

**REMEDIOS LAYAG, ET AL., PETITIONERS AND APPELLANTS, VS.  
JUAN GERARDO, HEARING OFFICER, REGIONAL OFFICE NO. 4,  
DEPARTMENT OF LABOR, MANILA, RESPONDENT AND APPELLEE.**

*G.R. No. 19896. April 30, 1964*

Ponente: PAREDES, J.

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**PAREDES, J.:**

On November 26, 1960, Petitioner herein presented with the Department of Labor, Regional Office No. 3, Manila, against the Republic of the Philippines, a complaint for Disability benefits, for herself and in behalf of her minor children, as heirs of Alberto Layag, who died on May 29, 1960, while working with the Section of Floating Equipment, Division of Ports and Harbors, Bureau of Public Works. The Republic, thru the Solicitor General, presented its answer on December 15, 1960, controverting the claim, stating among others, as defenses, the lack of any allegation in the said complaint to the effect that the death of Alberto Layag was directly caused by his employment or was hastened by or a result of the nature of the same, thus states no cause of action.

Under date of January 26, 1962, respondent hearing officer Juan Gerardo, rendered a decision, finding that the death was compensate and ordered the respondent Republic to pay Remedios Vda. de Layag for herself and for the benefit of her minor children, the sum of P4,000.00 in death compensation benefits and P200.00 as reimbursement for burial expenses incurred by claimants.

On February 12, 1962, the Republic presented a Motion for Extension of 10 days from February 15, 1962, within which to file a Motion for Reconsideration. Under date of February 16, 1962, respondent hearing officer promulgated the following Order—

"The motion for extension of the time within which to file motion for reconsideration should be as it is hereby granted to expire on February 26, 1962. No further extension will be granted.

Let the parties be notified."

In a motion dated February 20, 1962, petitioner's counsel moved to reconsider the above Order, claiming that the pleading dated February 12, 1962, asking for extension, did not comply with the Rules. Expounding on this claim, counsel alleged that motions must be served on the parties and proof of service must be shown, which had not been done in the ease at bar. Pursuant to the Order, the Solicitor General moved to reconsider judgment of the hearing officer, the merits of which We deem unnecessary to discuss, for the purposes of the present appeal.

On February 28, 1962, the hearing officer, handed down an Order of the following tenor—

"The motion of counsel for claimant dated February 20, 1962, praying that the Order granting an extension of period for the Solicitor General within which to file motion for reconsideration of decision should be vacated as it is hereby denied for lack of merit.

Within the reglementary period, counsel for respondent filed a Motion for Reconsideration which in effect is a petition for review of the decision rendered herein. Pursuant to Section 49 of Act 8428, as amended, let the

entire record consisting of 144 valid pages be elevated to the Workmen's Compensation Commission."

Alleging that the respondent hearing officer, in issuing the Orders of February 16, 1962 (granting extension) and February 28, 1962 (denying motion for reconsideration), acted with grave abuse of discretion and/or excess of jurisdiction, and that petitioner had been denied a day in court or deprived of "due process of law", she presented on March 6, 1962, with CFI of Manila a petition for Writ of Certiorari. On March 22, 1962, the CFI ordered the respondent hearing officer to answer the petition. Respondent instead of answering, moved to dismiss the petition on three (3) grounds. Under date of May 22, 1962,. the CFI of Manila entered an Order, the pertinent portions of which are reproduced below—

"This is a motion to dismiss the petition for writ of certiorari on the grounds (1) that this Court lacks jurisdiction over the subject matter, (2) that the petition lacks a valid cause of action as there is still available remedy of appeal to the Workmen's Compensation Commission, and (3) that the petition is defective and in violation of Section 5, Rule 67 of the Rules of Court.

Of the three grounds mentioned, the most important is the first.

Under Section 46 of the Workmen's Compensation Act No. 3428, as amended, the Workmen's Compensation Commissioner has exclusive jurisdiction to hear and decide claims for compensation under the Workmen's Compensation Act and his decision is subject to appeal to the Supreme Court, in the same manner as provided by law and by Rules of Court for appeal from the Court of Industrial Relations to the Supreme Court. \* \* \*.

