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FIRST DIVISION

[G.R. No. L-43744. September 30, 1976]

LAPAZ Q. MARTINEZ, *petitioner, vs.* **THE WORKMEN'S COMPENSATION COMMISSION and REPUBLIC OF THE PHILIPPINES (Formerly Bureau of Public Schools, now Department of Education and Culture),** *respondents.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION COMMISSION; HAS NO JURISDICTION AND AUTHORITY TO SET ASIDE A FINAL AND EXECUTORY DECISION OF THE LABOR REFEREE; RATIONALE.**— The Commission no longer had jurisdiction and authority to set aside a final and executory decision-award and its decision must therefore be set aside as null and void. As we held in *Ramos vs. Republic* this basic rule of finality of judgments is applicable indiscriminately to one and all and regardless of whether respondent employer be a public or private employer, since the rule is grounded on fundamental considerations of public policy and sound practice that at risk of occasional error, the judgment of courts and award of quasi-judicial agencies must become final at some definite date fixed by law. What the Court recently reaffirmed in *Luzsteveco vs. Reyes, et al.* is fully applicable here: "(I)t is of course beyond question that the perfection of an appeal *within* the statutory or reglementary period is *mandatory* and *jurisdictional* and that failure to so perfect an appeal renders final and executory the questioned decision and deprives the appellate court of jurisdiction to entertain the appeal. The lapse of the appeal period deprives the courts of jurisdiction to alter the final judgment."

2. **REMEDIAL LAW; CIVIL PROCEDURE; RELIEF FROM JUDGMENT; FAILURE TO AVAIL OF THE GRACE PERIOD TO FILE PETITION IS FATAL.**— As to the respondent's failure to avail timely of the grace period to file a petition for relief from judgment, the Court stressed therein that such failure is fatal since the grace period is *absolutely fixed, inextendible,*

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never interrupted, and *cannot* be subjected to any condition or contingency.

3. ID.; ID.; ID.; VOLUME AND PRESSURE OF WORK OF RESPONDENT'S COUNSEL DOES NOT CONSTITUTE MISTAKE OR EXCUSABLE NEGLIGENCE AND IS NOT A GROUND THEREFOR.— At any rate, the alleged "usual volume and pressure or work" of respondent's counsel does not constitute mistake or excusable negligence as would warrant the equitable remedy or relief from judgment which is available only in exceptional cases.

APPEARANCES OF COUNSEL

Teodoro C. San Juan & Mercedes M. Respicio, Citizen Legal Assistance Office for petitioner.

Acting Solicitor General Hugo E. Gutierrez, Jr., Assistant Solicitor General Octavio R. Ramirez and *Trial Attorney Lolita C. Dumlao* for respondents.

DECISION

TEEHANKEE, *J.*:

The Court annuls respondent Commission's decision reversing the referee's award of workmen's compensation benefits in favor of petitioner-claimant on the basic ground of lack of jurisdiction and authority on the commission's part to set aside an award that was already final and executory for lapse of the reglementary period or to grant relief from judgment where the petition for relief was filed long after the reglementary grade period therefor.

After due hearing on petitioner's claim of August 8, 1974 for disability compensation (due to hypertension and arthritis) while in the employ of respondent as a grade school classroom teacher (for forty one years from July 6, 1927 to July 31, 1968), the hearing officer of the respondent commission rendered his decision of July 16, 1975 awarding petitioner the sum of ₱6,000.00 disability compensation benefits and directing respondent to

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pay the ₱300.00-fee to claimant's intervenor and ₱61.00-administrative fee.

Respondent Republic admitted having received through the Solicitor General copy of the decision-award on September 2, 1975.[1] With the lapse of the 15-day reglementary period without an appeal,[2] the award became final and executory on September 17, 1975. Five months later on February 4, 1976, respondent through the Solicitor General[3] filed a petition for relief from the judgment alleging that due to the trial attorney's "usual volume and pressure of work in the office" it was "unable to file a motion for reconsideration of the decision in question within the reglementary period."[4]

Notwithstanding that on the face of the pleading and from the record itself, it was patent that the decision-award had long become final and executory and that the petition for relief (prescinding from the validity or lack thereof of the reason given) was filed also outside the reglementary grace Period therefor (within 30 days from knowledge of the decision-award and within 3 months from entry thereof[5]), respondent commission nevertheless took cognizance thereof and in its decision of March 8, 1976 reversed the decision-award and dismissed the claim "for lack of merit."

Hence, the present petition for review filed by petitioner-claimant through the Citizens Legal Assistance Office.

The petition is granted. The Commission no longer had jurisdiction and authority to set aside a final and executory decision-award and its decision must therefore be set aside as null and void.

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[1] *Rollo*, page 21.

[2] Secs. 50 and 51, Workmen's Compensation Act.

[3] Represented by the trial attorney, Lolita C. Dumlao, *Rollo*, page 23.

[4] *Rollo*, pages 21-23.

[5] Rule 22, sec. 3, Workmen's Compensation Commission Rules.

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As we held in *Ramos vs. Republic*[6] this basic rule of finality of judgments is applicable indiscriminately to one and all and regardless of whether respondent employer be a public or private employer, since the rule is grounded on fundamental considerations of public policy and sound practice that at risk of occasional error, the judgment of courts and award of quasi-judicial agencies must become final at some definite date fixed by law.

What the Court recently reaffirmed in *Luzsteveco vs. Reyes, et al.*[7] is fully applicable here: "(I)t is of course beyond question that the perfection of an appeal *within* the statutory or reglementary period is *mandatory* and *jurisdictional* and that failure to so perfect an appeal renders final and executory the questioned decision and deprives the appellate court of jurisdiction to entertain the appeal. The lapse of the appeal period deprives the courts of jurisdiction to alter the final judgment."

As to the respondent's failure to avail timely of the grace period to file a petition for relief from judgment, the Court stressed therein that such failure is fatal since the grace period is *absolutely fixed, inextendible, never interrupted,* and *cannot* be subjected to any condition or contingency. At any rate, the alleged "usual volume and pressure or work" of respondent's counsel does not constitute mistake or excusable negligence as would warrant the equitable remedy or relief from judgment which is available only in exceptional cases.

ACCORDINGLY, judgment is hereby rendered setting aside respondent commission's decision of March 8, 1976 and reinstating the decision-award of July 16, 1975.

Makasiar, Muñoz Palma, Concepcion Jr., and *Martin, JJ.,* concur.

Concepcion, Jr., J., was designated to sit in the First Division.

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[6] 69 SCRA 576 (February 27, 1976.).

[7] L-43469 et al., June 30, 1976.