

**CENTURY INSURANCE COMPANY, INC., PETITIONER AND APPELLEE,
VS. F. A. FUENTES, ETC. ET AL., RESPONDENTS. F. A. FUENTES, ETC.,
ET AL., RESPONDENTS AND APPELLANTS.***G.R. No. 16039, August 31, 1961*

Ponente: LABRADOR, J.

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Appeal from a judgment of the Court of First Instance of Manila, Hon. Bienvenido A. Tan, presiding, enjoining and prohibiting the defendants F. A. Fuentes, Regional Administrator, Regional Office No. 3, Vicente Leogardo, Jr., Chief Workmen's Compensation Section and Atanacio A. Mardo, Hearing Officer of the Workmen's Compensation Commission, from proceeding with the determination of the claim for compensation filed by Cesar M. Pablico against the Century Insurance Company, Inc.

The record shows that Cesar M. Pablico was employed as accountant of the Century Insurance Company, Inc., from June 1, 1950 to December 6, 1958, at a salary of P500 per month. On July 1, 1957 he wrote his employer that he was ill, and asked that he be laid off. He expressed the hope that upon his recovery he would be reinstated, (pp. 9-10, of complaint in C.F.I.). On December 22, 1958, Pablico gave written notice to his employer that he contracted pulmonary tuberculosis, while employed. In this written notice Pablico states that he gave verbal notice of his illness to his employer on July 1, 1957. Photostatic copy of the notice of injury or sickness and claim for compensation was presented as Exhibit "A". On December 23, 1958, having received copy of the formal claim in due form, the Workmen's Compensation Section notified the manager of the Century Insurance Co., Inc. of the claim of Cesar M. Pablico for compensation (Exhibit "B"). This notice was received by the Century insurance Co., Inc. on January 2, 1959. Upon receiving such notice attorney for respondent informed the regional office taking cognizance of the claim (Regional Office No. 3) that the employer would controvert the claim because the claimant failed to comply with the conditions precedent provided for by law and because the claim for compensation is already barred by the Statute of Limitations. Subsequently, on January 10, 1959, said attorney presented a motion to dismiss with said Regional Office No. 3, arguing in support of the claims for dismissal that since claimant presented his claim on December 23, 1958, 17 days after December 6, 1958, the presentation of the claim is belated because Pablico was no longer an employee of the Century Insurance Company. It is also argued that the claimant gave notice of his desire to be separated on July 1, 1957, but did not file his claim for compensation until December 23, 1958, so that the claim was presented only after one year, 5 months and 22 days from the date he had knowledge of his injury (he gave notice of his illness on July 1, 1957 but did not file his claim until December 23, 1958).

The hearing officer denied the motion to dismiss on May 11, 1959, as well as a motion to reconsider said denial on May 26, 1959, whereupon Century Insurance Co., Inc. instituted this action for certiorari and prohibition with the Court of First Instance of Manila, alleging the following facts: That on December 6, 1958, Pablico terminated his services with the Century Insurance Company; that on December 23, 1958, he presented a claim for compensation with the Regional Office No. 3 of the Department of Labor under the jurisdiction of the defendants;

that the petitioner presented a motion to dismiss on the ground that the claim of Pablico with the Workmen's Compensation Commission, Regional Office No. 3, was filed only on December 23, 1958, that is, 17 days after his separation from the Century Insurance Company Inc. and one year, five months and 22 days from the time that he notified said company of his illness on July 1, 1957; that under the provisions of Section 24 of Act No. 3428 as amended, the claim for compensation must be presented not later than two months after the date of injury or sickness; that the making of the claim within the period stipulated above is jurisdictional and is a condition precedent to maintain a proceeding for compensation under the provisions of the Workmen's Compensation Act. On the basis of this allegation, the petitioner prayed that the defendants be prohibited and enjoined from entertaining, giving due course, hearing and deciding the claim for compensation of respondent Cesar M. Pablico.

