

**CARMEN D. DE CRUZ, SERAFIN, MARCELO, ROSALINA,
CARMENCITA, MARIANO, GERMAN AND ROGELIO, ALL SURNAMED
CRUZ, PETITIONERS, VS. EMILIANA MENDOZA, FOR HERSELF AND
IN REPRESENTATION O...**

G.R. No. L-18663. July 31, 1963

Ponente: PAREDES, J.

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PAREDES, J.:

Emiliana Mendoza and her children Encarnacion and Lucila, were the wife and children, respectively, of Ernesto Belleza, employed with the M/S Cinderella, a ferry boat, registered in the name of Marcelo E. Cruz, father of petitioners herein. On August 30, 1954, Marcelo E. Cruz died and his estate was the subject of Special Proceeding No. 2068 of the CFI of Rizal, presented on October 13, 1954. On November 29, 1954, the intestate court issued an Order, requiring claimants of the estate to file notices of claim within six (6) months from the first publication. The Order was published in the Manila Times on December 2, 9 and 16, 1954.

On March 22, 1955, while the estate was in the process of liquidation, but before its termination on March 13, 1961, and the approval of the Project of Partition, Ernesto Belleza was killed. Notice of claim for compensation was presented on December 15, 1959.

On January 25, 1960, respondents (Bellezas), filed with the Department of Labor, San Pablo Local Office, Region No. 8, a complaint (RO 3 SP-WC Case No. 57), against Carmen Vda. de Cruz, wife of Marcelo E. Cruz, the pertinent allegations of which recite—

"4. That on March 22, 1955, and for sometime prior to this date, the deceased Ernesto Belleza was employed in respondent's M/S 'Cinderella' with the work of issuing tickets and collecting fares from passengers and also doing other odd jobs for the interest of said vessel of the respondent at Calapan, Oriental Mindoro, and received for his services P120.00 monthly more or less;

5. That on March 22, 1955, at around 5:30 o'clock in the afternoon, while the deceased Ernesto Belleza was trying to untie a ship cable so that the M/S 'Cinderella.' of the respondent may be moored at an advantageous place in the Calapan Wharf, a trouble arose between Carlos Ronquillo of the M/S 'BARRON' and Rufo Marasigan, Manager of the M/S 'CINDERELLA' and M/S 'AMBASSADOR' at Calapan, Oriental Mindoro, and, in firing made by Carlos Ronquillo of his .45 Caliber pistol, Ernesto Belleza was hit three (3) times and wounded, as a result of which he (Ernesto Belleza) died at around 9:30 o'clock in the evening of the same date at Calapan, Oriental Mindoro;

* * * * *

8. That the respondent spent for the burial expenses of the deceased Ernesto Belleza and has paid to the claimant Emiliana Mendoza and her aforementioned minor legitimate children the sum of P1,230.00, thereby leaving unpaid P1,650.80 as balance of their compensation."

* * * * *

An Answer to the above complaint, presented on February 16, 1960, by defendants therein, contained, among others, the following—

"7. She admits that portion of the allegations in paragraph 8 that the respondent (acting in behalf of the estate of deceased M. S. Cruz), gave the claimant the sum of P 1,230.00 and took charge of the burial expenses but denies the portion and rest of all the allegations that the sum of P1,650.80 remains as 'balance of their compensation', the truth of the matter being that claimant knew beforehand that said sums were in the nature of advances which she (claimant) promised would reimburse as soon as she recovers civil indemnification from the Court of First Instance of Oriental Mindoro decision on the criminal case filed against the killers of her husband deceased Ernesto Belleza;

8. She admits the allegations in paragraph 9 but her refusal to further furnish financial help to the claimant was due to (1) her securing favorable judgment in the aforementioned case, and (2) her marriage to another man who can presently support her and her co-claimants;

9. The deceased husband of the claimant was not an 'employee' of the M/S 'Cinderella' at the supposed time of accident and the Workmen's Compensation Act, he having been employed by an independent contractor, Rufo Marasigan, who used to be and still is, the ticket agent in Calapan, Oriental Mindoro for several motor boat operators;

10. The claim has patently prescribed, the death having occurred on March 22, 1955, according to the complaint and obviously, more than ninety (90) days had elapsed;

11. That respondent is not personally liable for the claim, if any, but the estate of the deceased Marcelo E. Cruz, owner and operator of the M/S 'CINDERELLA' at the supposed time of accident and the proper recourse on the part of the claimants is to file the claim in the intestate proceedings pursuant to Sec. 1, et seq., Rule 87 of the Rules of Court."

