

AURORA C. MALLARI, FOR HERSELF AND IN BEHALF OF HER MINOR CHILDREN, AVELINO, JOSEFINA, EFREN, AND NERISSA, ALL SURNAMED MALLARI, PLAINTIFFS AND APPELLEES, VS. VICTORY LINER, INC...

G.R. No. 22043. February 28, 1966

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Appeal from an order of the Court of First Instance of Zambales on a question purely of law.

Plaintiff Aurora C. Mallari is the widow of Jose Mallari, a former driver of defendant Victory Liner, Inc. The other plaintiffs, namely, Avelino, Josefina, Efren and Nerissa, all surnamed Mallari, are the minor children of said spouses. While Jose was asleep inside a bus of the defendant in San Felipe, Zambales, as required by said defendant, in the evening of September 12-13, 1956, he had an attack of what is locally known as "bangungot", in consequence of which he died soon thereafter. A claim for indemnity, under the Workmen's Compensation Act, having been subsequently filed by Mrs. Mallari and her children, a hearing officer of the Workmen's Compensation Commission—hereinafter referred to as WCC—rendered, on January 23, 1961, after appropriate proceedings, a decision ordering the defendant to pay the aggregate sum of P4,000 to the claimants, plus P5.00 as fee of the WCC, pursuant to Section 55 of said Act.

This decision was, on motion for reconsideration filed by the defendant, affirmed by the WCC chairman who, moreover, sentenced the defendant to pay the additional sums of P300.00 to the claimants, by way of attorney's fees, and P5.00, to the Commission, as costs for said reconsideration. Defendant appealed to the Supreme Court to no avail.

Subsequently, or on February 5, 1963, Mrs. Mallari and her children instituted the present action in the Court of First Instance of Zambales. In the complaint, they alleged the foregoing facts and prayed that judgment be rendered in accordance with the aforementioned decision of the WCC. In due course, on February 14, 1963, said court issued an order rendering judgment for the plaintiffs and against the defendant "ordering the latter to pay as follows : P1,333.33 to the widow Aurora Mallari; P666.67 to each of the plaintiffs Avelino, Josefina, Efren and Nerissa, all surnamed Mallari; P56.00 as fees to the Workmen's Compensation Commission, Regional Office III, Manila; and P300.00 to the plaintiffs as attorney's fees plus the costs of this suit."

Hence, this appeal by the defendant which maintains that Section 51 of the Workmen's Compensation Act, pursuant to which order and judgment were, respectively, issued and rendered is unconstitutional, for the reason that said section "infringes on judicial prerogatives and imperils judicial independence". Said Section 51 reads:

"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".

It is urged that this provision virtually vests judicial powers on the WCC in violation of the principle of separation of powers. We find no merit in this pretense. It should be noted that, under said legal provision, the award of the WCC was appealable to courts of justice. Moreover, said award, if favorable to the claimant and affirmed on appeal, or not appealed at all, merely gave him cause of action for a judicial decision by a court of justice. Then, too, it is this decision or judgment, not the administrative award, that is enforced by a writ of execution issued by said court. Referring particularly to the present case, the award of the WCC in favor of petitioners herein had, in effect, been upheld by the Supreme Court in G.R. No. L-201-10, entitled "Victory Liner, Inc. vs. Aurora C. Mallari, for herself and in behalf of her minor children, namely, Avelino, Josefina, Efren and Nerissa, all surnamed Mallari, and the Workmen's Compensation Commission". Hence, the appealed order of the Court of First Instance of Zambales merely sought to enforce or carry out the decision or judgment incorporated therein and the action taken by this Court in said case G. R. No. L-20110.

Wherefore, the order appealed from is hereby affirmed, with costs against the appellant. It is so ordered.

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

Order affirmed.

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