

**LO CHI AND FELIX TINDUGAN, PETITIONERS-APPELLANTS, VS.
HONORATO J. DE LEON, DOROTEO L. SERRANO, THE SHERIFF OF
QUEZON CITY AND TERESITA TUD TORRENTE,
RESPONDENTS-APPELLEES.**

G.R. No. 18584. January 30, 1967

Ponente: RUIZ CASTRO, J.

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RUIZ CASTRO, J.:

A claim for compensation was filed by Teresita Tud Torrente under Act 3428, as amended, otherwise known as the Workmen's Compensation Act, for the death of her husband which occurred while in the performance of his duties as mechanic-driver of Lo Chi and Felix Tindugan. This claim was lodged with the Regional Office IV (now VI) of the Department of Labor in Naga City. Lo and Tindugan filed a motion to dismiss. This motion was denied. The case was then heard by the Hearing Officer, Doroteo L. Serrano, who thereafter on July 12, 1960 rendered a decision, ordering Lo and Tindugan to pay, jointly and severally, to the claimant Torrente the sum of P4,200 as compensation for the death of her husband. The petitioners-appellants Lo and Tindugan received copy of the said decision on August 1, 1960. On August 10, they filed motion for new hearing. This motion was denied in an order dated September 6, copy of which was received by the petitioners-appellants on September 13. The following day they sent a notice of appeal to the Labor Standards Commission, Tanduay, Manila, furnishing a copy thereof to the Regional Office IV in Naga City. Averring that the notice of appeal was filed after the expiration of the period for appeal and that furthermore it does not comply with applicable rules, for failure to state the grounds for the appeal, Torrente filed a motion for execution. The respondent-appellee Honorato J. de Leon, in his capacity as Regional Administrator, then issued a writ of execution, which the sheriff of Quezon City proceeded to enforce. To forestall the execution of the award, the petitioners-appellants filed a special civil action for certiorari with preliminary injunction in the Court of First Instance of Rizal (Quezon City Branch V). Acting on a motion to dismiss subsequently filed by the respondents-appellees de Leon, Serrano and Torrente upon the ground that the CFI of Rizal has no jurisdiction over the action, respondent Judge Nicasio Yatco dismissed the petition. This development forced the petitioners to come on appeal to this Court.

Although the brief of the petitioners-appellants contains six assignments of error, only two vital issues of law are posed in this appeal. These are: (1) has the decision rendered by the respondent Hearing Officer Doroteo L. Serrano become final and enforceable? (2) Did the respondent Honorato J. de Leon have legal authority, in his capacity as Regional Administrator, to issue the writ of execution in question to enforce the decision of Serrano?

Upon the first issue, the petitioners-appellants maintain that because they interposed their appeal within the reglementary period, the judgment rendered by Serrano has not become final. That the appeal was made within the reglementary period provided by law is indisputable. It will be noted, however, that the appeal was lodged, not with the Workmen's Compensation Commission (WCC), but with the Labor Standards Commission. Rule 23 of the Rules of the Workmen's Compensation Commission provides that "any party in interest who is dissatisfied with the award or decision of the Hearing Officer may within 15 days from receipt of notice thereof petition for

review or reconsideration of said decision or award by the Commission", that is, by the WCC. Claims for compensation under the Workmen's Compensation Act come within the exclusive jurisdiction of the WCC (sec.46, Republic Act 772). This Court has already ruled that the legislative intention was to vest in the WCC the investigation and adjudication of all claims of workmen against their employers for damages arising from accident suffered in the course of employment (Manalo vs. Foster Sheller Corp., 98 Phil., 855; 52 O.G. 2514; Mallari vs. National Development Co., L-17914, October 31, 1962). The perfection of an appeal in the manner and within the period laid down by law is not only mandatory but as well jurisdictional, and "failure to perfect an appeal as legally required has the effect of rendering final and executory the judgment rendered" (Tan Ching vs. Geraldles, et al, L-17954, April 30, 1964). In the case at hand, although the petitioners-appellants filed their notice of appeal within the reglementary period, their appeal was coursed to the Labor Standards Commission, a body which has no appellate jurisdiction over the claim in question, and the said appeal was therefore totally inefficacious. Only the WCC is vested with appellate jurisdiction over decisions rendered by Hearing Officers relative to claims for compensation arising from accident suffered by employees in the course of employment. It is therefore indisputable that the decision of the Regional Office in this case had already become final and executory when the writ of execution in question was issued on December 2, 1960.