On March 22, 1961, respondent Carmen D. Vda. de Cruz, presented a Motion to Dismiss, contending that she was the wrong party respondent—should have been the estate of Marcelo E. Cruz; and the instant claim should have been presented with the intestate court and against the estate. Claimants opposed the motion to dismiss, moved to amend the complaint, so as to include the widow and the children of the deceased Marcelo E. Cruz and set the hearing of the case at Calapan, Mindoro. On April 21, 1961, respondent Vda. de Cruz, filed an Opposition to the Motion to Amend Complaint and against motion to dismiss. The motions to dismiss were denied and the motion to amend the complaint was granted in two Orders of the Hearing Officer of the Regional Office, dated May 24, and June 21, 1961, and the hearing was set for August 21, 1961, at Calapan, Mindoro.

Claiming that the Regional Office No. 5 of the Department of Labor, thru its hearing Officer, respondent Teodorico Ona, was without or exceeded its jurisdiction and/or committed grave abuse of discretion in taking cognizance of the claim, in denying the motions to dismiss and setting the case for hearing, for which there is no appeal nor any plain, speedy and adequate remedy in the ordinary course of law, petitioners brought the matter to this Court on a writ for prohibition with Preliminary Injunction. We gave due course to the petition, but without preliminary injunction.

As gathered from the different pleadings, the dominant issues which need determination are: (1) Whether the Regional Office No. 5 of the Department of Labor, Workmen's Compensation Commission, has jurisdiction to take cognizance of the claim for compensation; and (2) Whether the claim has already prescribed?

Petitioners contend that since the claim arose at a time when the estate of Marcelo E. Cruz was the subject of intestate proceedings, the same should have been presented in the regular courts. In support of the above

contention,. petitioners cited Sec. 5, Rule 87, which provides—

"All claims for money against the decedent arising from contract, express or implied, whether the same be due, not due, or contingent, all claims for funeral expenses and expenses of the last sickness of the decedent, and judgment for money against the decedent, must be filed within the time limited in the notice, otherwise they are barred forever, except that they may be set forth as counterclaims in any action that the executor or administrator may bring against the claimants. * * *"

We are, however, of the opinion that the above provision of law has no application to the case at bar. This is a case properly belonging to the exclusive jurisdiction of the Workmen's Compensation Commission. The deceased died in an accident arising out of and in the course of his employment (section 2, of Act No. 3428, as amended). The Workmen's Compensation Law is a special law, and outlines or prescribes the requisites and procedure to be followed in cases coming under its aegis (sec. 48, same Act). Being a special law covering special cases, same should govern to the exclusion of general rules or laws, provisions of sec. 1, Rule 87, to the contrary notwithstanding. The history and objectives in the enactment of the Workmen's Compensation Law take this case away from the provisions of the general laws. The regular courts may only intervene in the prosecution of Workmen's Compensation, in the case of execution of a final judgment of the Workmen's Compensation Commission, in the manner provided by section 51, of same Act. Moreover, the Rules of Court are merely suppletory if the case is not provided for by other laws, like the present one (Rule 132).

It would be a sad day in the odyssey of the deserving man of labor, to be deprived of his right to redress his grievances, if, for doubtful technicalities, he should be thrown out of Court. The complaint shows the existence of a valid cause of action, if the allegations therein are true. The petitioners had answered and put up affirmative defenses, which need to be ventilated in a trial in order to decide the case with justice. The grounds of the motion to dismiss are not indubitable. The respondents-claimants should be given the opportunity to prove their case.

In the regular courts, the claim of respondents had long been barred. Of this, the petitioners are fully aware. But the Workmen's Compensation Commission can still throw a beam of hope to respondents.

Petitioner argues that the action has prescribed, because the claim had been filed beyond the reglementary period (three months from the occurrence of the accident). The complaint, however, alleges that the petitioners spent for the burial of the deceased and after the burial, had paid the claimants the sum P1,230.00 out of the estimated compensation of P2,880.00 plus P200.00 for burial expenses, in accordance with secs. 8 and 10, of the W.C. Law, thereby leaving an unpaid balance of P1,650.80, which is the one being claimed now. If this allegation is true, "the claim for compensation to be made within the time limits above established shall no longer be necessary" (sec. 24, Act No. 3428, as amended).

In view of the conclusions reached, other questions raised, need not be discussed.

The petition is dismissed, for lack of merits. The orders sought to be reviewed hereby are affirmed. Costs taxed against petitioners.

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

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