

additional costs as directed by the provisions of Article 1724 of the Civil Code.

WHEREFORE, the writ is hereby granted, the decision of the Court of Appeals reversed, and the action of respondent dismissed. Without costs.

Bengzon, C.J., Padilla, J.B.L. Reyes, Paredes, Dizon and De Leon, JJ., concurred.

Barrera, Natividad and Concepcion, JJ., took no part.

VIII

La Mallerca Bus Co., et al., Petitioners-appellees, vs. Nicanor Ramos, et al., Respondents; Fuentes and Plomantes, vs. Respondents-appellants, G.R. No. L-15476, September 19, 1961, Natividad, J.

1. DEPARTMENT OF LABOR; REORGANIZATION PLAN NO. 20-A; JUDICIAL POWER CONFERRED TO REGIONAL OFFICES ORIGINAL AND EXCLUSIVE JURISDICTION OVER MONEY CLAIMS OF LABORERS IS NULL AND VOID.— The provisions of Reorganization Plan No. 20-A, undertaken under the provisions of Republic Act No. 997, as amended, insofar as they confer judicial power upon the Regional Offices thereby created and give said offices original and exclusive jurisdiction over money claims of laborers other than those falling under the Workmen's Compensation Law, are null and void and of no effect. *Corominas, et al. vs. Labor Standard Commission, G.R. No. L-14837, and companion cases, June 30, 1961; Miller vs. Mardo, G.R. No. L-15138, and companion cases, July 31, 1961; Caltex (Phil.) Inc. vs. Villanueva, et al., August 21, 1961.*
2. WORKMEN'S COMPENSATION LAW; APPLICABILITY TO CLAIM FOR COMPENSATION FOR DISABILITY DUE TO TUBERCULOSIS.— The claim for disability due to tuberculosis, allegedly to have been caused and aggravated by the nature of plaintiff's employment in the petitioners' service, falls squarely under Section 2 of the Workmen's Compensation Law (Act No. 3428, as amended by Act No. 3812, Commonwealth Act No. 210 and Republic Act Nos. 772 and 889).
3. WORKMEN'S COMPENSATION COMMISSION; JURISDICTION WHICH IS NOT REPEALED BY REP. ACT 992; REGIONAL OFFICES; JURISDICTION OVER CLAIMS FOR COMPENSATION FALLING UNDER WORKMEN'S COMPENSATION LAW.— As the jurisdiction vested by Act No. 3428, as amended, on the Workmen's Compensation Commission to hear and decide claims for compensation coming under its provisions has not been revoked, either expressly or by necessary implication, by Republic Act No. 992, as amended, or by any other subsequent statute, and the regional offices created under Reorganization Plan No. 20-A in the Department of Labor partake of the nature of referees which the Workmen's Compensation Commission had the right to appoint and clothe with jurisdiction to hear and decide such claims (Sec. 48, Act No. 3428, as amended), the provisions of said organization plan, insofar as they confer or said regional offices jurisdiction over claims for compensation falling under the Workmen's Compensation Law, is perfectly legal, and their decisions on such claims are valid and binding.

D E C I S I O N

This action for prohibition with preliminary injunction, initiated in the Court of First Instance of Manila to enjoin the respondents from enforcing a decision of the Regional Office No. 3 of the Department of Labor which ordered the petitioners to pay to respondent Nicanor Ramos the sum of P1,862.00 as compensation for disability due to tuberculosis, plus P19.00 as fees, is now before this Court on the appeal interposed by the respondents from the judgment therein entered by that Court granting the writ therein prayed for, on the ground that said regional office was without jurisdiction to hear and determine the claim therein involved.

It appears that respondent Nicanor Ramos was a driver of the petitioners La Mallerca and Pampanga Bus Co., Inc. Sometime prior to November 19, 1958, said respondent filed against the latter with the Regional Office No. 3 of the Department of Labor a complaint asking for payment of compensation for disability due to tuberculosis allegedly contracted by him as a result of his employment in said concerns. The petitioners resisted the action. After hearing, the Regional Office No. 3 of the Department of Labor, on November 19, 1958, rendered a decision ordering the petitioners to pay to said respondent the sum of P1,862.00 as disability compensation, and to said office the amount of P19.00 as fees.

