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FIRST DIVISION

[G.R. No. L-46582. February 27, 1979]

POGONG SOLIWEG, *petitioner*, *vs.* **WORKMEN'S COMPENSATION COMMISSION & REPUBLIC OF THE PHILIPPINES (Office of the President)**, *respondents*.

SYLLABUS

1. **REMEDIAL LAW; CIVIL PROCEDURE; JUDGMENT; FINALITY; WORKMEN'S COMPENSATION COMMISSION LACKS JURISDICTION TO REVERSE A FINAL AND EXECUTORY JUDGMENT.**— The Workmen's Compensation Commission lacks jurisdiction to issue a decision reversing the judgment of the Referee, Workmen's Compensation Unit, which had already become final and executory due to the failure of the Solicitor General, as counsel for respondent Republic, to file motion for reconsideration within the reglementary period.

2. **ID.; ID.; ID.; NULL AND VOID JUDGMENT CAN BE ASSAILED DIRECTLY OR COLLATERALLY.**— A decision which is null can be assailed directly or collaterally. Even after the time for appeal or review had elapsed, the petitioner could bring an action to annul the said decision. The decision is vulnerable to attack in any way and at any time even when no appeal has been taken. In varying language, this court has expressed its reprobation for judgments rendered by a court without jurisdiction. Such a judgment is held to be a dead limb on the judicial tree, which should be lopped off or wholly disregarded as the circumstances require. Where a judgment or judicial order is void in this sense it may be said to be a lawless thing, which can be treated as an outlaw and slain at sight, or ignored wherever and whenever it exhibits its head. A void judgment is in legal effect no judgment. By it no rights are divested. From it no rights can be obtained. Being worthless in itself, all proceedings founded upon it are equally worthless. It neither binds nor bars any one. All acts performed under it and all claims following out of it are void. Since the judgment is on its face void ab initio, the limited periods for relief from judgment in Rule 38 are inapplicable.

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3. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; PRESUMPTION OF COMPENSABILITY; SUPERVENING AILMENT COMPENSABLE; CASE; AT BAR.**— Before petitioner was employed by the Office of the President, he underwent a medical check-up and was found physically fit to work. Later he was employed as gardener working five (5) days in a week for eight (8) hours daily. His duty was to operate the lawn mover, cut the grasses within the premises of the Mansion House specially during rainy season. If the lawn mover could not be operated or was out of order, he had to cut the grasses by using a cycle and while in the performance of his duty as a gardener during rainy season, he had to use his raincoat to protect himself from the elements of nature. During the period of his employment he suffered an ailment which was diagnosed as pulmonary tuberculosis. His illness was known to his immediate superior. He had to go on sick leave of absence, but he continued working until his retirement. These circumstances sufficiently show that the ailment of the petitioner supervened during his employment. Hence, there is a presumption that it is compensable. The nature of his work exposed him to the elements which could weakened his body resistance thereby giving rise to or aggravating the disease of pulmonary tuberculosis.

4. **ID.; ID.; DISABILITY BENEFITS; COVERAGE.** — Under Section 13 of the Act, the claimant is entitled to the reimbursement of any amount which he incurred for his medical treatment and to such services, appliances and supplies as the nature of his disability and the progress of his recovery may require and that which will promote his early restoration to the maximum level of his physical capacity. Under Section 14 of the Act, the claimant is entitled to 60% per centum of his average weekly wage for the period he was physically incapacitated for labor, but in no case to exceed the period of 208 weeks from March 20, 1971, and the compensation benefit not to exceed the maximum compensability of ₱6,000.00 as provided in the Act.

APPEARANCES OF COUNSEL

Pogong Soliweg in his own behalf.

Solicitor General Estelito P. Mendoza, Assistant Solicitor General Jose F. Racela Jr. and *Solicitor Antonio G. Castro* for respondent Republic of the Phil.

Ernesto Cruz & Emilia Andres for respondent WCC.

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DECISION

FERNANDEZ, *J.*:

This is a petition to review on *certiorari* the decision of the Workmen's Compensation Commission in RO1-WC Case No. 1858 entitled "*Pogong Soliweg, Claimant, versus Republic of the Philippines (Office of the President), Respondent*," reversing the decision of the Regional Referee and absolving the respondent from any liability under the Workmen's Compensation Act as amended.[1]

On July 17, 1972, Pogong Soliweg filed a claim for compensation with the Sub-Regional Office of the Department of Labor at Baguio City against the Republic of the Philippines (Office of the President) by reason of his illness of pulmonary tuberculosis which he contracted as a result of his work and during his employment.

