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SECOND DIVISION

[G.R. No. L-37737. February 27, 1979]

MAXIMO NOCNOC, *petitioner*, *vs.* **HON. ISIDORO A. VERA, District Judge of the Court of First Instance Camarines Norte and ERNESTO MANARANG**, *respondents*.

SYLLABUS

1. **REMEDIAL LAW; COURTS; COURT OF FIRST INSTANCE; WITHOUT POWER TO ENJOIN OR REVIEW WORKMEN'S COMPENSATION COMMISSION'S ORDER OF EXECUTION.** — Respondent Judge's disclaimer of appellate jurisdiction over Workmen's Compensation cases is well-taken pursuant to Sec. 46, Act 3428 or the Workmen's Compensation Act as amended by RA 772. His assertion of jurisdiction over private respondent Manarang's complaint for injunction — arising from proceedings before the Workmen's Compensation Unit, on the ground that this court "is one of general jurisdiction" — is contrary to his court's admitted lack of jurisdiction — whether original or appellate — over Workmen's Compensation cases. For, in reviewing the alleged nullity of the award and enjoining its execution, respondent Judge assumed jurisdiction over a matter which could have been elevated from the Workmen's Compensation Unit to the Workmen's Compensation Commission, and thereafter, on appeal, to this Court. This, he cannot do, for ." . . the decisions, orders and awards entered by the Workmen's Compensation Commission are appealable to the Supreme Court. x x x (T)he Court of First Instance is not empowered or clothed with jurisdiction to review or modify, much less, annul an award or *order of execution* issued by the Workmen's Compensation Commission.

2. **ID.; CIVIL PROCEDURE; APPEAL; WHEN CONSIDERED ABANDONED.** — Where the employer had earlier filed with the Supreme Court a petition for Review on *Certiorari* of the Workmen's Compensation Unit's award, but the petition was considered "not filed" per the Supreme Court's resolution for failure of employer to pay docket and legal fees, and the employer did not pursue the said remedy by seeking reconsideration of the Court's resolution or paying the required fees, and, instead,

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went to the Court of First Instance and filed a complaint for injunction, he may be deemed to have abandoned the appropriate recourse of appeal to the Workmen's Compensation Commission and the Supreme Court.

3. ID.; ID.; JURISDICTION; "COURT OF GENERAL JURISDICTION," SCOPE. — The phrase "court of general jurisdiction" is merely descriptive of Courts of First Instance (CFI) which have original jurisdiction over civil, criminal and other cases in contra-distinction to courts of special, limited jurisdiction, *e.g.*, the Court of Agrarian Relations(CARO, the Court of Tax Appeals (CTA), the Circuit Criminal Courts (CCC), the Juvenile and Domestic Relations Court (JDRC) and so forth. The descriptive phrase, however, does not and cannot confer CFI's with power to entertain an incident involving a Workmen's Compensation case, which is within the exclusive jurisdiction of the Workmen's Compensation Commission (WCC) and of the Supreme Court, in case of an appeal. For jurisdiction to be properly vested in a court or body, it must be expressly provided by law, and, in the case of Courts of First Instance, by the Judiciary Act, as amended, not by a phrase descriptive of the extent and scope of the Court's competence.

APPEARANCES OF COUNSEL

Jose Lozada Lapak for petitioner.
Edwin Z. Ferrer for private respondent.

D E C I S I O N

SANTOS, *J.*:

In this petition for *certiorari* and prohibition filed on October 30, 1973, petitioner, a claimant for death compensation benefit, assails the order of respondent Judge of the Court of First Instance dated September 18, 1973[1] which enjoined the execution of the order of the Workmen's Compensation Unit (WCU) Regional District No. 6, dated March 14, 1973, directing *inter alia* private respondent to pay petitioner-claimant the sum of

[1] *Rollo*, p. 76.

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₱3,910.00 for the death of his son,[2] as well as the order of the same Court dated October 10, 1973 which denied the motion for reconsideration of above order of September 18, 1973.[3] The issue raised in this petition is whether respondent court of First Instance had jurisdiction to entertain a case impugning the validity of an award/decision of the WCU, and, in the process, enjoin its execution.

