

ANDRES SANTOS AND FELIPE SANTOS, PETITIONERS, VS. THE HONORABLE NUMERIANO G. ESTENZO, ETC., ET AL., RESPONDENTS.*G.R. No. 14740. September 26, 1960*

Ponente: CONCEPCION, J.

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On October 26, 1952, Felipe Cabalde, a driver of the People's Land Transportation Company, of which Andres Santos and Felipe, Santos—hereafter referred to as petitioners—are manager and proprietor, respectively, died in consequence of injuries sustained by him as the strong current of the Bao river that flooded the municipality of Cananga, province of Leyte, in consequence of a typhoon, washed away the car he was driving. Soon thereafter, his widow, Gloria Montederamos, filed, in her behalf and that of their four (4) minor children, with the Department of Labor the corresponding claim for compensation, which was not controverted by said petitioners. After appropriate proceedings on August 4, 1953, the Workmen's Compensation Commission awarded to the claimants P3,494.40, plus burial expenses not exceeding P200.00.

No appeal having been taken from the award, on October 21, 1954, the mother of the deceased, namely, Manuela H. de Cabalde—one of the respondents herein—acting in representation of said minors, who were under her custody, instituted Civil Case No. 18-0 of the Court of First Instance of Leyte, with a petition for enforcement of said award, which was contested by petitioners herein, as respondents in said case, upon several grounds. For reasons not set forth in the record, the case was not set for hearing until July 21, 1958. Shortly before this date, or on July 17, 1958, petitioners herein moved for postponement, upon the ground that their counsel is the Justice of the Peace of Pastrana, Leyte, and that, as such, had several cases scheduled for hearing on July 21, 1958, but the motion was denied on July 19, 1958. When the case was called for hearing on July 21, 1958, neither the petitioners nor their counsel appeared. Upon the introduction of the evidence for the heirs of the deceased Felipe Cabalde, the Court of First Instance of Leyte, presided over by Hon. Numeriano G. Estenzo, Judge, one of respondents herein, rendered a decision sentencing petitioners herein to pay jointly and severally to said heirs of the deceased the aforementioned sums of P3,494.40, and P200, with interest thereon at the legal rate from August 4, 1953, until paid, with costs, plus P500 by way of attorney's fees, in view of petitioners' refusal to comply with said award.

Said respondent Judge having subsequently denied a motion for reconsideration of petitioners herein, the latter thereafter filed their "Notice of Appeal by Certiorari" to the Supreme Court. After securing an extension of time to file their appeal bond, petitioners instituted the present action for certiorari against respondent Judge and said heirs of the deceased. Petitioners pray that the decision rendered by respondent Judge be either annulled or modified, upon two (2) grounds, namely: (1) that the lower court had "lost jurisdiction to enforce the award in Workmen's Compensation cases"; and (2) that "there was grave abuse of discretion by said court."

The first proposition is based upon section 1, Rule 11, of the Rules of the Workmen's Compensation Commission, which provides:

"As soon as a decision, order or award has become final and executory, the Regional Administrator or Commission, as the case may be, shall, motu 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 of the Philippines."

It is urged that, pursuant to this Rule, said Commission has authority to enforce its own orders and awards, and that, accordingly, the court had no jurisdiction to render the decision complained of. Such jurisdiction is conferred, however, by section 51 of Republic Act No. 772, reading:

"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."

Petitioners maintain that this provision must be deemed amended by said Rule, but such pretense is obviously devoid of merit, not only because said Commission cannot amend an act of Congress, but, also, because said Rule was promulgated on February 21, 1957, or more than two (2) years and a half after the lower court had acquired jurisdiction over the main case.

With respect to the second proposition, petitioners rely upon section 6, Rule 26 of said Commission, which we quote:

"Counsels of claimants who recover compensation shall be allowed fees not exceeding 5 per cent in unappealed case, 7.5 per cent in cases favorably decided by the Commission, or 10 per cent in cases appealed to the Supreme Court. The decision of the hearing officer or the Commission shall specify the amount of such fees."

Petitioners say that the sum of P500 awarded by respondent Judge as attorney's fees exceeds the rate allowed in this Rule. However, the same regulates the fee that may be awarded either in the Workmen's Compensation Commission, or when the decision thereof has been appealed to the Supreme Court, It does not govern the fees allowable by courts of justice, in proceedings for the execution of the award of the Commission, which are governed by the Rules of Court, when the employer unduly refuses to comply with said award.

For lack of merit, the writ prayed for is hereby denied and the petition herein dismissed, with costs against the petitioners. It is so ordered.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, and Gutierrez David, JJ., concur.

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