Respondent filed an answer claiming that the errors in the application of the evidence or errors of judgment in the exercise of jurisdiction are not matters that may be determined in a certiorari proceeding; that the late filing of a claim for compensation is not a jurisdictional matter that may be the subject of a proceeding by certiorari, and that the petitioner has another plain, speedy and adequate remedy, because it could elevate the case to the Workmen's Compensation Commission and from there to the Supreme Court. The defendants, therefore, prayed that the petition be dismissed and that the preliminary injunction should be dissolved.

Respondent Cesar Pablico filed an answer claiming as special defenses: (1) That the grounds alleged in petitioner's motion to dismiss filed with the regional offices are matters which cannot be resolved until after the hearing on the claim for compensation; (2) that the facts alleged do not show that the respondent officers have acted without or in excess of jurisdiction; (3) that the remedy of the petitioner is to have the order of the regional offices reviewed in the Supreme Court when the proper time comes.

In passing upon the merit of the petition for certiorari, the court below reasoned:

"IN VIEW OF ALL THE FOREGOING, the court hereby renders judgment holding that respondent Cesar M. Pablico failed to comply with the jurisdictional and conditions precedent provided for in Section 24, Act No. 3428, as amended, known as the Workmen's Compensation Act, in presenting his claim for compensation after (1) year, five (5) months and twenty-two (22) days from and after the date of his alleged sickness, July 1, 1957, and his cause of action, if any, has prescribed. The claim of respondent Pablico for compensation is hereby ordered dismissed and respondent officers, F. A. Fuentes, Vicente Leogardo, Jr., and Atanacio A. Mardo, are hereby adjudged to have acted not only in excess but without jurisdiction and with grave abuse of discretion in entertaining, giving due course and attempting to hear and decide the claim for compensation filed by said respondent Cesar M. Pablico against the petitioner. The preliminary injunction previously issued in this case by this Court is hereby made permanent, with costs against the respondents." (pp. 10-11, Decision)

The ground of the court below in granting the order prohibiting the officers of the regional office from hearing the claim for compensation of Cesar M. Pablico, is the failure to present said claim within the period of two months from the date of injury, as prescribe in section 24 of Act No. 3428. The court reasons that since the right of action of Pablico has prescribed, the officers hearing his claim have acted not only in excess but without jurisdiction and with grave abuse of discretion. The import of the ruling is that the officers authorized to hear the claim for compensation would have jurisdiction to proceed to hear and determine said claim, if the same was presented within the time limited, but no such jurisdiction if the claim is presented beyond the period prescribed; and that in the latter case, they may be enjoined or prohibited from hearing the claim. In short, the jurisdiction of the hearing officers is made to depend upon the timely presentation of the claim.

We have carefully examined the two decisions cited by the court below, namely, that of *Lewis vs. Industrial Commission*, 357 Ill. 309, 192 N. E. 213, and *Burke vs. Industrial Commission* 368 I. 554, 119 A. L. R. 1152. The basis of these decisions is Section 24, Compensation Act, Illinois, Revised Statute 1937, which provides that

"no proceeding for compensation shall be maintained unless notice of the accident * * *", is given and unless the claim has been made within six months after the accident or injury. In the first case, the court did not hold that the Industrial Commission, which had jurisdiction of the claim, had no power or jurisdiction to consider and pass upon the validity of the claim. The commission found that no complaint for compensation was made in time. The circuit court confirmed this decision of the Industrial Commission and on appeal the Supreme court of Illinois held that as the claimant had failed to establish that a claim for compensation was made within the period prescribed by Section 24 of the Workmen's Compensation Act, the judgment of the circuit court (affirming the denial of claim, for compensation) should be affirmed.

In the second case (Burke vs. Industrial Commission) the Industrial Commission had denied compensation on the ground that it is without jurisdiction because claimant did not file her application within one year after the date of the injury. The superior court affirmed this decision. Upon appeal to the Supreme Court of Illinois, the latter held that the plaintiff filed an application within one year and complied with the other statutory conditions precedent, so the order of the superior court dismissing or affirming the denial of the petition for confirmation, was reversed with direction that an award for the claimant for compensation be made. In this case statement is made that the Industrial Commission was without jurisdiction, what the Industrial Commission wanted to say when it declared that it had no power to grant compensation is not that it has no power to grant compensation in case at bar but that such power would not be exercised because the claim was presented beyond the period prescribed. The term jurisdiction in the cases considered above is used in a loose sense, to mean the power of the court to grant the remedy in the case, not the power to hear compensation cases generally.