Upon the second issue, the petitioners-appellants contend that the respondent de Leon had no legal authority to issue the said writ of execution. We agree. Originally the power to enforce a final award made under the Workmen's Compensation Act was vested "in any court of record in the jurisdiction of which the accident occurred" (section 51, Act 3428). Then, pursuant to Republic Act 997, as amended by Republic Act 1241, and as effected by Reorganization Plan 20-A adopted in 1956, the authority to enforce awards was transferred from the courts of justice to the Regional Administrator and the WCC. In a number of decisions^[1] later rendered by this Court, however, writs of execution issued by the Regional Administrators and the WCC were nullified on the ground that the grant of such power was invalid for the reason that Reorganization Plan 20-A, in so far as it purported to confer such power, was without legislative authority or sanction. And in *Pastoral vs. WCC, et al*, L-12903, July 31, 1961, this Court unequivocally stated that it was not the intention of Congress, in enacting R.A. 997, to authorize the transfer of powers and jurisdiction from the courts of justice to the officials to be appointed or offices to be created by the Reorganization; that judicial powers are vested only in the Supreme Court and in such courts as the law may establish; that the Reorganization Commission was not authorized to create courts of justice or to take away from these courts their jurisdiction and to transfer said jurisdiction to the officials appointed or offices created under the Reorganization Plan; that an order for the execution of a decision or award of the WCC is essentially a judicial power or function; and that therefore the writs of execution issued under the Reorganization Plan 20-A were null and void. Then on June 20, 1964 section 51 of the Workmen's Compensation Act was amended, with the enactment of R.A. 4119, to vest in the WCC and "the duly deputized officials in the regional offices under the Department of Labor" the authority and power to issue "a writ of execution requiring the sheriff or the proper officer to whom it is directed" to execute a decision, order or award that has become final and executory.

In the case at bar, inasmuch as the writ of execution was issued by Regional Administrator de Leon on December 2, 1960, before the effectivity of R.A. 4119, the said writ is therefore null and void.

But as the case now stands, the award by the Regional Office of Naga City to the respondent-appellee Torrente, having become final and executory, must be enforced. The nullity of the writ of execution issued to enforce the award cannot in any manner affect the validity of the award. "An erroneous or voided writ of execution will not preclude the issuance of another writ to carry out and satisfy a judgment or award, for the prevailing party who is entitled to such writ of execution shall not be prejudiced by the mistake or error of the issuing officer and cannot work to divest said final order or judgment of its character of finality" (*Tan Lim Te vs. WCC, et al*, 104 Phil.,

522).

The final contention of the petitioners-appellants that the respondent Judge erred in dismissing their petition below, does not merit extended discussion. The petition seeks to nullify the decision rendered by the respondent Serrano and the writ of execution issued by the respondent de Leon, to restrain these respondents from enforcing the said writ of execution, and to direct them to elevate the case to the WCC in Manila for review. The acts sought to be restrained are those done or to be done by the respondents Serrano and de Leon who are in Naga City. The petition below, being a special civil action for certiorari with preliminary injunction, should have been filed in accordance with section 4 of Rule 67 of the old Rules of Court (now section 4 of Rule 65 of the New Rules of Court) which provides that a petition for certiorari, prohibition or mandamus, if it relates to the acts or omissions of an inferior body or official should be filed "in a court of first instance having jurisdiction thereof." A court of first instance is without jurisdiction "to issue writs of injunction, certiorari and prohibition affecting corporations, boards, officers or persons" outside its jurisdiction (*Samar Mining Co., Inc. vs. Arnado*, L-17109, June 30, 1961; *Alhambra vs. Regional Office No. 2, Department of Labor et al*, L-20491, August 31, 1965). The petition below should therefore have been filed in the court of first instance that has jurisdiction over the persons of the respondents Serrano and de Leon. Needless to say, the sheriff of Quezon City who was impleaded is only a nominal party, as the acts sought to be restrained are principally those of the the said respondents. The dismissal by the respondent Judge of the petition below was therefore correct.

ACCORDINGLY, the order of the respondent Judge Nicasio Yatco of March 24, 1961, dismissing the petition below, is affirmed. The records of this case are hereby remanded to the Regional Office of the Department of Labor in Naga City for the proper execution of the award made to the respondent Teresita Tud Torrente in accordance with law. Costs against the petitioners-appellants Lo Chi and Felix Tindugan.

Concepcion, C.J., Reyes, J.B.L., Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar, and Sanchez, JJ., concur.

[1] *Everlasting Pictures, Inc., et al vs. Fuentes, et al*, L-16512, November 29, 1961; *Divinagracia vs. CFI of Manila, et al*, L-17680, December 2, 1961, *Community Sawmill Co. vs. WCC*, L-17937, December 28, 1961; *A.V.H. & Co. vs. WCC, et al*, L-17502, May 30, 1962; *Chung Quiao vs. Abaday, et al*, L-20315, June 30, 1964, and cases cited therein.

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