Notified of this decision the petitioners, on January 23, 1959, filed in the Court of First Instance of Manila the instant action, wherein they asked that the enforcement of said decision of the Regional Office No. 3 be restrained, alleging that it is null and void *ab initio* as said regional office had no jurisdiction to hear and decide the claim which was the subject-matter thereof. Respondents filed an answer to the petition. When the case was called for hearing on February 13, 1959, the parties submitted the same for judgment on the pleadings. The trial court took the case under advisement, and on March 12, 1959, rendered judgment on the pleadings, vacating and setting aside the decision of the Regional Office No. 3 of the Department of Labor complained of, on the ground that said regional office was without jurisdiction to hear and decide the claim therein involved, and granting the writ of prohibition applied for.

From this judgment, the respondents appealed to this Court. They contend in this instance that the trial court committed error in granting, on the ground invoked, the writ of prohibition applied for by the petitioners. It is claimed that the decision of the Regional Office No. 3 of the Department of Labor complained of is legal and binding, for the Reorganization Plan No. 20-A, undertaken pursuant to Republic Act No. 997, as amended, gives said regional office jurisdiction to hear claims for compensation under the Workmen's Compensation Act.

The issues raised has already been the subject of previous pronouncements made by this Court. In three recent decisions on the subject, this Court held that the provisions of Reorganization Plan No. 20-A, undertaken under the provisions of Republic Act No. 997, as amended, insofar as they confer judicial power upon the Regional Offices thereby created and give said offices original and exclusive jurisdiction over money claims of laborers other than those falling under the Workmen's Compensation Law, are null and void and of no effect. *Corominas, et al. vs. Labor Standard Commission, G.R. No. L-14837, and companion cases, June 30, 1961; Miller vs. Mardo, G.R. No. L-15138, and companion cases, July 31, 1961; Caltex (Phil.) Inc. vs. Villanueva, et al., August 21, 1961.* In the *Corominas case, supra*, this Court said:

"The provision of Reorganization Plan No. 20-A, particularly Section 23, which grants to the regional offices original and exclusive jurisdiction over money claims of laborers, is null and void, said grant having been made without authority by Republic Act No. 997."

In that of *Miller vs. Mardo, supra*, this Court held:

"On the basis of the foregoing consideration, we hold and declare that Reorganization Plan No. 20-A, insofar as it confers judicial power to the Regional Offices over cases other than those falling under the Workmen's Compensation Law, is invalid and of no effect."

And in the *Caltex case supra*, this Court said:

"From the foregoing provision of law and rules, it may be gathered that a regional office of the Department of Labor has original jurisdiction to hear and determine claims for compensation under the Workmen's Compensation Act. If a claim is controverted it shall be heard and decided only by a reg-

Porfirio Diaz and Juanito Elechicon, Petitioners, vs. Hon. Egnidio Nietes and Daniel Evangelista, Defendants, G. R. No. L-16521, Dec. 31, 1960, Reyes, J.B.L., J.

1. RECEIVER; CASES WHEN APPOINTMENT BE MADE BY THE COURT.—It has been repeatedly ruled that where the effect of the appointment of a receiver is to take real estate out of the possession of the defendants before the final adjudication of the rights of the parties, the appointment should be made only in extreme cases and on a clear showing of necessity therefore in order to save the plaintiff from grave and irremediable loss of damage.
2. ID.; REASON FOR THE RULE. — The power to appoint a receiver is a delicate one; that said power should be exercised with extreme caution and only when the circumstances so demand, either because there is imminent danger that the property sought to be placed in the hands of a receiver be lost or because they run the risk of being impaired, endeavoring to avoid that the injury thereby caused be greater than the one sought to be averted. For this reason, before the remedy is granted, the consequences or effects thereof should be considered or, at least, estimated in order to avoid causing irreparable injustice or injury to others who are entitled to as much consideration as those seeking it.

D E C I S I O N

This is a petition for certiorari with a prayer for a writ of preliminary injunction to annul the order of the Court of First Instance of Iloilo in its Civil Case No. 5313 appointing a receiver of the property in litigation and of the products thereof.

Civil Case No. 5313 is an action filed by Daniel Evangelista on October 7, 1959 against Porfirio Diaz and Juanito Elechicon for the recovery of the possession of a portion of 12 hectares out of Lot No. 4651 of the Dumangas, Iloilo, Cadastre. The amended complaint alleges that plaintiff is the owner of the aforesaid lot, the same having been adjudicated to him in the project of partition in Special Proceedings No. 815 of the same Court, which partition the probate court has already approved and under which the adjudicatees have already received their respective shares; that defendants are in the possession of the property in question under an unlawful claim of ownership; that defendants have heeded none of the demands made by plaintiff for them to vacate the premises; that said property is first-class ricelands, with a net yearly produce of 200 bultos of rice equivalent to P3,000; that the produce of said land for the crop year 1959-60 is about to be harvested; and that the appointment of a receiver is necessary, and the most convenient and acceptable means to preserve, administer, and dispose of the property in question and its 1959-60 harvest.

