

PHILIPPINE GRAPHIC ARTS, INC., PETITIONER, VS. DIONISIO MARIANO AND THE HONORABLE WORKMENS COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. L-30979. October 26, 1973

Ponente: ESGUERRA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0a89cde7c0a8/>

ESGUERRA, J.:

Petition to review the decision of the Workmen's Compensation Commission which reversed the decision of the Acting Referee, Regional Office 4, Manila, dismissing the claim of private respondent Dionisio Mariano in its RO4-WC Case No. 3648 entitled, "Dionisio Mariano, Claimant vs. Philippine Graphic Arts, Inc., Respondent."

The facts of the case as narrated in the decision of respondent Workmen's Compensation Commission, dated July 23, 1969,[1] now sought to be reviewed, are as follows:

"Dionisio Mariano, the claimant started working in the respondent company on February 2, 1958, as composer, working eight hours a day for six days a week; that as composer, claimant's duties consisted of arranging the lead metals into different molds, preparing the molds into pages as required by the job order, tying the molds with a string to prevent misplacement and oiling them and bringing the molds to a place where they were picked up by the pressman preparatory to printing; that each mold weighed from three to four kilos; that the biggest molds were 8"x 10" and 9" x 12" which weighed about six kilos; and that claimant had to perform his assigned task by standing in front of his table, the height of which was up to his breast.

"It appears that claimant had been absent from work from March 7 up to 13, 1963; from March 21, 1963, up to April 3, 1963; and from July 2, 1964, up to the time he resigned on July 13, 1964, as he was not feeling well during said periods; that claimant reported to work for the last time on July 1, 1964; that on July 11, 1964, claimant consulted Dr. Manuel Mapue, company physician, because the left side of his body, from head to foot, was painful and he was found suffering from polyneuritis; that because of claimant's several absences, he tendered his resignation on July 13, 1964, which resignation was accepted and claimant was given his termination; and that claimant's last salary rate was P7.50 a day.

"It appears further that respondent in its Employer's Report of Accident or Sickness, dated August 5, 1964, stated among other things, that it had voluntarily paid the claimant's compensation in varied amounts. On October 1, 1964, claimant filed with Regional Office No. 4, in Manila, a formal complaint for compensation benefits. On October 5, 1964, a notice together with a copy of the complaint was sent to the respondent. From October 6, 1964, claimant was under the medical care of Dr. Ernesto Baylon who diagnosed claimant's illness as chronic mononeuritis affecting the left half of the body. On October 9, 1964, respondent received the notice and copy of the complaint. On October 13, 1964, respondent filed a motion to dismiss on the ground that claimant's cause of action has prescribed, which motion was denied. On October 30, 1964, respondent filed its answer containing admissions, denials and affirmative defenses."

On June 11, 1965, the Acting Referee, Regional Office 4, Manila, dismissed the claim of herein respondent for "lack of merit*. A timely petition for review on the ground that the dismissal of the decision of the Acting Referee

was contrary to law and evidence, elevated the decision to the Workmen's Compensation Commission which, upon its review, found the claim to be compensable. The Commission's decision of July 23, 1969, ordered the Philippine Graphic Arts:

"1.

To pay the claimant, thru this Commission, the sum of SIX THOUSAND (P6,000.00) PESOS as temporary disability benefit under Section 4 in conjunction with Section 18 of the Act;

"2.

To provide the claimant with medical services appliances and supplies until his illness is cured; and

"3.

To pay to this Commission the sum of P61.00 as costs pursuant to Section 55 of the Act."

On August 18, 1969, Philippine Graphic Arts filed a motion for reconsideration of the decision of July 23, 1969, and on September 12, 1969, the Workmen's Compensation Commission en banc denied the motion for reconsideration.

Not satisfied with the decision and resolution above mentioned, Philippine Graphic Arts filed this petition for review and raised the following questions which We treat as assignments of errors:

"I. -

If during the hearing, the claimant admitted that his principal allegation in support of his claim to the effect that his disability was caused by or due to a personal injury sustained in an accident which occurred in his employer's establishment on March 24, 1963 - is false.

a.

Would it still be legally compatible to rule that the employer is obligated to submit to the Department of Labor a report of injury and file a notice of controversion?

b.

What is there to report and or controvert after the alleged accident was established conclusively, by claimant's own admission, to be an imaginary event or occurrence?

II. - If an employee voluntarily resigned his employment and received separation pay as provided by law -

a. Is the employer obligated to submit a report of disability for such resigned employee to the Department of Labor?

b.

Is the employer required by law to file notice of controversion under the Workmen's Compensation Law for or against this resigned employee?

III. - Is non-controversion a ground for compensation?

a. Considering that it is not expressly included as a ground for compensation under Section 2 of the Workmen's Compensation Act?

b. Considering further that obligations arising from law cannot be presumed (per article 1158 of the New Civil Code)?

IV. -

Is an idiopathic disease - that which develops gradually and imperceptibly and primarily dependent on conditions inherent in the individual - compensable?

a.