The respondent, through Assistant Executive Secretary Roberto V. Reyes, filed on September 7, 1972 the Employer's Report of Accident or Sickness (WC Form No. 3), alleging that it will controvert the employee's right to compensation principally on the ground that his illness was not compensable and his claim was filed out of time.

After hearing, the Chief of the Workmen's Compensation Section, Erudito E. Luna, rendered a decision dated March 22, 1973, the dispositive part of which reads:

"WHEREFORE, judgment is for the claimant and against the respondent and is hereby ordered:

1. To pay to Pogong Soliweg thru this Office, the amount of THREE THOUSAND FOUR HUNDRED SIXTY FOUR PESOS and 32/100 (₱3,464.32), as compensation benefit covering the period from March 20, 1971 to March 21, 1973, and to pay the claimant a weekly compensation benefit of ₱33.22 from March 22, 1973 up to the time his physical incapacity for

[1] Annex "A" to petitioner, *Rollo*, pp. 11-12.

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labor ceases but not to exceed the period of 208 weeks from March 21, 1971 and the compensation benefit not to exceed the maximum compensation of ₱6,000.00 provided for by law;

2. To provide the claimant such services, appliances and supplies as the nature of his disability and the process of his recovery may require and that which will promote his early restoration to the maximum level of his physical capacity and to reimburse to the claimant any amount which he may incur for his medical treatment;

3. To pay to Atty. Severino Z. Beltran, Jr. of Baguio City, the amount of ONE HUNDRED SEVENTY THREE PESOS and 21/100 (₱173.21), as attorney's fee; and

4. To pay to this Office, the amount of THIRTY FIVE PESOS (₱35.00), as administrative costs, pursuant to Section 55 of the Act.

SO ORDERED.

Baguio City, Philippines, this 22nd day of March, 1973.

ERUDITO E. LUNA
Chief
Workmen's Compensation Section"[2]

A copy of the decision of the Referee was received by the Office of the Solicitor General on April 2, 1973.

The Office of the Solicitor General filed on May 11, 1973 a motion to elevate the case to the Workmen's Compensation Commission for review.

On May 30, 1973, an order was issued by the Chairman, Workmen's Compensation Commission, denying said motion on the grounds that: (1) respondent office was not able to file a motion for reconsideration or petition for review within the reglementary period; and (2) the motion to elevate was not verified and was filed more than thirty (30) days from respondent's receipt of the decision.

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[2] *Rollo*, p. 18.

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On May 31, 1973 the Referee issued an order elevating the entire record of this case to "Director, Bureau of Workmen's Compensation Commission for his review."

On June 21, 1973, the respondent Republic filed a motion for reconsideration with the Workmen's Compensation Unit, Baguio City, stating that: (1) Since there was no employer-employee relationship between the claimant and respondent on the date claimant's right to compensation accrued, the decision was null and void *ab initio*; and (2) the Chief, Workmen's Compensation Section committed grave abuse of discretion tantamount to lack of jurisdiction.

On November 5, 1974 the Chief, Workmen's Compensation Unit, Baguio City, resolved the motion by issuing an order stating that there is "no legal basis for modification of the aforementioned decision."

However, a decision was rendered on April 25, 1975 by the Workmen's Compensation Commission reversing the Referee's decision of March 22, 1973. A motion for reconsideration filed on May 22, 1975 by petitioner was denied by the Workmen's Compensation Commission on July 7, 1975.[3]

The undisputed fact is that the decision of the Chief of the Sub-Regional Office of the Department of Labor at Baguio City had become final and executory inasmuch as the motion to elevate the case to the Workmen's Compensation Commission for review was filed in behalf of the Republic of the Philippines only on May 11, 1973, more than one month from the date that the office of the Solicitor General received a copy of the said decision of the Referee. Indeed, the Chairman of the Workmen's Compensation Commission denied the motion to elevate the case to the Workmen's Compensation Commission on the ground that said respondent was not able to file a motion for reconsideration of the petition for review within the reglementary period.

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[3] Comment of Respondents, *Rollo*, pp. 54-56.