In our resolution of November 5, 1973, petitioner-claimant's motion to litigate as pauper was granted, respondent was required to file an answer to the petition — not to move to dismiss the same — and a temporary restraining order was issued enjoining respondent Judge from further proceedings effective immediately and until further orders from this Court.[4] On December 11, 1973, respondent CFI Judge filed his answer,[5] and on January 2, 1974, petitioner-claimant filed his reply thereto.[6] In a manifestation and motion filed on January 9, 1974, petitioner-claimant prayed that the case be set for oral argument before final resolution of the same by the Court.[7] On January 11, 1974, private respondent Ernesto Manarang adopted respondent Judge Vera's answer.[8]

The records show that on September 19, 1972, petitioner-claimant filed a claim for compensation under Act 3842, *i.e.*, the Workmen's Compensation Act, as amended, with the Workmen's Compensation Unit (WCU), Regional District No. 6, at Naga City, for the death of his son, Norberto Nocnoc, single, who died in an accident on June 9, 1970, while employed as a bus conductor in the transportation

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[2] *Id.*, p. 31.

[3] *Id.*, p. 82.

[4] *Id.*, p. 87.

[5] *Id.*, p. 104.

[6] *Id.*, p. 119.

[7] *Id.*, p. 125.

[8] *Id.*, p. 128.

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business of private respondent, Ernesto Manarang.[9] Private respondent received a copy of the claim on February 2, 1973.[10] On March 7, 1973, after the period to controvert the claim expired, private respondent moved to dismiss the claim on the ground that petitioner had previously entered into an amicable settlement of the claim and that petitioner-claimant had in fact received the sum of ₱2,330.00.[11] In its order of March 14, 1973,[12] the WCU through its Chief Referee, Estanislao D. Sarto, denied the motion to dismiss, and instead awarded to petitioner-claimant the sum of ₱6,240.00, but deducted therefrom the aforesaid amount of ₱2,330.00 which was deemed as advance and/or partial payment on the claim. The dispositive portion of the award, therefore, directed private respondent Manarang —

"1. To pay to claimant father Maximo Nocnoc x x x the sum of ₱3,910 as full compensation for the death of the late Roberto Nocnoc; and,

"2. To pay to the Workmen's Compensation Fund x x x the sum of ₱61.00 as administrative fee under Section 66 of the aforesaid law."[13]

Respondent Manarang moved to have the award reconsidered,[14] but his Motion for Reconsideration was denied for lack of merit in the WCU Order of April 24, 1973.[15] Upon the finality of the award, claimant-petitioner filed a petition for the issuance of a writ of execution[16] which was opposed by respondent on the ground that he already filed on May 25, 1973,

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[9] *Id.*, pp. 8-9 (Petition); See also *Id.*, p. 31 (Order).

[10] *Id.*, p. 31 (Order).

[11] *Id.*, p. 29.

[12] *Id.*, p. 31.

[13] *Id.*, p. 34.

[14] *Id.*, p. 35 (Motion for Reconsideration).

[15] *Id.*, p. 39.

[16] *Id.*, p. 40.

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a petition for *certiorari* with this Court,[17] the resolution of which "is a prejudicial question."[18]

The "Petition for Review on *Certiorari*" adverted to was, per resolution of this Court dated June 8, 1973, considered "NOT FILED" for failure of petitioner Manarang to pay docket and legal fees.[19] It does not appear that he filed a motion for reconsideration of the said resolution, but thereafter or on July 20, 1973, the writ of execution was issued by the WCU.[20]

On August 4, 1973, respondent filed a complaint, entitled "*Ernesto Manarang v. Estanislao Sarto, et al.*" Civil Case No. 2438, for injunction with the Court of First Instance, Branch II at Camarines Norte, presided by respondent Judge to enjoin the enforcement of the writ of execution so issued, upon his filing of a bond, to be fixed by the Court. On August 7, 1973 respondent Judge ordered defendants, WCU Chief Referee and the Provincial Sheriff to "cease and desist from further orders." In a motion for intervention dated August 9, 1973,[21] petitioner-claimant moved to be allowed to intervene as "the real party-in-interest," with prayer that his "Motion to Dismiss," which he attached, predicated on lack of jurisdiction on the part of respondent Judge, be admitted.[22] In its order of August 13, 1973, respondent Judge granted the motion for intervention but denied the motion to dismiss.[23]

In their answer, which counterclaim, dated August 23, 1973[24] defendants (Chief Referee and Provincial Sheriff) and intervenor (petitioner-claimant) prayed for the dismissal of the complaint.

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[17] *Id.*, p. 43.

[18] *Id.*, p. 41.

[19] *Id.*, p. 49.

[20] *Id.*, p. 50.

[21] *Id.*, p. 61.

[22] *Id.*, p. 64.

[23] *Id.*, p. 68.

[24] *Id.*, p. 69.

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Upon the other hand, plaintiff — nor private respondent — in is reply[25] prayed for the dismissal of the counterclaim and that the injunction already issued be made permanent. The questioned orders of September 18, 1973 and October 19, 1973 were thereafter issued.[26] Hence, this petition for *certiorari* and prohibition.[27]

As adverted to earlier, the question now before Us is whether the Court of First Instance, as a court of general jurisdiction, can entertain a case impugning the validity of the award of the Workmen's Compensation Unit and, in the process restrain the enforcement of a writ of execution issued by its Chief Referee.

