

KINDIPAN BELLENG, PETITIONER AND APPELLANT, VS. REPUBLIC OF THE PHILIPPINES (CITY ENGINEER OF BAGUIO), RESPONDENTS AND APPELLEES.

G.R. No. 19856. September 16, 1963

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

This is a pauper's appeal urging the enforcement by writ of execution of a final award in the sum of P3,088.27 granted to the appellant by the Workmen's Compensation Commission against the Republic of the Philippines.

The appellant, Kindipan Belleng, a laborer for more than thirty (30) years in the Office of the City Engineer of Baguio, was bitten by a snake, and, as a result, one of his legs had to be amputated. He filed a claim under the Workmen's Compensation Act against the "Republic of the Philippines—City Engineer of Baguio", which was docketed as BWC Case No. 1516-R01. The claim was uncontroverted, and the case was heard *ex parte* pursuant to an order of an Associate Commissioner of the Workmen's Compensation Commission, the hearing officer rendered, on 3 January 1962, a resolution and award in favor of the claimant. The awardee then requested, on 29 January 1962, the City Engineer of Baguio to comply with the resolution and award, but the latter failed to act.[1]

Claimant then filed with the Court of First Instance of Baguio City a petition to enforce the said resolution and award. The respondents did not answer, or oppose the petition. The court rendered judgment, and, upon motion, ordered that execution issue. The sheriff served the writ of execution upon the City Engineer's Office. On 29 March 1962, however, the court, over the objection of the petitioner, sustained a motion "to quash and/or stay execution" filed by the Solicitor-General. The petitioner then filed a motion for reconsideration, and, acting upon the same, the court promulgated an order on 27 April 1962, reading as follows:

"Petitioner has filed a motion for reconsideration to the order of this Court denying the issuance of a writ of execution against the Government. The mere fact that the Workmen's Compensation Law applies to the Government does not mean that the immunity from suit has been waived insofar as the issuance of execution is concerned. The proper remedy is the filing of a claim before the Auditor-General's Office."

The above-quoted order is now the subject of the present appeal.

The Workmen's Compensation Act applies—

"to mounted messengers in the service of the National Government and all its political subdivisions and to the employees and laborers employed in public works and in the industrial concerns of the Government and to all other persons performing manual labor in the service of the National Government and its political subdivisions and instrumentalities; * * * " (Sec. 2, Act 3428, as amended by Rep. Act 772);

and the "Workmen's Compensation Commissioner shall have exclusive jurisdiction to hear and decide claims for compensation * * * " (Sec. 46, Act 3428, as added by Section 24, Republic Act 772). However, the award is enforced through the regular courts of justice (Section 51, Act 3428, as amended by Republic Act 772).

While Section 53 of the Workmen's Compensation Act directs the national, provincial, and municipal governments to deposit an amount to be determined by the Workmen's Compensation commissioner, to guarantee payment of Compensation to injured laborers employed by them, and these deposits may be disbursed, through the authority of the commissioner or his deputy, as compensation payments to the said laborers of the government entities "making the contribution (Section 53, Act 3428, as amended by Republic Act 772), nevertheless, Section 7 of Act 3083 provides:

"Sec. 7. No execution shall issue upon any judgment rendered by any court against the Government of the Philippine Islands under the provisions of this Act; * * *."

We find the position taken by appellant, that the Workmen's Compensation Act has repealed, by implication, section 7 of Act 3083, to be untenable. This Court finds harmony, rather than conflict, in the foregoing provisions of law. In consenting to be sued under the Workmen's Compensation Act, the Government did not waive the condition prescribed by Act 3083 that no execution may issue against it by any court.

"The state may give its consent to be sued by private parties either by a general or by a special law. But when this concession is granted, the state may limit or regulate the right of action thus given by such conditions as it may deem, necessary * * *." (Sinco, Philippine Political Law, p. 37)

As things now stand, the state has allowed itself to be sued in compensation cases, but has limited the claimant's action only up to the completion of proceedings anterior to the stage of execution. There being no incompatibility between them, the Workmen's Compensation Act did not repeal, by implication, Section 7 of Act 3083.

This Court is not unmindful of the pauper-appellant's plight for the delayed satisfaction of his claim, but It cannot, on equitable considerations, sanction a remedy which the law prohibits.

Appellant's remedy lies in section 53 of the Compensation Act, requiring the national, provincial, and municipal governments and government-owned or controlled corporations to make contributions to the compensation guarantee fund therein provided. If appellant's employer contributed to the fund in the amount previously determined by the Workmen's Compensation Commissioner, and if there is a balance available, the said Commissioner, as depositary or trustee, upon proper request, may authorize the disbursement of such fund to satisfy the award in accordance with Section 53 of Act 3428, as amended. Otherwise, appellant must apply to the Auditor-General, as suggested by the court below.

For the foregoing reasons, the appealed order is affirmed, and, as recommended by the Solicitor-General, without costs against the appellant.

Within five (5) days after this decision becomes final, let a certified copy be sent to the Office of the President of the Philippines in connection with the letter of notification sent to him by the Clerk of Court of the Court of First Instance of Baguio, dated 23 May 1962, pursuant to Section 7 of Act 3083. So ordered.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

[1] The record shows a 1st Indorsement, dated 31 May 1962, of the Department Legal Counsel of the Department of Public Works and Communications to the Commissioner of Public Highways "requesting appropriate action".

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