

SOLEDAD BELANDRES, PLAINTIFF AND APPELLANT, VS. LOPEZ SUGAR CENTRAL MILL CO., INC., DEFENDANT AND APPELLEE.*G.R. No. L-6869. May 27, 1955*

Ponente: LABRADOR, J.

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This action was brought by the plaintiff-appellant to recover damages for the death of her son Querubin Villa, a train conductor employed by defendant-appellee in the transportation of cane to its mill. The complaint alleges that on May 5, 1952, while said Querubin Villa was riding as train conductor on an empty car, some empty cars were derailed because of the negligence of the employees of the defendant-appellee (the engine driver, superintendent, brakemen and inspector), and the car on which he was riding was also derailed; that Villa fell from the empty car on which he was riding and the wheels of the empty cars following that on which he rode passed over his body, crushed some of his bones and caused his instant death. The complaint asks for damages amounting to P9,000. The defendant-appellee admit in its answer that the deceased Villa was a train conductor employed by it and that his death was occasioned by a derailment of cars, but denies that the said empty cars were under its direct control, or that the derailment thereof was caused by the negligence of its superintendent, machinist, or other employee. It further alleges that it was the duty of Villa as conductor or brakeman to see that the railroad tracks were open and free from obstruction and to notify the machinist of any obstacle on the rails, but Villa, with apparent negligence and unpardonable carelessness, failed to see that on the rails on which the cars were to pass, there were pieces of iron placed there by some criminal hand and, therefore, failed to give the necessary signal so that the engine driver might stop the train of cars in time to avoid the accident. In consequence, it prayed that the complaint be dismissed.

After the issues were joined the parties entered into a partial statement of facts, the most important of which is that the deceased died as a result of the derailment of a wagon of the defendant-appellee caused by an obstacle on the rails. After the above stipulation was entered into, plaintiff presented evidence to substantiate the allegations of the complaint. When plaintiff had closed her evidence, attorney for the defendant moved for the dismissal of the case on the ground that the court had no jurisdiction over the subject matter. Explaining its resolution, the court said:

"No puede haber ninguna cuestion respecto a que la reclamacion de la demandante es una sobre compensacion de obreros, no solamente por la misma naturaleza de las alegaciones de la demanda y de la estipulaci6n de hechos, sino tambien porque el mismo abogado de la demandante admitio en corte ebierta que e] objeto de la demanda participa y tiene el caracter de una reclamacion por compensacion de obreros. Si esto es asi, la reclamacion de la demandante debe regirse por las disposiciones de la Ley sobre compensacion de obreros, o sea, por la Ley No. 3428 tal como fue sucesivamente enmendaba por la Ley No. 3812, por la Ley del Commonwealth No. 210 y, ultimamente, por la Ley de la Kepublica No. 772, a tenor del articulo 2196 del Codico Civil de Filipinas que, en parte, dispone:

"* * * Compensation for workmen and other employees in ease of death, injury or illness is regulated by special laws. * * *"

Plaintiff appealed from the dismissal and now contends that the lower court erred in holding that it had no jurisdiction over the case and ill not granting relief to the plaintiff.

It is very evident that the action is not one for compensation with the provisions of the Workmen's Compensation Act (Act No. 3428 as amended). The subject matter of any given case is determined, not by the nature of the action which the party is entitled under the facts and the law to bring, but by the nature and character of the pleadings and issues submitted by the parties to the court for trial and judgment. The plaintiff in this case seeks damages under the provisions of Article 2176 and Article 2180 of the Civil Code, because it is alleged in her complaint that through fault or negligence of the defendant's employees, death was caused to her son while in the employ of defendant. It is not alleged in the complaint that the deceased died because of accident due to and in the course of employment, as defined in section 2 of Act No. 8428, as it is expressly alleged that the death was caused by the negligence of defendant's employees. Under the pleadings, therefore, the court a quo had jurisdiction over the subject matter, because it is an action for damages caused by the negligence of defendant's employees.

It would seem to appear from the decision of the court a quo that the judge was of the opinion that plaintiff's action should have been one for compensation under Act No. 3428, perhaps because the evidence supporting the claim of negligence on the part of the defendant's employees may not have been sufficient to support the same; in other words, that the death was accidental. His Honor's opinion, however, as to the action which the plaintiff is entitled to bring under the facts proven in the course of the trial, does not control or determine the nature or character of the case under trial, for it is the pleadings that do so. The court should have acted on the matter in issue as developed in the pleadings; it was its duty to do so. If it was of the opinion that the plaintiff-appellee was not entitled to the damages claimed in the complaint because the death was accidental, it should have made a finding to this effect and dismissed the action, or absolved the defendant therefrom. It could not under the pleadings declare that it had no jurisdiction of the subject matter.

We note that one of the reasons stated by the Judge in dismissing the case is the supposed admission of plaintiff's counsel that the action is in the nature of a claim for compensation for a workman. The judge must have misunderstood counsel, or the latter must have failed to make his meaning clear. But admitting that he did admit his client's action was one for compensation under the Workmen's Compensation Act, his admission or statement in that respect is certainly beyond the scope of his authority as counsel, for the same does not refer to any matter of judicial procedure related to the, enforcement of the remedy, but to the subject matter or cause of action. As to this, client alone can make the binding admission.

"The broad implied or apparent powers of an attorney with respect to the conduct or control of litigation are, however, limited to matters which relate only to the procedure or remedy. The employment of itself confers upon the attorney no implied or apparent power or authority over the subject matter of the cause of action or defense; and, unless the attorney has expressly been granted authority with respect thereto, the power to deal with or surrender these matters is regarded as remaining exclusively in the client" (7 C. J. S. pp. 899-900.)

"The line of demarcation between the respective rights and powers of an attorney and his client is clearly defined. The cause of action, the claim or demand sued upon, and the subject matter of the litigation are all within the exclusive control of a client; and an attorney may not impair, compromise, settle, surrender, or destroy them without his client's consent. But all the proceedings in court to enforce the remedy to bring the claim, demand, cause of action, or subject matter of the suit to hearing, trial, determination, judgment, and execution, are within the exclusive control of the attorney." (6 C. J. S., p. 643.)

The decision appealed from shall be reversed and the case remanded to the court a quo for continuation of the trial and the proceedings in accordance herewith. So ordered.

Pablo, Acting C. J., Bengzon, Montemayor, Reyes, A., Bautista Angelo, Concepcion, and Reyes, J. B. L., JJ.,

concur.

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