Petitioner-claimant contends that the Court of First Instance had no jurisdiction to entertain a Workmen's Compensation case since it has no jurisdiction whatsoever over the same.[28] Neither can it enjoin the execution of an award by the Workmen's Compensation Unit, an independent administrative body fully clothed by law with authority to adjudicate matters relative to Workmen's Compensation cases.[29]

On the other hand, respondent Judge insists that "in issuing the injunctive order in Civil Case No. 2438 (he) did so, not in the exercise of any appellate jurisdiction over the Workmen's Compensation Commission because he has none, but in the exercise of his power as a court of general jurisdiction in a case filed before him.[30] For according to respondent Judge, "he cannot evade his solemn duty of giving redress to a litigant who claims that his constitutional right to a day in court has been denied."[31] Respondent Judge's position, therefore, is that

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[25] *Id.*, p. 74.

[26] See *supra*, notes 2 and 3.

[27] *Id.*, p. 7.

[28] *Id.*, p. 122 (Reply).

[29] *Id.*, p. 16.

[30] *Id.*, p. 111.

[31] *Ibid.*

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while he has no appellate jurisdiction over the Workmen's Compensation case, he may "x x x in the exercise of his power as a court of general jurisdiction x x x (gives) redress to a litigant who claims that his constitutional right to a day in court has been denied."

Respondent Judge's position is not well-taken. This petition is invested with merit.

1. Respondent Judge's disclaimer of appellate jurisdiction over Workmen's Compensation cases is well-taken pursuant to Sec. 46, Act 3428 or the Workmen's Compensation Act as amended by RA 772, to wit:

> "SEC. 46. *Jurisdiction. The Workmen's Compensation Commission shall have exclusive jurisdiction to hear and decide claims for compensation under the Workmen's Compensation Act, subject to appeal to the Supreme Court*, in the same manner and in the same period provided by law and by Rules of Court for appeal from the Court of Industrial Relations to the Supreme Court." (Emphasis supplied.)

But his assertion of jurisdiction over private respondent Manarang's complaint for injunction — arising from proceedings before the Workmen's Compensation Unit, on the ground that this court "is one of general jurisdiction" — is contrary to his court's admitted lack of jurisdiction — whether original or appellate — over Workmen's Compensation cases. For, in reviewing the alleged nullity of the award and enjoining its execution, respondent Judge assumed jurisdiction over a matter which could have been elevated from the Workmen's Compensation Unit to the Workmen's Compensation Commission, and thereafter, on appeal, to this Court. This, he cannot do, for ". . . the decisions, orders and awards entered by the Workmen's Compensation Commission are appealable to the Supreme Court. x x x (T)he Court of First Instance is *not* empowered or clothed with jurisdiction to review or modify,

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much less, annul an award or *order of execution* issued by the Workmen's Compensation Commission."[32]

The law and jurisprudence are thus clear, unequivocal. No further interpretation is necessary. The proper forum to thresh out the validity of the WCU's award — which is allegedly null and void because it was rendered without giving the private respondent his constitutional right to due process, as well as the validity of the ensuing writ of execution to enforce the same — is the Workmen's Compensation Commission, and, on appeal, this Court and not any other, much less respondent's court. In point of fact, respondent Manarang filed a Petition for Review on *Certiorari* earlier with this Court on May 25, 1973. This, however, was considered "NOT FILED" per this Court's resolution of June 8, 1973 for his failure to pay docket and legal fees. Since he did not pursue the said remedy by seeking the reconsideration of this Court's resolution and/or paying the required fees, and, instead, went to respondent Judge's court and filed the complaint for injunction, he may be deemed to have abandoned the appropriate recourse of appeal to the Workmen's Compensation Commission and to this Court.

2. Now, as to private respondent's claim that he was denied his day in court. The WCU correctly found that the claim was not controverted by private respondent within the period prescribed by the Workmen's Compensation Act, as amended,

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[32] *Sumilang v. Castillo, et al.*, L-16172, April 28, 1962, 4 SCRA 1203 1207; Emphasis supplied. See also *Castro v. Sagales*, 94 Phil. 208 (1953); *Ambrosio et al., v. Hon. Judge Serafin Salvador et al.*, G.R. No. L-47651, December 11, 1978; to the effect that a Court of First Instance has no authority to issue an injunction against the Public Service Commission or any other court or semi-judicial body of equal rank (*Iloilo Commercial and Ice Co. v. Public Service Commission*, 56 Phil. 28; *Regalado v. Prov. Constabulary Commander of Negros Occidental*, 113 Phil. 490), nor against the Social Security Commission which in exercising its quasi-judicial functions ranks with the Court of First Instance and the defunct Public Service Commission (*Poblete Const. Co. vs. Social Security Commission*, 119 Phil. 264), nor against the Patent Office (*Kabushiki Kaisha v. San Diego*, L-22756, March 18, 1966, 16 SCRA 406) and the Court of Agrarian Relations (*Belleza v. Dimson Farms, Inc.* L-33355, April 11, 1972, 44 SCRA 385).

