamboanga and what matters only she has to prove. I think it is unfair, at this stage, to make any pronouncements on these issues which are yet to be re-solved when the parties prosecute their respective claims in the Commission.

Of course, I join the commendable desire of Mr. Justice Teehankee to save parties as much effort and expense as possible in prosecuting claims for compensation under the Workmen's Compensation Act. Indeed, every technicality should be swept aside in such cases in favor of the most speedy and inexpensive procedure of arriving at a just and fair award to the proper parties. In pursuance of this end, however, this Court need not go

out of its way so as to act as the guardian for all claimants and improvise procedures not set out in any legislative enactment whether general or special nor in any rule of court specifically designed for the purpose. I believe that our task in the premises is limited to matters with-in our appellate jurisdiction, the promulgation of the rules of procedure in the Workmen's Compensation Commission having been lodged squarely by the law in that Commission itself. [par. (c), Sec. 47, Act No. 3428, as amended.]

Coming now to the two issues submitted for Our resolution, those of venue and jurisdiction, I concur, as I have already indicated, in the holding that pursuant to Sec. 2 of Rule 6 of the Commission, quoted in the main opinion, the two claims herein involved should be heard and decided by the referee in the Manila regional office where the first claim was filed, to the exclusion of the Zamboanga City regional office. It is clear to me that the contingency of two women filing in distinct places separate claims in which they allege adversely to one another each to be the legal widow of the same work-er is within the contemplation of the provision in the cited section of the rules to the effect that where separate claims are filed in more than one of the venues fixed therein, "the unit where the claim is first filed shall assume exclusive jurisdiction over the case." It is a necessary consequence of this provision that any hardship to any of the parties occasioned by their separate claims and their respective initial venues is part of the very nature of the reasons for which such separate claims are filed and, naturally, it is not imposing any uncalled for burden upon them that they should be prepared to undergo said hardships. I submit that, after all, the law need not assume that workers would enter in-to extra-legal relationships. Besides, the resolution of the Commission upholding the propriety of the separate venues of the two claims in question is obviously impractical, since it overlooks the fact that of necessity only one common decision can be rendered in regard to the two claims and the Commission does not suggest how this can be done under the procedure it has sanctioned. Precisely, it is one of the purposes of the rule fixing a common venue to enable the Commission to render such a single decision.

This is not to say, however, that the parties and their lawyers, if any are contracted to assist them, and the government authorities concerned, particularly those in the Workmen's Compensation Commission, should not, in laying down the detailed procedure of hearing such separate claims, seek, in cooperation with each other, the most practical, inexpensive and speedy ones in each particular case, having in mind the peculiar circumstances thereof. We trust the members of the bar and the officers of the Commission to be imbued with the humane and social intendment of the law, reflected in all its provisions, particularly, that which limits the attorney's fees that may be charged in such cases to not more than five (5) per cent of the amount received by the claimants, if the case is not appealed and ten (10) per cent in case it is appealed, (Sec. 31) and that true to the spirit of the enactment, no unnecessary obstacle would be placed by any of them to the prompt disposition and settlement of all claims, with the least expense.

In line with this idea, I join Mr. Justice Teehan-kee in suggesting to the parties herein utilization of or resort to the procedure indicated in Section 8 of the Act. In this particular instance, since there is a law specifically providing that in case of disagreement among several persons entitled to compensation as to their respective shares, the Workmen's Compensation Commission shall act as referee, it not unduly stretching the law for Us to hold that by analogy, the Commission should also act as referee when there are two women respectively claiming to be the true and legal widow of a deceased worker, thereby obviating the necessity of a protracted litigation to settle the issue.

This brings me to the matter of jurisdiction which I believe is the more pressing issue in this case, if only because neither the law nor the rules make any specific reference thereto. The question is, does the Workmen's Compensation Commission, have jurisdiction to decide as to who between two alleged widows of a worker is the true and legal one? Or is that point a civil law matter which comes within the competence of the ordinary courts,

so as to necessitate the filing of a separate court proceeding thereon before the Commission may finally decide to whom to make the award? Indeed, I feel that the importance of this question deserves more than the seemingly passing and casual attention given to it almost matter-of-factly in the main opinion. In fact, I venture to say that apparently, the main opinion assumes that the jurisdiction in question belongs to the Commission.

While I agree that this assumption is ultimately correct, I prefer to spell out its bases considering that, to my knowledge, this is the first case brought to this Court, in which this issue is decisive. Besides, if We do not decide this squarely now, any of the parties might prolong this compensation case by raising the issue later.

