

ALEJO BALANGA, CLAIMANT, VS. WORKMEN'S COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC HIGHWAYS), RESPONDENTS.

G.R. No. L-43339. June 22, 1978

Ponente: GUERRERO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0dd7f92581ff/>

GUERRERO, J.:

Petition for review of the decision of the Workmen's Compensation Commission disallowing petitioner's claim.

Petitioner was formerly employed as highway maintenance foreman in the Bureau of Public Highways, with an annual compensation of P3,835.38. On Oct. 5, 1973 he filed with the Labor Regional Office No. 1, Dagupan City, the Notice of Injury or Sickness and Claim for Compensation[1] against respondent Bureau. The claim is supported by a Physician's Report of Sickness or Accident[2] signed by the attending physician, Dr. Julian Acosta, stating that petitioner was suffering from Koch's Infection, minimal, with peripheral neuritis; that the cause of illness was due to the nature of his work which required exposure to elements; that the illness contracted was directly caused by the nature of his employment; that the illness caused him temporary total disability for labor; that claimant first consulted the doctor on March 14, 1969 with diagnosis of Chronic Bronchitis, treated for 10 days, again on Dec. 10, 1969, May 12, 1970 and Nov. 18, 1971, all Chronic Bronchitis, X-ray Dec. 14, 1972 with diagnosis Koch's Infection, minimal. Petitioner, having stopped working with the respondent Bureau on May 15, 1973 due to his ailments, never returned to his former employment as he retired from the service at age 62 years under the Optional Retirement Plan granted by law to government employees.

The Hearing Officer (Designate) Magin M. Orlino, acting on a Motion to Dismiss filed by respondent Bureau after the testimony of Dr. Julian Acosta but before hearing the claimant himself, dismissed the claim on the ground of prescription per his Order dated Dec. 11, 1974, thus -

"It appearing that claimant Alejo Balanga in his claim (Notice of Injury or Sickness and Claim for Compensation) filed shows that he stopped working with the respondent Bureau of Public Highways on May 15, 1973. Assuming that it was also the date when he became disabled for labor his cause of action against his employer must accrue on said date. Under Section 24 of Act 3428 as amended, said claimant has to file his claim within two months from said date. However, this claim was received on October 5, 1973 or a period of four (4) months and twenty (20) days hence claimant's cause of action has prescribed."

Petitioner's motion for reconsideration having been denied, the case was elevated to the respondent Commission for review.

The respondent Commission affirmed the order of dismissal, this time, on different grounds: 1. Claimant's ailments were not caused by his employment but "due to degenerative changes as a result of old age"; 2. The diagnosis of the attending physician was not supported by a chest X-ray examination; 3. Claimant retired under the Optional Retirement Law, and thus, "no work-loss to be compensated by reason of physical disability." Hence,

this petition for review.

We find for the petitioner.

To begin with, the order of dismissal by the Hearing Officer on the ground of prescription is a reversible error. The Supreme Court has repeatedly held that failure on the part of the claimant to file his claim within the statutory period is not a jurisdictional defect and that failure or delay in giving said notice is not a bar to the proceeding in the claim for compensation if it is shown that the employer, his agent or representative has knowledge of the injury, sickness or death, or that the employer did not suffer by such delay or failure.[3] Moreover, it is now well-settled that the statutory right to compensation prescribes in ten years (Art. 1144 [2], New Civil Code) and that compensation under the Workmen's Compensation Act, as amended, is a liability vested by statute which prescribes in ten years.[4] Hence, the delay of four (4) months and twenty (20) days in filing the claim is inconsequential.

The petition states that if there were a hearing, claimant will testify that from the time he got sick until he stopped working, he demanded and received from the respondent financial help in his medical expenses. While it is true that such allegation was never formally presented as part of petitioner's evidence as there was no hearing, We will not be strictly bound by the technical rules of evidence. The petition is part of the record before Us for consideration, and as We find nothing herein in denial of such allegation, petitioner's allegation stands and respondent Bureau is deemed to have been aware of petitioner's ailments. That respondent Bureau gave financial aid to petitioner can even be reasonably construed as an implied admission of the compensability of petitioner's claim.

