

**PEDRO C. PASTORAL, PETITIONER, VS. THE COMMISSIONERS OF
THE WORKMEN'S COMPENSATION COMMISSION, THE
SHERIFF OF DAGUPAN CITY AND SILVINO CERVANTES,
RESPONDENTS.**

G.R. No. L-12903. July 31, 1961

Ponente: PAREDES, J.

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PAREDES, J.:

This is an action for certiorari and prohibition with preliminary injunction filed by Pedro C. Pastoral against the Workmen's Compensation Commission, the Sheriff of Dagupan City and Silvino Cervantes. The petitioner Pedro C. Pastoral alleges that the respondent Silvino Cervantes filed a claim with the respondent Workmen's Compensation Commission for alleged injury while in the former's employ, and obtained an award of P3,000 plus a fee of P31. Pastoral was granted permission so that claimant Cervantes might be jointly re-examined physically (Annex A, petition). As Pastoral found difficulty in bringing the claimant for that purpose, before the Commission, he filed ex-parte petitions to said Commission (Annexes C and D), which allegedly were never acted upon. On October 18, 1956, however, the Commission wrote Pastoral informing him that the award has become final and executory (Annex E). Pastoral filed a petition, calling attention to section 23 of the Workmen's Compensation Law and alleging that claimant refused to submit to the examination. On January 7, 1957, respondent commission notified by letter, petitioner's counsel that the claimant would be examined in the afternoon of said day (January 7, 1957). On January 8, 1957, the Commission issued a subpoena which was received by petitioner on January 9, 1957, requiring him to testify in said case on January 11, 1957. Hearing was postponed upon motion of petitioner's counsel to January 14, 1957. Upon motion of counsel, the hearing was again postponed to a date which would be communicated to counsel. On January 30, 1957, the respondent Commission rendered a decision (Annex F). The motion for reconsideration and reopening of the case, wherein petitioner alleged that the notices and letters sent by counsel had not reached them, was denied on February 26, 1957 (Annexes G & H).

On May 6, 1957, respondent Commission issued a writ of execution addressed to respondent Sheriff of Dagupan City. The Sheriff advertised to sell the properties of petitioner. So on Oct. 1, 1957, the present proceedings were begun, in which petitioner alleges that there is no plain, speedy and adequate remedy in the ordinary course of law, and prays that the Commission be restrained from executing its decision; and that said decision (Annex F), the resolution denying the motion for reconsideration and the writ of execution be declared null and void. Forthwith, a writ of preliminary injunction was issued.

In their answer, the respondents herein admitted many of the material allegations of the petition, and interposed special defenses.

The petitioner contends that only the court of the place where the accident occurred has the authority to issue the writ of execution (Sec. 51, W.C. Law); that section 51, has not been repealed as a result of the re-organization of

the government under Rep. Act No. 997, as amended by Rep. Act No. 1241, and that sec. 1, Rule 11 of the Rules of the WCC, from which the respondent Commission derives its authority to issue a writ of execution, is null and void.

The respondents claim that the issuance of the resolution denying reconsideration and the issuance of the writ of execution finds support under sec. 3, Rule 24, of the WCC, issued pursuant to par. III (2), of Reorganization Plan No. 20-A, which is authorized by Rep. Act No. 997, as amended by Rep. Act No. 1241, with the statement that the present procedure of the WCC, including the execution of its decision, has been given implied recognition in the case of *NASSCO vs. Arca, et al.*, G.R. No. 12241, May 8, 1957.

In spousing the cause of respondents, the Solicitor General cited Sec. 12, Art. 3, of the Reorganization Plan No. 20-A, which states:

"A decision of a Regional Office or of the Commission from which no appeal has been taken, and which has become final and executory, shall be enforced like a final decision of a court of justice by writ of execution issued by the Regional Administrator concerned or by the Commission, as the case may be, which writ of execution shall be carried out by the Sheriff or other proper official in the same manner as writs of execution issued by the Court."

and Sec. 1, Rule 11 of the Workmen's Compensation Rules which provides as follows:

"SEC. 1. As soon as a decision, order or award has become final and executory, the Regional Administrator or Commission, as the case may be, shall, moto proprio or on motion of the interested party, issue a writ of execution requiring the Sheriff or other proper officer to whom it is directed to execute said decision, order or award, pursuant to Rule 39 of the Rules of Court in the Philippines."

We are of the opinion that the Workmen's Compensation Commission, has no power to issue a writ of execution of its awards or decisions. Section 51 of Act No. 3428 as amended by Act No. 3812, by Comm. Act No. 210 and by Rep. Act No. 772, approved on June 20, 1952, provides:

"SEC. 51. Enforcement of award.—Any party in interest may file in any court of record in the jurisdiction of which the accident occurred a certified copy of a decision of any referee or the Commissioner, from which no petition for review or appeal has been taken within the time allowed therefor, as the case may be, or a certified copy of a memorandum of agreement duly approved by the Commissioner, whereupon the Court shall render a decree or judgment in accordance therewith and notify the parties thereof.

The decree or judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same as though the decree or judgment had been rendered in a suit duly heard and tried by the Court, except that there shall be no appeal therefrom.

The Commissioner shall, upon application by the proper party or the Court before which such action is instituted, issue a certification that no petition for review or appeal within the time prescribed by section forty-nine hereof has been taken by the respondent."

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.

In the *Corominas*, and other cases, recently decided, we said:

"A cursory study of these provisions of Rep. Act No. 997 will show that nowhere therein is there a grant of

authority to the Government Survey and Reorganization Commission to grant powers, duties and functions to offices or entities to be created by it, which are not already granted to the offices or officials of the Department of Labor. Section 4 above quoted authorizes the elimination of overlapping services, activities and functions, and the consolidation of agencies or instrumentalities exercising said duties and functions. There is no grant of power to allocate to the bodies and offices to be created or set up functions, powers and duties not then already vested in the various offices and officials of the Department of Labor. Section 3 limits the powers of reorganization by the Commission to the offices, bureaus and instrumentalities of the Executive Branch of the Government only. So that it was not the intention of Congress, in enacting Rep. Act No. 997, to authorize the transfer of powers and jurisdiction granted to the courts of justice, from these to the officials to be appointed or offices to be created by the Reorganization Plan. Congress is well aware of the provisions of the Constitution that judicial powers are vested 'only in the Supreme Court and in such courts as the law may establish'. The Commission was not authorized to create courts of justice, or to take away from these their jurisdiction and transfer said jurisdiction to the officials appointed or offices created under the Reorganization Plan. The Legislature could not have intended to grant such powers to the Reorganization Commission, an executive body, as the Legislature may not and cannot delegate the power to legislate or create courts of justice to any other agency of the Government (*Chinese Flour Importers' Assoc. vs. Price Stabilization Board*, 89 Phil., 439; *Surigao Consolidated vs. Coll. of Internal Revenue*, 94 Phil., 492; 50 Off. Gaz., [3] 1018; *U.S. vs. Shreveport*, 287 U.S. 77; 77 L. Ed. 175 and *Johnson vs. San Diego* 42, p. 249, cited in 11 Am. Jur. 921-922)" (*Corominas, Jr., et al. vs. Labor Standards Commission, etc, Manila Central University vs. Calupitan, Wong Chun, etc. vs. Diego Carlim, et al. and Balrodgan Co., Ltd. et al. vs. F. A. Fuentes, supra*, p. 551.

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 view hereof, the writ is granted. The order of execution of May 6, 1957, issued by the respondent Commission is set aside and declared null and void and the case is remanded for further proceedings, in accordance with law. The preliminary injunction heretofore issued is made permanent and definitive. Without costs.

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

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