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and the Commission Rules, which require controversion of the claim within fourteen (14) days from the date of the disability or within ten (10) days after the employer or his representative first acquired knowledge of the disability resulting from the accident or illness. This finding was not disputed by private respondent. And, as a matter of fact, private respondent paid petitioner-claimant ₱2,330.00 in an attempt to settle the case amicably. The failure to controvert is fatal to the defense of the claim.[33] The Commission Rules specifically provides that failure to controvert within the period "may result in the issuance of an award, if warranted by substantial evidence, without necessity of any formal hearings."[34] We have recognized this right of the Labor Regional Administrator (now Chief of Workmen's Compensation Unit) to immediately issue an award without notice and hearing where the employer failed to seasonably submit the employer's report or notice of controversion in accordance with and in the manner provided for under Sections 37 and 45 of the Workmen's Compensation Act.[35] Specifically, it has been held that after the failure to controvert, *an employer cannot raise the question of being denied its day in court.*[36]

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[33] *Pampanga Sugar Mills v. Vda. de Espeleta*, L-24073, Jan. 30, 1968, 22 SCRA 325.

[34] The full text of Sec. 2, Rule 9 of the Commission Rules reads:

"SEC. 2. Failure to Answer or Controvert May Result in the Issuance of an Award. — Failure of the employer or carrier to file the report or answer as required under Sec. 1, Rule 7 or to controvert within the period and/or in the manner provided in the preceding rule may result in the issuance of an award, if warranted by substantial evidence without necessity of any formal hearing."

[35] *Caltex (Phil.) Inc. v. Villanueva, et al.* L-15658, August 31, 1961, 2 SCRA 995, *Aboitiz Shipping Corp. v. Oqueria, et al.* L-20998, Aug. 31, 1965, 14 SCRA 1046; *Natl. Dev. Cp. v. Workmen's Compensation Commission, et al.*, L-20504, March 31, 1965, 13 SCRA 544; *Mla. Railroad Co. v. Workmen's Compensation Commission, et al.*, L-21501, September 15, 1967, 21 SCRA 98; *Mla. Railroad Co. v. WCC, et al.*, L-21901, August 10, 1967, 20 SCRA 967.

[36] *Victorias-Milling Co., Inc. v. Workmen's Compensation Commission, et al.*, L-25665, May 22, 1969, 28 SCRA 285.

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Respondent Judge assumed jurisdiction over the private respondent's complaint in Civil Case No. 2438 on the basis of private respondent's claim that he was denied his day in court and on his (respondent Judge's) impression that as a "court of general jurisdiction", the Court of First Instance has jurisdiction over the case and give the relief prayed for — as he did. Respondent Judge lost sight of the fact that the phrase "*court of general jurisdiction*" is merely descriptive of Courts of First Instance (CFI) which have original jurisdiction over civil, criminal and other cases in contra-distinction to courts of special, limited jurisdiction, *e.g.*, the Court of Agrarian Relations (CAR), the Court of Tax Appeals (CTA), the Circuit Criminal Courts (CCC), the Juvenile and Domestic Relations Courts (JDRC) and so forth. The descriptive phrase, however, does not and cannot confer CFI's with power to entertain an incident involving a Workmen's Compensation case, which is within the exclusive jurisdiction of the Workmen's Compensation Commission (WCC), and of this Court, in case of an appeal. For jurisdiction to be properly vested in a court or body, it must be expressly provided by law, and, in the case of Courts of First Instance, by the Judiciary Act, as amended, not by a phrase descriptive of the extent and scope of the Court's competence.

IN VIEW OF THE FOREGOING, the orders of respondent Judge dated September 18 and October 10, 1973, are hereby *ANNULLED* and *SET ASIDE*. The restraining order issued by this Court on November 5, 1973, is hereby MADE PERMANENT. This decision and the award of the Workmen's Compensation Unit are immediately executory.

Fernando, Antonio, Aquino, and *Concepcion Jr., JJ.*, concur.

Barredo, J., concurs. Indeed, We did not have to rule on the allegation of petitioner about denial of due process because that is a matter deemed resolved already in the *certiorari* case the Court had dismissed.