As may be recalled, before the passage of Republic Act 772 on June 20, 1952, compensation cases were filed, tried and decided in the regular courts. It was by this Act that Section 46 of Act 3428 was added providing thus:

"Sec. 46. Jurisdiction. - The Workmen's Compensation Commissioner shall have exclusive jurisdiction to hear and decide claims for compensation under the Workmen's Compensation Act, subject to appeal to the Supreme Court, in the same manner and in the same period as provided by law and by rules of court for appeal from the court of Industrial Relations to the Supreme Court."

Blue Bar Coconut Company vs. Boo, 95 Phil. 867, made it clear that the "exclusive jurisdiction" vested by Republic Act 772 upon the Workmen's Compensation Commission to hear and decide claims for compensation under the Act is intended "to withdraw or take away that jurisdiction from the Justice of the Peace Courts and Courts of First Instance that theretofore heard and decided workmen's claims for compensation within their respective jurisdiction. x x x. The Congress has the power and authority to vest in the Workmen's Compensation Commission the jurisdiction to hear and decide claims under the Workmen's Compensation Act to the exclusion of the Courts that theretofore had exercised such jurisdiction" (p. 870). Having in view the intent of the Act to simplify and expedite the settlement of claims contemplated in it, it stands to reason that this transfer of jurisdiction must be construed to be plenary and complete.

There are, however, two schools of thought as to the extent of this jurisdiction in regard to the determination of the persons entitled to be considered as "dependents" for the purposes of the Act under its Section 9, when there are two or more persons claiming the same status as against each other, as, for example, the two alleged widows in the case at bar, each of whom would like to be recognized as the true and legal dependent widow to the exclusion of the other. One school believes that the conferment of jurisdiction upon the Commission by Section 46, as already stated, does not clothe it with authority to decide questions of legal filiation because this pertains to the jurisdiction of the ordinary courts, hence, in such a situation, the procedure is to require the contending parties to have the matter settled first in court, preferably in the settlement of the estate of the deceased or in an interpleader, and the determination of the question of "dependency" may be made by the Commission only after the court has decided the matter of filiation. The other school of course, of the view that the transfer of jurisdiction from the courts to the Commission is, as I have already stated, plenary and complete, for the purposes, at least, of the payment of claims under the Act. It is true, according to this school, that the same issue of filiation may conceivably arise in court in relation to other matters between the same parties, such as in the settlement of the estate of the deceased worker, should he leave any partitionable one in which other persons, who have not and could not have appeared before the Commission for lack of legal interest in the subject matter, may be entitled to take part, and the possibility of a diverse finding in the two proceedings does exist, but such a contingency must be accepted as part of the very nature of the two remedies which are distinct and different from each other.

As may be seen, the first view has the juridical advantage of singleness of determination of the matter of filiation from the point of view of family solidarity, while the other suffers from the defect that this important point may be decided differently by the Commission and the court, thus resulting in the absurdity that the filiation found to be legitimate by the former may be found to be illegitimate by the other, but, as already stated, those who uphold

the second view contend that, for the sake of hastening the award of compensation to the parties who, in any event, would factually be in need thereof, the risk of such diversity of findings may well be worth taking, the chances thereof being, anyway, ordinarily remote. At the very worst, it is pointed out that juridically speaking, there is nothing wrong with such a possibility, for there are other instances in law where such a contingency is permitted, such as, (1) in the case of recovery of damages ex-contractu or from culpa aquiliana independently of the acquittal of the re-sponsible party in a criminal case involving the same basic facts and (2) in cases of registration of voters wherein a person may be held by the court to be a Filipino citizen and a resident of a particular place for registration purposes for a particular election and yet may be found to be an alien or a non-resident in an ordinary court proceeding. Reasons for the possibility of diverse findings are many and varied, among them, the difference in the quantum or in the nature of the evidence or proof required which varies in each proceeding, but whatever be the cause or causes, the variance in the results of the different proceedings has always been considered as juridically tolerable.

Upon these considerations, it is not difficult to choose which school to follow. It is quite obvious that the noble objectives of the Workmen's Compensation Act may best be achieved by placing within the jurisdiction of the Commission all matters relevant to the proper payment of any claim contemplated in the Act, without pre-judice to whatever the courts may hold in respect to said matters in any other proceeding.

For these reasons, I vote to reverse the appealed order and resolution en banc of the Workmen's Compensation Commission and to order the said Commission to have the venue of the two claims in question laid in the regional office in Manila, leaving it to the Commission and the parties to devise together the most expedient and inexpensive means of hearing and disposing of the same, including the question of who between the two claimants is the real dependent widow of the deceased laborer. Without costs.

