

**REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS),
PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION
AND FERNANDO P. ALDABA, ET AL., RESPONDENTS.**

G.R. No. L-29703. February 25, 1971

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

Appeal taken by the Government from a decision of the Workmen's Compensation Commission.

It appears that Leonor M. Aldaba was a public schoolteacher of the Bureau of Public Schools. She rendered services, as such, in San Teodoro, Oriental Mindoro, for almost fifteen (15) years, up to her death on March 9, 1967. Aside from being a classroom teacher, she discharged duties as physical education teacher, girl scouts leader, and music teacher. While conducting her physical education classes, in the morning of January 10, 1967, she was overtaken by rain and got wet. Later that day, she returned home complaining of severe headache and fever. Her husband, Fernando P. Aldaba, sent for Dr. Sulit, the municipal health physician, who examined and treated her. Despite her condition, she continued working up to January 25, 1967. Her recurring head-aches, however, constrained her to be on sick leave on January 26 and 27, 1967, after which she resumed her work up to February 6, 1967, when, due to her illness, she was brought to Calapan, Oriental Mindoro, where she was examined and treated by Dr. Cuizon. The latter diagnosed her illness as pneumonia. When her condition improved, she was allowed, on February 21, 1967, to return to her hometown, with the advice that she continue taking her medicines. Upon her return to San Teodoro, she complained once again of severe headaches. This time, Mr. Aldaba brought her to the U.S.T. Hospital, in Manila, where she was confined and treated by Dr. Roger Baissas, for two (2) days. No sooner had Mrs. Aldaba left the hospital, than she had another attack, in view of which she was confined at the Rizal Provincial Hospital, where she died on March 9, 1967. The cause of her demise was certified as "pulmonary edema and cerebral edema."

On June 7, 1967, Mr. Aldaba, acting on his behalf and that of his minor children - Jenison, Joji and Jeric Aldaba - filed the corresponding claim for compensation, which was registered in the office of the Division Superintendent of Public Schools, in Calapan, Oriental Mindoro, on June 26, 1967. On September 21 of the same year, the "Employer's Report of Accident or Illness," signed by said Division Superintendent, was filed with Regional Office No. 5, Department of Labor, with a statement to the effect that her claim would not be controverted. The report was coursed through the Bureau of Public Schools and the Office of the Solicitor General, which expressed its intention to controvert the claim. After appropriate proceedings, acting referee Amado A. Enriquez, of said Regional Office No. 5, rendered a decision ordering the Republic of the Philippines (Bureau of Public Schools) to pay to the claimants the sums of P6,000.00, as death compensation benefits; P200.00, representing burial expenses; P1,360.80, representing medical expenses; and P61.00, as fee of said Office. This decision was affirmed by Hon. Cesareo Perez, Chairman of the Workmen's Compensation Commission, in a decision dated July 25, 1968, the dispositive part of which reads as follows:

"WHEREFORE, with the above modification, the decision appealed from should be, as it is hereby,

AFFIRMED and the respondent ordered:

"1. To pay to claimants, thru this Commission, the sum of SIX THOUSAND PESOS (P6,000.00) as death benefits, plus P200.00 as burial expenses, to be divided as follows:

"a.) To Fernando Aldaba as his share P2,000.00

Add burial expenses 200.00

"b.) To the minor children, namely:

JENISON ALDABA P1,333.33

JOJI ALDABA 1,333.33

JERIC ALDABA 1,333.33 P4,000.00

"2. To reimburse the claimants of the sum of P1,360.80 for medical and hospital expenses incurred; and

"3. To pay into the Workmen's Compensation Fund, the total sum of SIXTY SIX PESOS (P66.00) as administration costs, including the costs of this review, pursuant to Sec. 55 of the Act, as amended."

as well as, later on, by the Workmen's Compensation Commission - hereinafter referred to as the Commission - sitting in banc.