Considering that our Supreme Court has already ruled that a general idiopathic disease is not compensable (Vergara v. Pampanga Bus Co., Inc., 62 Phil. 820), may the Workmen's Compensation Commission refuse to apply the above doctrine, even in the face of its own factual finding that the claimant suffers from an idiopathic disease?"

The important question to determine is whether there was controversion of the claim by the employer as We have consistently ruled that failure to controvert is "fatal to any defense that petitioner could interpose. So We held in a host of decisions in compliance with the clear and express language of the Workmen's Compensation Act. Any assertion to the contrary is doomed to futility." [2] Because this Court has constantly and strictly adhered to this doctrine, We consider the issue of controversion decisive of this case.

The provision of law in point is Section 45 of the Workmen's Compensation Act (Republic Act 3428 as amended), pertinent portion of which reads as follows:

"Section 45 Compensation, how payable. -

"x x x x x."

"In case the employer decides to controvert the right to compensation, he shall either on or before the fourteenth day of disability or within ten days after he has knowledge of the alleged accident, file a notice with the Commissioner on a form prescribed by him, that compensation is not being paid, giving the name of the employer, name of the claimant, date of the accident and the reason why compensation is not being paid. Failure on the part of the employer or insurance carrier to comply with this requirement shall constitute a renunciation of his right to controvert the claim unless he submits reasonable grounds for the failure to make the necessary reports, on the basis of which grounds the Commissioner may reinstate his right to controvert the claim." (Underscoring Supplied.)

As found by the Workmen's Compensation Commission:

"From the foregoing recital of facts We find that respondent (now petitioner) failed to seasonably controvert the right of the claimant to compensation under Act 3428, as amended. The records show that claimant had absented himself several times due to pains in the left half of his body, the last one beginning July 2, 1964, when he did not report to work anymore because of some illness, so much so that on July 11, 1964, he consulted Dr. Manuel Mapue, company physician, and he (claimant) was found to be suffering from polyneuritis. And as pointed out by the referee, this illness is an idiopathic disease, or a slowly developing one, which can, therefore, be assumed to have afflicted Mariano while still in active employment with the respondent. If respondent had really the intention of contesting the claimant's right to compensation it should have done so within ten days from its knowledge of claimant's illness on July 11, 1964, or within fourteen (14) days from claimant's disability for labor beginning July 2, 1964, as prescribed in Section 45 of the Act, as amended. Such being the case, it is not necessary for this Commission to delve into the merits of the present case, because for having failed to seasonably controvert the instant claim, respondent is deemed to have renounced its right to controvert claimant's right to compensation under the law as well as to challenge the validity or reasonableness of the instant claim. Said failure of respondent to controvert on time the instant claim also results in the consequential loss of its right to controvert the claim on non-jurisdictional grounds. Having renounced its rights to contest claimant's right to compensation, respondent is deemed also to have waived the right to interpose said defense and, hence, there is nothing it can legally prove in relation thereto. Besides, for having extended partial compensation payments to claimant, respondent is deemed to have admitted its liability under the Act."

We are inclined to adopt the findings and conclusions of the Workmen's Compensation Commission as they are supported by substantial evidence.[3]

Petitioner contends that since non-controversion is not expressly provided for in Section 2 of the Act as a ground for compensation, respondent Workmen's Compensation Commission erred in ruling the claim as compensable. We find this argument puerile. While non-controversion is not one of those enumerated in Section 2 of the Act as "Grounds for Compensation", failure to controvert as in this instant case makes the claim compensable under Section 45 thereof. Our numerous decisions on the matter bolster up the statement.[4] In *La Mallorca v. Workmen's Compensation Commission*, 30 SCRA 619, this Court held:

"There is an even more formidable obstacle to the success of this petition to set aside the decision of the Workmen's Compensation Commission. As noted therein: 'Considering therefore that the injury sustained by the claimant arose out of and in the course of his employment and respondent company having failed to controvert the right of the claimant within the ten-day period prescribed in Section 45 of the Act, the compensability of the present claim, its reasonableness and validity, is now beyond challenge.' The absence of controversion is fatal to any defense that petitioner could interpose x x x (any defense, including all the errors assigned by petitioner herein.)"

Likewise untenable is the petitioner's claim that he is not obliged to submit a report of injury and/or file a notice of controversion in this case just because the herein claimant filed his claim for compensation benefits after he had tendered his resignation from the company, and after he had received "varied amounts" from the company. It is now settled in this jurisdiction that failure on the part of the employee to comply with the requirements of section 24 of Act 3428 - that of giving notice and filing of claim within the time prescribed in said section, is non-jurisdictional.[5] This ruling was cited with approval in the recent case of *Manlapat v. Workmen's Compensation Commission*, L-30427, June 28, 1973. It is also a settled rule that failure or delay in giving notice, as provided in Section 24 of the law, shall not be a bar to the proceedings in the claim for compensation if it is shown that the employer, his agent or representative, has knowledge of the injury, as where the company physician like in this case was consulted by claimant Mariano relative to his body pains on July 11, 1964, and,

therefore, acquired knowledge of the injury, sickness, or death; or that the employer did not suffer by such delay or failure.[6] Even if a claim for compensation is filed beyond the period prescribed in Section 24 of Act 3428, when it is shown that the employer has not manifested to the Workmen's Compensation Commission his intention to controvert the right to compensation, either on or before the fourteenth day of disability or within ten days after he has knowledge of the accident the Commission can proceed to determine and decide the claim for compensation.[7] Thus in one case We said:[8]

"To allege that the right to controvert could still be availed of by petitioner would be to disregard the facts. Petitioner was correct of course in pointing to the claim of respondent Segovia as having been filed on May 20, 1963, or almost six years after he left its employ. The verity of such allegation does not serve to defeat respondent Segovia's right to compensation in view of the undeniable absence of controversion. So We have decided time and time again."