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In view of the foregoing, the Workmen's Compensation Commission had no more jurisdiction to issue the decision dated April 25, 1976 reversing the Referee's decision of March 22, 1973. Said decision of April 25, 1975 is a nullity and can be assailed either directly or collaterally. Even after the time for appeal or review had elapsed, the petitioner could bring an action to annul the said decision. The decision of the Workmen's Compensation Commission is vulnerable to attack in any way and at any time even when no appeal has been taken. Thus in *Abbain vs. Chua*[4] this Court held:

"In varying language, this Court has expressed its reprobation for judgments rendered by a court without jurisdiction. Such a judgment is held to be 'a dead limb on the judicial tree, which should be lopped off or wholly disregarded as the circumstances require.' In the language of Mr. Justice Street: 'Where a judgment or judicial order is void in this sense it my be said to be a lawless thing, which can be treated as an outlaw and slain at sight, or ignored wherever and whenever it exhibits its head.' And in *Gomez vs. Concepcion*, this Court quoted with approval the following from Freeman on Judgments: 'A void judgment is in legal effect no judgment. By it no rights are divested. From it no rights can be obtained. Being worthless in itself, all proceedings founded upon it are equally worthless. It neither binds nor bars any one. All acts performed under it and all claims flowing out of it are void. The parties attempting to enforce it may be responsible as trespassers. The purchaser at a sale by virtue of its authority finds himself without title and without redress.'

Since the Judgment here on its face is void *ab initio*, the limited periods for relief from judgment in Rule 38 are inapplicable. That judgment is vulnerable to attack 'in any way and at any time, even when no appeal has been taken.'"[5]

Apart from the jurisdictional infirmity of the decision appealed from, the petition for review is meritorious in that under the established facts, the sickness of the petitioner is compensable.

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[4] 22 SCRA 748.

[5] *Ibid.*, p. 754.

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The evidence in the record disclosed that before Pogong Soliweg was employed by the Office of the President, he underwent a medical check-up in the Baguio Medical Center and was found physically fit to work; that later he was employed as gardener at the Mansion House, Baguio City, with a daily wage of ₱8.00 or ₱2,880.00 per annum working five (5) days in a week for eight (8) hours daily; that his duty was to operate the lawn mower and to cut the grasses within the premises of the Mansion House specially during rainy season; that in case the lawn mower could not be operated or was out of order, Soliweg had to cut the grasses by using a cycle and while in the performance of his duty as a gardener during rainy season, he had to use his raincoat to protect himself from the elements of nature; that during the period of his employment in 1969, he suffered an ailment which was diagnosed as pulmonary tuberculosis; that he had to go on sick leave of absence; that his illness was known to Soliweg's immediate superior, Antonio P. Corpuz, the Mansion House Manager; and that he continued working until March 20, 1971 when he retired.

The ailment of the petitioner supervened during his employment. Hence, there is a presumption that it is compensable. The nature of his work as gardener in cutting grasses within the premises of the Mansion House exposed him to the elements which could have weakened his body resistance thereby giving rise to or aggravating the disease of pulmonary tuberculosis.

The Referee found the respondent Republic of the Philippines liable to pay the compensation awarded to the petitioner because:

"Under Section 13 of the Act, the claimant is entitled to the reimbursement of any amount which he incurred for his medical treatment and to such services, appliances and supplies as the nature of his disability and the process of his recovery may require and that which will promote his early restoration to the maximum level of his physical capacity.

Under Section 14 of the Act, the claimant is entitled to 60% per centum of his average weekly wage for the period he was physically incapacitated for labor. In this case, he was disabled for work from March 20, 1971 to March 21, 1973 or 730 days or 104-2/7 weeks. Sixty

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per centum of his average weekly wage which in this case was ₱55.38 equals ₱33.22 and for 104-2/7 weeks, he is entitled to receive the amount of ₱3,464.32, as compensation benefit and to pay the claimant a weekly compensation of ₱33.22 from March 22, 1973 up to the time his physical incapacity for labor ceases but not to exceed the period of 208 weeks from March 20, 1971 and the compensation benefit not to exceed the maximum compensation of ₱6,000.00 as provided in the Act."[6]

The foregoing computation is correct.

WHEREFORE, the decision of the Workmen's Compensation Commission sought to be reviewed is hereby set aside and the decision of the Chief, Workmen's Compensation Section at Baguio City dated March 22, 1973 is reinstated, the same having become final and executory.

SO ORDERED.

Teehankee (Chairman), Makasiar, Guerrero, De Castro, and *Melencio-Herrera, JJ.*, concur.

FIRST DIVISION

[G.R. No. L-48315. February 27, 1979]

ATTY. DOMINADOR B. BORJE, *petitioner*, *vs.* **HON. COURT OF FIRST INSTANCE OF MISAMIS OCCIDENTAL, BRANCH II, VIOLETA GALICINAO; MISAMIS OCCIDENTAL WATER DISTRICT, and THE CHAIRMAN OF THE BOARD**, *respondents*.

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[6] *Rollo* pp. 17-18.