In answer, defendants aver that they are not claiming the land in question as owners but as lessees thereof for a period of five years, in accordance with a contract of lease signed by them with the administratrix of said property, Rosario Evangelista (plaintiff's daughter), on March 30, 1959; that said land pertains to Group I of the project of partition in Special Proceeding No. 815 and for that reason, the Court did not have jurisdiction to appoint a receiver over the same in this case; and that the allegations of the complaint do not warrant the appointment of a receiver.

The opposition to the motion for receivership notwithstanding, the lower court, on November 14, 1959, issued an order placing the property in litigation and its produce under receivership. This order reads:

"It appearing that the verified complaint and from Annexes 'A', 'A'-1, 'A'-2, and 'B' that the plaintiff-petitioner for the appointment of Receiver has an interest in the property described in the complaint as owner thereof, the same being a part of his share in the partition of the intestate estate of his father (Special Proceedings No. 815 of the Court of First Instance of Iloilo) and, therefore, entitled to the products of the said property; and it being alleged that the said products

ularly appointed hearing officer or any other employee duly designated by the Regional Administrator to act as hearing officer. But when the claim is uncontroverted and there is no necessity of requiring the claimant to present further evidence, the Regional Administrator may enter an award or deny the claim."

As we analyze the facts of the present case, appellants' contention is not without merits. The claim involved in this action is for compensation for disability due to tuberculosis, alleged to have been caused and aggravated by the nature of plaintiff's employment in the petitioners' service. It is then a claim which falls squarely under Section 2 of the Workmen's Compensation Law (Act No. 3428, as amended by Act No. 3812, Commonwealth Act No. 210 and Republic Act Nos. 772 and 889), which provides:

"Sec. 2. *Grounds for compensation.*— When an employee suffers personal injury from any accident arising out of and in the course of his employment, or contracts tuberculosis or other illness directly caused by such employment, or either aggravated by or the result of the nature of such employment, his employer shall pay compensation in the sums and to the person hereinafter specified. The right to compensation as provided in this Act shall not be defeated or impaired on the ground that the death, injury or disease was due to the negligence of a fellow servant or employee, without prejudice to the right of the employers to proceed against the negligent party."

And, as the jurisdiction vested by Act No. 3428, as amended, on the Workmen's Compensation Commission to hear and decide claims for compensation coming under its provisions has not been revoked, either expressly or by necessary implication, by Republic Act No. 992, as amended, or by any other subsequent statute, and the regional offices created under Reorganization Plan No. 20-A in the Department of Labor partake of the nature of referees which the Workmen's Compensation Commission had the right to appoint and clothe with jurisdiction to hear and decide such claims (Sec. 48, Act No. 3428, as amended), the provisions of said reorganization plan, insofar as they confer on said regional offices jurisdiction over claims for compensation falling under the Workmen's Compensation Law, is perfectly legal, and their decisions on such claims are valid and binding.

The petitioner cannot claim, to bolster their stand, that the Regional Office No. 3 that rendered said decision had no authority to enforce said decision directly. The records do not disclose that said regional office had made any attempt to do so. Immediately after the petitioners were notified of the decision, they brought this action. Under the circumstances, it cannot be assumed that the Commissioner who is presumed to know the law, would make any such attempt. Rather, it must be assumed that in enforcing said decision said Commissioner and the parties will follow the procedure prescribed in Section 51 of the Workmen's Compensation Law, Act No. 3428, as amended.

The trial court, therefore, committed error in issuing the writ of prohibition restraining enforcement of the decision of the Regional Office No. 3 in question.

For the foregoing, we find that the judgment appealed from is contrary to law. Hence, the same is reversed, and another is hereby entered dismissing the petition by which this action was initiated, with the costs in both instances taxed against the petitioners-appellees.

IT IS SO ORDERED.

Bengson, C.J., Padilla, Labrador, J.B.L. Reyes, Barrera, Padres, Dizon and De Leon, JJ., concurred.
Concepcion, J., took no part.