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CONCURRING OPINION

FERNANDO, J.:

Implicit in the ably written opinion of Justice Teehankee, which I join, is the recognition of the power of the Workmen's Compensation Commission, an administrative tribunal, to pass upon and decide questions ordinarily falling within the competence of and cognizable by the judiciary, namely "as to who of the two claimants is the legal wife of the decedent and as such a dependent entitled under Section 9 of the act to the compensation * * *." [1] Thus once again is made evident a sympathetic response to the question of the permissible scope of the authority that may be lawfully entrusted to administrative agencies. That is as it should be. No bar should be interposed to the conferment of the needed authority to the governmental agency which can best discharge the function entrusted to it, even at the risk of defying the canons a rigid, formalistic approach to the postulate of separation of powers would impose. It does not admit of doubt that if the determination as to who is the widow of the deceased according to law in case conflicting claims are raised cannot be passed upon by the Commission but must be left to the courts in a separate action, then the result would be further delay and frustration of an objective of a legislation which in accordance with the social justice principle and protection to labor provisions of the Constitution require speedy implementation. This latest manifestation of according wide discretion to

administrative tribunals marks to my mind the attainment of further progress in the effort of government through such instrumentalities to cope with the increased responsibilities thrust on it if social and economic rights, or liberty in an affirmative sense, would be vitalized. Hence this brief concurring opinion.

Prior to Republic Act No. 772[2] the office of the Workmen's Compensation Commissioner which was later amended by Republic Act No. 4119 establishing in its place a Workmen's Compensation Commission composed of a Chairman and two Associate Commissioners,[3] the enforcement of the Workmen's Compensation Act was left to the courts.[4] The judiciary then had the task among others of passing on all questions as to whether or not there is a right to compensation, the amount due and to whom. A dispute as to who of the claimants was the legitimate widow of the deceased entitled as a dependent to compensation clearly then was for the appropriate court to settle. In line with the growing tendency to entrust the enforcement especially of legislation social in character to administrative bodies on the assumption that there would be a more speedy disposition of matters submitted to them as there is less reliance on strict procedural rules, the aforesaid statutes were passed by Congress. There is a clear manifestation of the legislative objective then to leave to the Workmen's Compensation Commission its implementation. It is to be admitted that no specific reference is made as to whether or not it could, in the discharge of the responsibility entrusted to it, resolve issues which in their traditional terminology of the law is "judicial in character." It could be that for those enamored of the conceptual approach, there should be a demarcation of functions so that on the judiciary, and on it alone, should be left its determination. To so view the matter, however, is to run the risk, in this particular case at least, of incurring additional delay in the disposition of claims, a delay which could be ill-afforded by the heirs and dependents of those injured from any accident arising out of and in the course of employment. Such a frustration of legislative purpose should be avoided unless the language of the law leaves no other alternative. So we have decided and, to my mind, correctly.

There is moreover the equally applicable doctrine of statutory construction that whenever power is granted, it is to be assumed that the means necessary so that its exercise would be rendered effective is to be deemed included. Clearly if it were not so, the result might be to reduce the statute to a barren form of words. The effect would be nullification instead of implementation. To paraphrase Justice Laurel, whenever there is a transfer of competence from one agency to another, what could be lawfully performed by the former is not beyond the authority conferred on the latter.[5] There is to be no fragmentation. If it were otherwise, there is the risk of failing to achieve that which is desired.

In terms of the fundamental principle of separation of powers, this decision is a further recognition of the traditional flexibility associated with such a concept. It is not to be enforced with pedantic rigor. The demands of practical statesmanship preclude a doctrinaire application. The decisive question should be whether there is a need for an administrative tribunal being created and if so, what powers must be entrusted to it to assure that the legislative objective is attained. The fact that under a tripartite system of government such agencies fall within the executive branch should not be a bar to the conferment of such authority, even if essentially judicial in character, as long as it is incidental to the discharge of the task of its implementation.[6] Any other view would be self-defeating. There is to be then no hesitancy in according the seal of approval to an assumption of wider competence by administrative tribunals. It is of course preferable that there be express statutory language to that effect. Lacking such explicitness, an enactment is to be so construed. That would conduce to their further efficiency. It would be a further recognition of what is now undeniable, that such agencies are, along with courts, and perhaps to a greater degree, necessary instruments in the fulfillment of the welfare function incumbent on government.

[1] Decision of Justice Teehankee, p. 6.

[2] June 20, 1952.

[3] June 20, 1964.

[4] Act No. 3428 as amended (1908).

[5] Cf. *Angara v. Electoral Commission*, 63 Phil. 139 (1936).

[6] Cf. *Springer v. Government of the Philippine Islands*, 277 US 189 (1928).

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