

**LOURDES DELGADO, PETITIONER, VS. REPUBLIC OF THE
PHILIPPINES (BUREAU OF PUBLIC SCHOOLS) AND
WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.**

G.R. No. L-45351. August 15, 1988

Ponente: CORTES, J.

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CORTES, J.:

Petitioner Lourdes Delgado was a public school teacher in the employ of the Bureau of Public Schools.

During the course of her employment, she was rendered disabled for work from June 3, 1969 on account of an eye ailment which had been diagnosed as "cataract, mature, right and incipient, left" [p.10, Rollo.] Because of this, she underwent operation at Our Lady of Lourdes Hospital.

On July 29, 1974, she filed her claim for compensation. The Office of the Solicitor General, representing the Bureau of Public Schools, controverted the claim on August 15, 1974.

On September 22, 1975, Acting Referee Benjamin Perez of the Workmen's Compensation Section, Regional Office No. 4, rendered a decision the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered in favor of claimant and against respondent ordering the latter:

1. To pay claimant the sum of P3,283.75 for disability benefits plus the sum of P766.63 for reimbursement of medical expenses pursuant to Sec. 13 of the Act.

2. To pay claimant's counsel the sum of P164.18 for his attorney's fees.

3. To pay direct to this Office the sum of P33.00 pursuant to Sec. 55 of the Act. [p. 5, Rollo.]

The decision was received by the Docket Division, Office of the Solicitor General on September 25, 1975 [p. 56, Rollo.]

On November 14, 1975, the respondent Department of Education and Culture, through the Office of the Solicitor General filed a Motion to Elevate Records for Relief of Judgment dated November 7, 1975 alleging among others:

* * *

3. That during the past months to present, the undersigned Solicitor who was also assigned to evaluate workmen's compensation cases had an extraordinarily heavy schedule of daily hearings, and she is also heavily loaded (sic) with written work like the preparation of briefs and other pleadings in the Supreme Court, Court of Appeals and other inferior courts, including administrative and quasi-judicial agencies, plus investigation and evaluation of disbarment cases; repatriation and naturalization cases under the LOI No. 270, the decision in question was not acted within the period required for filing a Motion for Reconsideration;

4. That our grounds for appealing the said decision is that the Referee erred in requiring your petitioner to pay respondent-claimant Lourdes Delgado disability benefits and reimbursement of medical expenses under Sections 14 and 15 of the Workmen's Compensation Act, as amended . . . ;

5. That herein petitioner is filing the instant petition pursuant to Sections 1 and 3 of Rule 22 of the Rules of the Workmen's Compensation Commission on the ground which it believes to be valid and reasonable. [pp. 56-57, Rollo.]

On January 7, 1976, Associate Commissioner Dioscora C. Arellano with the concurrence of Chairman Severo M. Pucan of the Workmen's Compensation Commission gave due course to the Motion.

On January 16, 1976, a two-paged decision was rendered by the Workmen's Compensation Commission providing that:

* * *

In previous cases which we had the occasion to decide we said that cataract is not a compensable ailment. We cannot, without being inconsistent, abandon our stand on the matter. The claimant, when she had the operation, was already 53 years old. Considering that cataract of the eye is the natural result of degeneration, it was only natural for the claimant to have the condition. Ergo, claimant's employment had nothing to do with her eye ailment. Consequently, she should not be entitled to, and the respondent not liable for, disability compensation benefit. It will follow that the claimant is not also entitled to reimbursement of medical expenses. The latter benefit is ancillary to the former.

WHEREFORE, the decision appealed from should be, as it is hereby REVERSED, and the case is ordered dismissed for lack of merit. No cost. [pp. 6-7, Rollo.] [Italics supplied.]

On January 7, 1977 the present petition for review was filed by petitioner-claimant praying that the decision of the Workmen's Compensation Commission be declared null and void for having been rendered without jurisdiction, the Motion to Elevate Records having been filed beyond the reglementary period [p. 2, Rollo.]

Respondent for its part argues that the instant petition should be dismissed for having been filed beyond the reglementary period of ten (10) days from the receipt of the decision by claimant, citing Rule 18, section 1 of the Rules of the Commission in connection with Rule 43, section 4 of the Rules of Court [Rollo, pp. 58-59.]

