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Bulacan an application for the registration in her name of the said lot, and that the complainant and Norma Laperal filed oppositions to the said application.

The case was referred to the Solicitor General for investigation, report and recommendation. At the hearing on February 28, 1978 complainant Reydado filed a verified motion for the withdrawal of his complaint. He alleged that his complaint was an offshoot of a misunderstanding between the parties which had "already been amicably settled." The respondent did not register any objection to the said motion.

WHEREFORE, this case is dismissed and considered closed.

SO ORDERED.

Fernando (Chairman), Barredo, Antonio, Concepcion Jr., and *Santos, JJ.*, concur.

SECOND DIVISION

[G.R. No. L-46681. March 28, 1978]

ANA I. RABANAL, *petitioner, vs.* **REPUBLIC OF THE PHILIPPINES (Bureau of Public Schools),** *respondent.*

SYLLABUS

LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION ACT; AILMENT AND DEATH OF TEACHER IN CASE AT BAR PRESUMED TO HAVE BEEN AGGRAVATED BY HIS WORK.— Attys. Ernesto H. Cruz and Lydia Arada-Navarro of the Legal Division of the Department of Labor in a manifestation dated March 1, 1978 admitted that the death of Julian Rabanal occurred in the course of his employment as a public school teacher and that his ailments were presumed to have been aggravated by his work. They

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interposed no objection to the extrajudicial settlement of the claim "if only to give and meaning to the oft-invoked social character of the Workmen's Compensation law." Assistant Solicitor General Nathanael P. de Pano, Jr. and Trial Attorney Luisito P. Escutin in a manifestation dated March 9, 1978 stated that, in view of the change of stand taken by the Compensation Appeals and Review Staff of the Department of Labor, they indorsed on March 6, 1978 to the Department of Education and Culture the decision of the Workmen's Compensation for payment of the award contained therein.

RESOLUTION

AQUINO, *J.*:

This is a workmen's compensation case. Julian Rabanal, a 43-year old public elementary school teacher in Sinait, Ilocos Sur, died on October 9, 1973. His death was caused by cirrhosis of the liver, peptic ulcer with bleeding, and anemia with acute loss of blood. He was survived by his widow, Ana I. Rabanal, and five minor children.

On December 5, 1973 the widow filed a claim for workmen's compensation with the regional office of the Workmen's Compensation Commission at Vigan, Ilocos Sur. She alleged that mental stress, overwork in teaching academic subjects and physical education and in scouting and Youth Civic Action Program (YCAP) activities and eating meals hurriedly or missing meals aggravated her husband's ailments.

Ana I. Rabanal presented her evidence at the hearing held in the regional office. At the next hearing, she failed to appear. The hearing officer dismissed her claim in his order of October 7, 1974 notwithstanding that she had already presented her evidence.

Ana I. Rabanal in her letter of October 31, 1974 to the hearing officer requested reconsideration of the order dismissing her case and ambiguously stated that she be "allowed to withdraw the same."

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The hearing officer, without bothering to clarify from Ana I. Rabanal what she meant by being "allowed to withdraw the same," issued an ambivalent order lifting the order of dismissal but at the same time considering the case as "withdrawn and dismissed."

The claimant, who is not highly educated, did not appeal from that order. She went directly to the main office of the Workmen's Compensation Commission in Manila to press her claim. The Commission ordered the hearing officer to elevate the record of the case.

On February 5, 1976 the Commission rendered a decision holding that the dismissal of the claim was unjustified and awarding to the claimant ₱6,000 as death compensation plus ₱200 as reimbursement for burial expenses, ₱403.10 for medical expenses and ₱600 as attorney's fees.

The Solicitor General moved for the reconsideration of the decision on the ground that the Commission had no appellate jurisdiction over the case since the claimant did not formally appeal from the order of the hearing officer which treated her claim as "withdrawn and dismissed."

The Acting Secretary of Labor in an order dated June 15, 1977 set aside the Commission's decision because the claimant had not appealed from the order of the hearing officer. Claimant's motion for the reconsideration of the Acting Secretary's order was denied by the Secretary of Labor in his order of August 4, 1977, a copy of which was received by her on September 20, 1977.

On October 28, 1977 Ana I. Rabanal filed a petition for *certiorari* in this Court for the purpose of annulling the orders of the Secretary of Labor. After the Republic and the Workmen's Compensation Commission had filed their comments, the case was set for oral argument on February 20, 1978.

Attys. Ernesto H. Cruz and Lydia Arada-Navarro of the Legal Division of the Department of Labor in a manifestation dated March 1, 1978 admitted that the death of Julian Rabanal

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occurred in the course of his employment as a public school teacher and that his ailments were presumed to have been aggravated by his work. They interposed no objection to the extrajudicial settlement of the claim "if only to give life and meaning to the oft-invoked social character of the Workmen's Compensation Law."

Assistant Solicitor General Nathanael P. de Pano, Jr. and Trial Attorney Luisito P. Escutin in a manifestation dated March 9, 1978 stated that, in view of the change of stand taken by the Compensation Appeals and Review Staff of the Department of Labor, they indorsed on March 6, 1978 to the Department of Education and Culture the decision of the Workmen's Compensation for payment of the award contained therein.

WHEREFORE, this case is dismissed for having become moot and academic.

SO ORDERED.

Fernando (Chairman), Barredo, Antonio, Concepcion Jr., and *Santos, JJ.*, concur.

FIRST DIVISION

[G.R. No. L-26407. March 31, 1978]

EUSEBIO MENDOZA, *plaintiff-appellant, vs.* **LA MALLORCA BUS COMPANY,** *defendant-appellee.*

SYLLABUS

1. REMEDIAL LAW; CIVIL PROCEDURE; JUDGMENTS; *RES JUDICATA*; REQUISITES.— It is well-settled in our