The above considerations pose this question: Is the jurisdiction or power of the Workmen's Compensation Commission to hear, consider and make an award, dependent upon the existence of the grounds for granting the award as provided by law, or the timeliness of the filing of the claim? The Workmen's Compensation Act (Act No. 3428) grants to the Commission the full authority "to hear and determine all claims for compensation under this Act in the manner herein provided; * * * to excuse failure to give notice either of injury, sickness or death of an employee * * * (Sec. 47, Ibid.) On the other hand, Section 24 of the Act provides as follows:

"No compensation proceeding under this Act shall prosper unless the employer has been given notice of the injury or sickness as soon as possible after the same was received or contracted, and unless a claim for compensation was made not later than two months after the date of the injury or sickness, or in case of death, not later than three months, after death, regardless of whether or not compensation was claimed by the employee himself."

The above provisions clearly indicate that the timeliness of the notice is not determinative of the power of the Commission to hear and determine the claim. Furthermore, on general principles, the presence or absence of a right to compensation is the very subject of inquiry in the proceeding conducted before the Commission. If according to the Commission the claimant is not entitled to compensation because his claim was not presented on time, such belated presentation may not be considered as depriving ipso facto the Workmen's Compensation Commission of its jurisdiction to determine the validity of the claim. If, on the other hand, the Commission finds that the claim was presented within the statutory period, it is not deprived thereby of the power to hear the claim and to grant an award. This principle has been explained by this Court in the very early cases of Herrera vs. Barreto and Joaquin, 25 Phil., 245 and Napa vs. Weissenhagen, 29 Phil., 180. In these cases we held:

"* * * It may be stated as a general rule that the decision by a court of one of the fundamental questions before it does not, except perhaps in cases involving a constitutional question, deprive it of jurisdiction which ever way it may decide. Jurisdiction is the authority to hear and determine a cause, the right to act in a case. Since it is the power to hear and determine, it does not depend either upon the regularity of the exercise of that power or upon the rightfulness of the decision made. Jurisdiction should be distinguished from the exercise of

jurisdiction. The authority to decide a case at all and not the decision rendered therein is what makes up jurisdiction. Where there is jurisdiction of the person and the subject matter, the decision of all other questions arising in the case is but an exercise of that jurisdiction. (Herrera vs. Barretto, 25 Phil., Rep., 245 Gala vs. Cui, 25 Phil., 522; De Fiesta vs. Llorente, 25 Phil., 554.)

"The writ of certiorari in so far as it was a method by which mere errors of an inferior court should be corrected no longer exists. Its place is now taken by the appeal. So long as the inferior court maintains jurisdiction, its errors can be corrected only by that method. The writ in this country has been confined to the correction of defects of jurisdiction solely and cannot be legally used for any other purpose."

From the foregoing considerations, we hold that the mere fact that a claim was presented before the Workmen's Compensation Commission or its hearing officer beyond the period prescribed by the statute, is no ground or reason for holding that the said Commission has no jurisdiction to hear and determine the claim, for the question of timely presentation is one of the facts or issues to be determined by the Commission itself at the hearing. If the Commission makes an error in its finding, holding that the claim was presented within the time prescribed by the statute, when as a matter of fact, it was presented beyond such time, such fact will not deprive said Commission of jurisdiction to consider and pass upon the claim. If any such error is committed, the error will be considered an error committed in the exercise of jurisdiction, reviewable by appeal, but it cannot become a ground for the granting of a writ of prohibition in the Court of First Instance, enjoining the Commission from hearing and deciding the said claim.

The petition for certiorari is hereby granted and the decision of the Court of First Instance sought to be reviewed is hereby set aside with costs against the petitioner Century Insurance Company, Inc.

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

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