

MANUEL DE LA ROSA, PETITIONER, VS. PHILIPPINE NATIONAL RAILWAYS, AND THE HON. BLAS F. OPLE, SECRETARY OF LABOR, RESPONDENTS.

G.R. NO. L-48500. March 22, 1990

Ponente: FERNAN, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/116c6191b3f8/>

FERNAN, C.J.:

This is a petition for review on certiorari of the order of the Secretary of Labor which reversed the award by the Acting Referee of disability benefits to petitioner under Sections 14 and 18 of Act 3428, otherwise known as the Workmen's Compensation Act.

After retiring as freight clerk and checker of respondent Philippine National Railways (PNR) on January 16, 1975, petitioner Manuel de la Rosa filed a compensation claim with the defunct Workmen's Compensation Commission on March 26, 1975.[1] In its decision dated November 13, 1975, said Commission awarded to petitioner the sums of P3,830.19 and P39.00 as disability compensation and administrative fee, respectively.[2]

On June 9, 1976, in the belief that the Acting Referee's award had already become final and executory, the Officer-in-Charge of the Department of Labor, Naga City District Office, Regional Office No. 5 issued the corresponding writ of execution against the PNR, Tutuban Terminal, Manila. After said writ of execution was returned unsatisfied, an alias writ of execution was issued on November 4, 1976. Both writ of execution and alias writ were endorsed to the City Sheriff of Manila, but they could not be enforced due to the representation of the PNR chief corporate counsel that their enforcement would be premature in view of the pendency before the Department of Labor of respondent PNR's petition for review dated December 11, 1975.[3]

On January 5, 1978, Secretary of Labor Blas Ople dismissed petitioner's claim for lack of jurisdiction. He ruled that there is no indication that the claimant was disabled for labor before his retirement on January 16, 1975. "The disability having commenced on January 16, 1975 during which time the Labor Code was already in effect, the instant claim no longer falls within the purview of Act 3428, as amended, otherwise known as the Workmen's Compensation Act. Hence, the Acting Referee acted without authority and jurisdiction in deciding this case." [4]

Hence, this recourse.

In his petition, Manuel de la Rosa argues that the Secretary of Labor erred in finding that his disability commenced only on January 16, 1975 because as reflected in his "Notice of Sickness and Claim for Compensation," petitioner's sickness, which is pulmonary tuberculosis, was contracted on October 10, 1968, more than six (6) years before he retired from his employment.[5] On the other hand, the PNR in its comment counters that the Acting Referee has no jurisdiction to decide the case because at the time of the commencement of petitioner's disease on January 16, 1975, the New Labor Code which abolished the Workmen's Compensation Act, was already in effect.[6]

We rule for petitioner. Contrary to the pronouncement of the Secretary of Labor, the Acting Referee of the

Workmen's Compensation Commission had jurisdiction to hear and decide the case. Although petitioner's claim was filed only on March 26, 1975, the records and petitioner's exhibits, particularly his notice of sickness indubitably show that he was afflicted with pulmonary tuberculosis as early as October 10, 1968.[7] This fact is corroborated by Dr. Antonio D. Raneses who stated in his Physician's Report that he first administered treatment on September 8, 1974 and has since continued his treatment on him.[8] Evidently the ailment of the claimant supervened before January 1, 1975 – the date of the effectivity of Titles II and III of Book IV of the New Labor Code on "Employees Compensation and State Insurance Fund" and "Medicare," respectively. Hence, the claim should be decided under the Workmen's Compensation Act following the principle that in workmen's compensation cases, the governing law is to be determined by the date on which the claimant contracted his illness.[9]

Section 2 of the Workmen's Compensation Act provides that "when an employee x x x 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. x x x." In applying this provision, this Court has consistently ruled that tuberculosis is an occupational or work-connected disease in such occupations as that of teacher, laborer, driver, land inspector and such other occupations. Regardless of age, sex and occupation, tuberculosis is an ailment latent in man. Given favorable conditions, this state of latency becomes active. Some of these favorable conditions are: too much "physical exertion without the corresponding rest; exposure to excessive heat and cold; lack of good food as to weaken the body constituents and contact with people suffering from tuberculosis.[10]

Considering that the nature and condition of petitioner's employment as a freight clerk and checker entailed too much physical exertion without the corresponding rest and exposed petitioner to the elements, coupled with the indubitable fact that his illness supervened during his employment with private respondent PNR, there can be no doubt that said illness arose out of, or was at least aggravated by his work, and therefore, compensable.

At any rate, respondent PNR failed to avail itself of its right to controvert petitioner's claim for compensation. The records of this case reveal a total absence of controversion on the part of PNR. Under Section 45 of Act 3428, as amended, the employer shall, either on or before the fourteenth (14th) day of disability or within ten (10) days after he has knowledge of the alleged accident file, a notice with the Commissioner of such controversion. Failure of the employer to controvert the compensation claim within the reglementary period is fatal and renders the claim compensable and its reasonableness and validity beyond challenge.[11]

WHEREFORE, the petition is hereby GRANTED and the order of the Secretary of Labor dated January 5, 1978 is reversed. The Employees' Compensation Commission as successor of the defunct Workmen's Compensation Commission is hereby directed to enforce the writ of execution against the respondent Philippine National Railways pursuant to the decision of the Acting Referee dated November 13, 1975.

This decision is immediately executory.

SO ORDERED.

Gutierrez, Jr., Bidin, and Cortes, JJ., concur.

Feliciano, J., in the result.

[1] Rollo, p. 13.

[2] Original Record, p. 17.

[3] Rollo, p. 17, Annex C, and Original Record, p. 43.

[4] Rollo, p. 3.

[5] Rollo, pp. 11 and 30.

[6] Rollo, pp. 50-51.

[7] Rollo, p. 33.

[8] Rollo, p. 34.

[9] Pilipinas Shell Petroleum Corp. vs. de la Rosa, 146 SCRA 222; Vda. de Tumolva vs. Employees' Compensation Commission, 141 SCRA 78; Cepeda vs. Bacolod Murcia Milling Co., Inc., 135 SCRA 505; Cuenza vs. Employees' Compensation Commission, 103 SCRA 316; Manahan vs. Employees' Compensation Commission, 104 SCRA 198; Balatero vs. Employees Compensation Commission, 95 SCRA 608.

[10] Corales vs. Employees' Compensation Commission, 89 SCRA 547; Villones vs. Employees' Compensation Commission, 92 SCRA 320; Central Azucarera Don Pedro vs. Workmen's Compensation Commission, 154 SCRA 581; Vda. de Tumolva vs. Employees' Compensation Commission, Ibid.

[11] Guevarra vs. Workmen's Compensation Commission, 146 SCRA 64; Bambalan vs. Workmen's Compensation Commission, 153 SCRA 166.

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.