Lending additional support to the decision under review is *Vda. de Calado v. Workmen's Compensation Commission*, L-26149, April 30, 1971, where this Court, speaking through Mr. Justice Barredo, thus:

"It is, likewise, clear to Us that under the Act, the most decisive factor in determining the liability of an employer in compensation cases is his strict compliance with the duty to file with the Workmen's Compensation Commission, within the period fixed in the Act, a corresponding notice of the injury or death, whether work-connected or not, suffered by any of his employees or workers, and to formally controvert its liability therefor, if it is not work-connected or is otherwise totally defective, within the time also fixed in the Act, which duty naturally begins to attach from the moment the injury comes to his knowledge in one way or another and, particularly, when the employee avails of the medical or hospital services which the employer is required by the Act to provide (Section 13) and, consequently, the filing of a formal claim by the party entitled is only of secondary importance, considering that a controversion may even be filed before any claim is made, and may, at least, be invoked only when a controversion is duly filed by the employer, considering that the Act expressly provides that the absence of such controversion 'shall constitute a renunciation of his right to controvert.'" (SEC. 45)

Relative to the fourth error assigned - that the disease is idiopathic and therefore not compensable - reference is made to the case of *Operators Incorporated v. Cacatian*, L-26173, October 31, 1969, where an American case (*Chicago Park District v. Industrial Commission*, 24 N.E. 2d 358) was cited, and We quote:

"This Court has held that where pre-existing conditions of diseases are aggravated by accidental injury, the disability resulting from such an aggravation is compensable."

In the case at bar, Dr. Ernesto Baylon, who had under his medical care respondent Dionisio Mariano diagnosed the latter's illness as chronic mononeuritis. In the decision of the Workmen's Compensation Commission, it is therein stated that "this disease must have afflicted Mariano while still in active employment of the respondent, now petitioner." We accept the finding of the Workmen's Compensation Commission as conclusive and binding and We conclude that, taking into account the job description of respondent Mariano's work as set forth in the narration of facts, it is highly probable that the accidental injury he suffered aggravated his chronic mononeuritis, thus resulting in his disability. We hold this case compensable and affirm the decision of the Workmen's Compensation Commission.

FOR ALL THE FOREGOING, the instant petition is hereby denied and the decision under review declared immediately executory. With costs against the petitioner.

Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Makasiar, and Antonio, JJ., concur.
Makalintal, C.J., concurs in the result.

[1] Decision, Appendix "A" of Brief for Petitioner-Appellant, p. 38.

[2] National Development Co. v. Galamgam, 38 SCRA 499.

[3] The findings of fact of the Workmen's Compensation Commission, if based on substantial evidence of record, are not to be disregarded. They are binding and conclusive. (Victorias Milling Co., Inc. v. WCC, May 22, 1969; Northwest Orient Airlines, Inc. v. Louise Mateu & WCC, L-25274, July 29, 1969; Operators Inc. v. Ricardo Bacatian & WCC, 30 SCRA 219.)

[4] La Mallorca v. WCC, L-29315, Nov. 28, 1969. Thirty decisions to all were cited from Bachrach Motor Co. v. WCC, 99 Phil. 238 to Northwest Orient Airlines v. WCC, 28 SCRA 877. Pioneer Ceramics v. Samia, 33 SCRA 487; Manila Surety & Fidelity Co. v. WCC, July 31, 1970; and Camotes Shipping Corp. v. Otadera, L-27699, October 24, 1970.

[5] Manila Railroad Co. v. WCC 20 SCRA 981, citing cases of Victorias Milling Co. v. Villanueva, et al. May 13, 1957; Century Ins. Co. Inc. v. Fuentes, et al., Aug. 31, 1961.

[6] Manila Railroad Co. v. WCC, 20 SCRA 981, citing Sec. 27 of Act 3428; Paez v. WCC, Mar. 30, 1960; Pangasinan Transportation Co. Inc. v. WCC, et al. L-16490, June 29, 1960.

[7] Ibid citing cases of National Dev. Co. v. WCC, Mar. 31, 1965; Tan Lim Te v. WCC, Aug. 30, 1958; Martha Lumber Mills Inc. v. WCC, June 27, 1956; National Power Corp. v. WCC, January 30, 1965.

[8] Victorias Milling Co., Inc. v. WCC, 28 SCRA 292.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.