Under Section 4, Rule 67 of the Rules of Court, the petition for certiorari may be filed in a Court of First Instance having jurisdiction thereof, if the petition relates to the acts or omissions of an inferior court, or of a corporation, board, officer or person.

Certiorari is defined as 'writ issued from a superior court to an inferior court or tribunal commanding the latter to send up the record of a particular case.'

Considering the legal provisions mentioned and the ruling and the statement of the Supreme Court quoted, this Court is of the opinion that the Workmen's Compensation Commission or its Commissioner is not an 'inferior court' or the 'officer or person' within the meaning of Section 4, Rule 67 of the Rules of Court. The Court of First Instance is not a 'superior court' within the meaning of the definition of certiorari and in contemplation of the Supreme Court in the cases cited.

Such being the case, and, in view of the first ground of the motion to dismiss, the dismissal of the petition for writ of certiorari is in order. It would be unnecessary to consider the other grounds of the motion to dismiss.

Wherefore, the motion to dismiss is granted and the petition for writ of certiorari is dismissed."

The above judgment is now before Us for review on two (2) points, to wit: (1) the lower court erred in dismissing the petition for lack of jurisdiction; and (2) in not granting the petition. As the second is a necessary consequence of the first, it seems that the only question We are called upon to determine is whether the CFI had jurisdiction over the subject-matter of the petition for certiorari.

The Workmen's Compensation Act, as amended, vests exclusive jurisdiction to the WCC to hear and decide claims for compensation, under the said Act, appealable to the Supreme Court, in the same manner and in the same period, as provided by law and by the Rules of Court for appeal from the Court of Industrial Relations to the Supreme Court (See. 46, Act 3428). Under Reorganization Plan 20-A; promulgated pursuant to Rep. Act 997, as amended by R. A. 2241, "Except as otherwise provided in this Article the powers and duties heretofore pertaining the Commissioner and Deputy Commissioner of Workmen's Compensation are transferred to and shall be assumed and exercised by the Commission, which body is authorized to delegate the same to the extent that it

shall remain as an appeal source with corresponding duties of promulgating related rules and regulations. Pursuant hereto the Commission shall delegate to appropriate regional offices all cases currently pending before said Commissioner or Deputy Commissioner, which offices shall take jurisdiction thereof, administer and settle the same, subject to appeal to the Commission in accordance with prescribed rules and regulations. \* \*" (Art. III, par. 12), The Reorganization Plan further provided that "Each regional office shall have original and exclusive jurisdiction over all cases falling under the Workmen's Compensation Law and cases affecting all money claims arising from violations of labor standards on working conditions \* \*" (Art. VI, par. 25). The above provisions considered, it becomes manifest that the CFI had no jurisdiction to review the orders of the regional hearing officer complained of. The same could have been a proper subject of an appeal to the Workmen's Compensation Commission and finally to this Court.

Furthermore, even if the CFI had the jurisdiction to consider the case, We believe that certiorari did not lie, since the granting of extensions, specially motions for reconsiderations, are interlocutory and are moreover within the discretion of the Commission. In this particular case, the extension asked did not prejudice any right of the petitioner. And even if respondent hearing officer committed an error in granting the extension, this did not constitute grave abuse of discretion, for it might only be a mistake of law or an error of fact, not correctible by certiorari. If the Court, board, or person had jurisdiction over the subject-matter and of the persons; the orders or decisions upon all questions pertaining to the cause are orders or decisions within its/his jurisdiction and, however, irregular or erroneous they may be, they cannot be corrected by certiorari, but by appeal (*Villa-Rey Transit, Inc. vs. E. Bello, et als.*, G.R. No. L-18957, April 23, 1963).

IN VIEW OF THE FOREGOING, the Order appealed from should be, as it is hereby affirmed. No pronouncement as to costs.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, and Makalintal, JJ., concur.

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