Hence, this appeal by the Republic (Bureau of Public Schools) upon the ground that the Commission erred: (1) "in not holding that the claim for reimbursement of medical benefit, pursuant to Section 13 of Act 3428, as amended by Republic Act 4119 being purely a personal right, has been extinguished upon the death of the deceased"; and (2) "in not holding that the claim for the reimbursement of medical benefit is invalid and unenforceable for failure of the attending physicians or the claimants to comply with the penultimate paragraph of Section 13 of Act 3428, as amended by Republic Act 4119."

The first assignment of error is predicated upon the theory that the right to indemnity for medical services is purely personal in nature and that, as such, it is extinguished upon the death of an employee. In support of this view, it is argued that "nowhere in Act 3428, as amended by Republic Act 4119, can we find any provision to the effect that legal dependents of the deceased mentioned in Sections 8 and 9 can validly receive the medical benefits which the deceased had incurred during his lifetime." Neither has appellant pointed out, however, any legal provision declaring that the employee's right of reimbursement for medical expenses is extinguished upon his death. Moreover, the rights of action of a deceased person are, in general, transmitted to his legal heirs, unless they are essentially personal in nature or the law declares them to be so. Appellant has failed to show that said right of reimbursement comes under any of these exceptions.

Then, again, the law^[1] imposes upon the employer the duty to "provide the employee with such services, appliances and supplies as the nature of his disability and the process of his recovery may require." It further provides that:

"The word 'services' used herein shall include medical, surgical, dental, hospital and nursing attendance and treatment as well as the proper fitting and training in the use of appliances and the necessary training for purposes of rehabilitation; 'appliances' shall include crutches, artificial members and other devices of the same kind, and the replacements or repairs of such artificial members or such devices unless the replacement or repair is made necessary by the lack of proper care by the employee; and 'supplies' shall include medicines, as well as medical, surgical and dental supplies.

"In case the employer or insurance carrier cannot furnish the aforementioned services, appliances and supplies promptly, the injured or sick employee may acquire the same at the expense of the employer or insurance carrier."

It should be noted that "the aforementioned services, appliances and supplies" may be acquired - in the event of failure of the employer to furnish the same "promptly" - "at the expense of the employer." The right of reimbursement for those services, appliances and supplies is thus unqualified. Upon the other hand, they would not be "at the expense of the employer" - under the appellant's theory - if the employee dies.

In any event, the claim under consideration is uncontroverted. Indeed, the officers of the Bureau of Public Schools knew of the illness of Mrs. Aldaba, she having applied for a sick leave on January 26 and 27, 1967. They, also, knew that she died on March 9, 1967, in consequence of said illness. In fact, her school principal and the Division Superintendent of Schools for Oriental Mindoro attended her funeral. Yet, her employer did not file the requisite report "on or before the fourteenth day of disability" - which was February 6, 1967, according to the "Employer's Report of Accident or Sickness" - "or within ten days after he (the employer) has knowledge" thereof.¹ Worse still, the "Employer's Report of Accident or Sickness," filed on September 21, 1967, stated that the claim for compensation would not be controverted. As a consequence, the employer is deemed to have renounced its right to controvert said claim.

For the same reason, the second assignment of error is, likewise, untenable. In this connection, the Chairman of the Commission had the following to say:

"Lastly, it is argued that the claim for medical benefits amounting to P1,360.80, although supported by receipts, is not allegedly valid and enforceable because of lack of report to the employer within twenty days from her treatment as embodied in Sec. 13 of Act 3428, as amended. We see no merit in this contention for the employer, thru its authorized representatives like the Superintendent of Schools, the District Supervisor and the Principal, knew all along of decedent's ailment and treatment, and her subsequent death, and were even present at her burial. To us, this unquestionable knowledge of the late Aldaba's ailment, treatment and death can justifiably be considered substantial compliance of the penultimate paragraph of Sec. 13 of the Act adverted to above, and since proper medical receipts were presented to support said claim, and that the amount of such claim is reasonable, the same shall be reimbursable to the claimants."

WHEREFORE, the appealed decision of the Chairman of the Commission is hereby affirmed, without costs.

IT IS SO ORDERED.

Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, and Villamor, JJ., concur.

Makasiar, J., did not take part.

[1] Section 13, Act No. 3428, as amended.

¹ Section 45, Act No. 3428.

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