There is evidence on record to support the petitioner's claim that she was not furnished a copy of the questioned decision of the Commission. In her affidavit executed on December 28, 1976, it appears that she learned only of the decision after making her own inquiry. In fact, the attached certified photocopy of the decision of the

Commission reveals that it was furnished the petitioner only on January 3, 1977. The respondent's claim that the petitioner received a copy of the decision on January 26, 1976 has no basis on record. The Registry Return Receipt appearing in the Commission's record does not indicate receipt by the petitioner of the decision on January 26, 1976. It indicates instead receipt by the Solicitor General of the decision on January 27, 1976 as shown by the stamped date. Nowhere in this piece of paper does petitioner's acknowledgment or that of her counsel appear. Considering these attending circumstances, petitioner should not be faulted for filing the petition for review only on January 7, 1977 or almost one year after the questioned decision was promulgated.

This Court also finds merit in the petitioner's contention that the decision of the Commission is null and void for having been rendered without jurisdiction.

Act 3428 as amended, otherwise known as "An Act Prescribing the Compensation to be Received by Employees for Personal Injuries, Death or Illness Contracted in the Performance of Their Duties", provides for the following provisions regarding the appeal procedure and finality of judgments of Workmen's Compensation cases:

SEC. 7-A. Bureau of Workmen's Compensation and Workmen's Compensation Commission -

* * *

. . . The referees assigned to regional offices shall have the power to hear and decide all cases currently pending before said regional offices, which referees shall take jurisdiction thereof, administer and settle the same subject to appeal to the Commission in accordance with prescribed rules and regulations. Said referees shall assume original jurisdiction of all cases arising henceforth. . . .

Sec. 48. Referees - Duties and Powers. - . . . [The referees] shall assume original jurisdiction over all workmen's compensation cases in the regional offices where they are assigned and shall be under the administrative supervision of the regional labor administrator but their decisions, orders and resolutions shall not be subject to the review of the said administrator but shall become final 15 days from receipt thereof by the parties, unless appealed to the Commission within said period.

Sec. 49. Procedure. - Any dispute or controversy concerning compensation under this Act shall be submitted to the Commissioner as provided herein.

* * *

Hearing arising under this Act may be held before the Commissioner or any of the referees.

Any party in interest who is dissatisfied with the order entered by the referee may petition to review the same and the referee may re-open said case, or may amend or modify said order, and such amended or modified order shall be a final award unless objection be made thereto by petition for review. . . . Such petition must be

filed within 15 days after the entry of any referee's order or award of the Commissioner unless further time is granted by the referee or the Commissioner within said 15 days. . . .

* * *

Sec. 50. Decision. - After the hearing of a case by the Commissioner, his deputy or any of the referees, the same shall be decided according to its merits and the decision be promulgated and signed by the Commissioner or his deputy. Fifteen (15) days after the promulgation of the decision the same shall become final unless previously appealed. (*Italics supplied.*)

In the case at bar, the decision of the referee was rendered on September 22, 1975. The Solicitor General's Office received a copy thereof on September 25, 1975. However, the respondent filed its Motion to Elevate Records for Relief from Judgment only on November 11, 1975 citing as reason "extraordinarily heavy schedule of hearings, . . . preparation of briefs and other pleadings . . ." (p. 56, Rollo.) Clearly, this was beyond the reglementary period provided for under the above-cited laws. Thus, the decision of the referee already became final. This being so, the Workmen's Compensation Commission had no more jurisdiction to review the same and its judgment becomes void for having been rendered without jurisdiction (*Andes, Sr. v. Republic*, G.R. No. L-47135, Mar. 31, 1981, 103 SCRA 623; *Relente v. Republic*, G.R. No. L-47691, Aug. 5, 1981, 106 SCRA 505.)

The Solicitor General cited the case of *Republic v. Lim* [G.R. No. L-32109, Oct. 29, 1971, 42 SCRA 162] to bolster the argument that the Commission, being more of an administrative body, is not required to comply strictly with the rules of procedure [pp. 64-67, Rollo.]