We are not persuaded by the finding of the respondent Commission that petitioner's ailments "are due to degenerative changes as a result of old age. x x x Hence, the contraction and the development of claimant's ailments were independent from the employment." In the first place, it is undisputed that his ailments supervened in the course of employment; thus, he is relieved of the burden of causation as it is then legally presumed that the said illnesses arose out of the employment, and to the employer is shifted the burden of proof to establish their non-compensability. Respondent Bureau has failed to discharge such burden. In the second place, petitioner has satisfactorily established his claim of compensability. The Physician's Report categorically states that petitioner has Koch's Infection, minimal, with peripheral neuritis, the cause of which is the "nature of his work which required exposure to elements"; that he was "first treated on March 4, 1969 of chronic bronchitis" and that he is "still under present treatment"; that petitioner "cannot resume his former occupation, or do similar work, or do other kinds of work."

Contrary to the position of respondent Commission, it is not necessary for a Physician's Diagnosis to be confirmed by an X-ray examination to have evidentiary value. In two very recent cases, *Romero v. WCC*, supra and *Ybañez v. WCC*, supra, We have restated previous rulings that "under Section 49 of the Workmen's Compensation Act, as amended, a medical report of an attending physician may be received as evidence and used as proof of the fact in dispute,"[5] and that "an X-ray or some other laboratory report is not an indispensable prerequisite to compensation." [6]

With respect to petitioner's retirement under the Optional Retirement Law, it is not sufficient ground to dismiss the claim for compensation. On the contrary, that his application for optional retirement for disability although he has not yet reached the compulsory retirement age of 65 years is a clear indication of his physical incapacity to render further efficient service.[7] Petitioner could have retired at the age of 65 years with fuller benefits but due to said ailments, he was forced to retire earlier.

WHEREFORE, it appearing from the facts stated above that petitioner suffers from permanent total disability,

judgment is hereby rendered reversing the decision of the respondent Commission dismissing the claim, and another one is entered ordering the respondent Bureau of Public Highways to pay:

- (1) The claimant (a) the sum of Six Thousand (P6,000.00) Pesos as disability benefits and (b) the sum of One Thousand Nine Hundred Ninety Pesos and Ninety Centavos (P1,990.90) representing his medical expenses duly receipted;
- (2) Claimant's counsel the amount of Six Hundred (P600.00) Pesos as attorney's fees; and
- (3) The respondent Commission the sum of Sixty-One (P61.00) Pesos as administrative fee.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Santos, and Fernandez, JJ., concur.

[1] Annex A, Rollo, p. 12.

[2] Annex B, Rollo, p. 13.

[3] Manila Railroad Co. v. WCC, L-21902, Aug. 10, 1967, 20 SCRA 976; Central Azucarera Don Pedro v. WCC, L-24987, July 31, 1968, 24 SCRA 484; Century Ins. Co. v. Fuentes, L-16039, Aug. 31, 1961, 2 SCRA 1168; Guevarra v. Republic, 77 SCRA 292; Bandayan v. WCC, 77 SCRA 309; Ybañez v. WCC, 77 SCRA 501; Romero v. WCC, 77 SCRA 482.

[4] Vallo vs. WCC, et al., 73 SCRA 623; Caling vs. WCC 77 SCRA 309; Romero vs. WCC, 77 SCRA 482.

[5] Vallo v. WCC, et al., L-41816, Oct. 29, 1976, citing the case of NDC v. Raymundo & WCC, L-21724, April 27, 1967, 19 SCRA 861.

[6] Vallo v. WCC, supra, citing Jacob v. WCC, et al., L-43302, August 31, 1976, 72 SCRA 575.

[7] See Memorandum Circular No. 133 issued by the Office of the President on October 19, 1967; Galang v. WCC, 72 SCRA 454; Guevarra v. Republic, 77 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.