However, far from buttressing his claim, the *Lim* decision would show that the Supreme Court had not deviated from the letter of the law. Said case involved a petition for relief from a referee's award in favor of an employee-claimant under Rule 38, Sec. 1 of the Rules of Court which applies suppletorily to workmen's compensation cases. The Supreme Court held therein:

* * *

But while this Court recognizes the authority of the Commission to grant relief from judgment under Rule 38 of the Rules of Court, it is also quite clear that the grounds adduced by the petitioner in the case at bar do not constitute excusable negligence.

A copy of the award in question was received by the solicitor assigned to the case on December 4, 1969. He had, therefore, until December 19, 1969 within which to file a petition for review with the Commission. This period was, upon his request, extended for 15 days from December 19, 1969, or to January 3, 1970. The said solicitor, however, went on leave from December 22, 1969 to January 5, 1970. In failing to take the necessary and appropriate precautions required by the circumstances, which resulted in his being unable to take an appeal from the said award of the referee, the said solicitor has only himself to blame. [*Republic v. Lim*, 42 SCRA 163, 168.]

* * *

This admonition was reiterated in *Cruz v. Workmen's Compensation Commission* [G.R. Nos. L-42739, 43221, 43406, 43470, 44599, Jan. 30, 1978, 81 SCRA 445.] In this consolidated decision, the Supreme Court tersely held that:

* * *

The petitions at bar must be granted, since they correctly maintain that respondent commission no longer had jurisdiction and authority to set aside the referees' decisions and awards which became final and executory with the lapse of the statutory period for appeal and for relief from judgment.

The Solicitor General's argument that petitioners' common contention of lack of jurisdiction on the commission's part to alter a final judgment or award "while apparently meritorious, actually puts form over substance and applies the Rules to obstruct justice" has been rejected by the Court in a uniform and long line of cases. The statutory periods for appeals and for petitions for relief from judgment are not merely matters of form but of substance, dealing as they do with the very jurisdiction of the commission.

As reaffirmed by the Court in *Soliven vs. Workmen's Compensation Commission*, it is settled doctrine that "(the) basic rule of finality of judgments is applicable indiscriminately to one and all and regardless of whether respondent employer be a public or private employer, since the rule is grounded on fundamental considerations of public policy and sound practice that at risk of occasional errors, the judgment of courts and award of quasi-judicial agencies must become final at some definite date fixed by law," and "(I)t is of course beyond question that the perfection of an appeal within the statutory or reglementary period is mandatory and jurisdictional and that failure to so perfect an appeal renders final and executory the questioned decision and deprives the appellate court of jurisdiction to entertain the appeal. The lapse of the appeal period deprives the courts of jurisdiction to alter the final judgment". [*Cruz v. Workmen's Compensation Commission*, 81 SCRA 445, 450.] (Italics supplied.)

On the issue of compensability, the provisions of the Workmen's Compensation Act apply to the case at bar considering that this in the law which was then in full force and effect in 1969 when petitioner's cause of action arose. Thus, petitioner has in her favor the disputable presumption that when the illness supervenes during employment, it is to be presumed that the sickness either arose out of or was aggravated by the nature of conditions of her work and is compensable. The burden therefore of overthrowing this presumption is shifted on the employer. [*Villason v. Republic of the Philippines*, G. R. No. L-47075, April 8, 1971, 104 SCRA 102.]

The evidence on record shows that the petitioner was physically examined before she entered the service in 1938 as a classroom teacher and was found to be physically fit for work. It was sometime in 1969 that she was rendered disabled for work after she contracted cataract for which she underwent operation.

In connection with the said ailment, the "Physician's Report of Sickness or Accident" shows the following:

* * *

5. Diagnosis: Eye Operation (Cataract, mature right, incipient left)

* * *

8. Cause of injury or illness: Due to strain and pressure of work.

9. (a) Was the injury or illness caused by accident due to and in pursuance of the employment? Yes.

* * *

(c) Or aggravated by the employment? Yes.

[p. 74, Record.]

In controverting the claim, the respondent Republic averred that there was no reason for invoking or applying the presumption of compensability on the ground that cataract which is a disease of the eye is characterized by opacity of the lens as a result of the aging process and is not therefore an occupational disease. Aside from this, respondent presented no other evidence to substantiate its contention that petitioner's illness was not work-connected.

Eye cataract is not caused, exclusively by aging or degenerative changes. There are other types which may be classified as congenital, secondary or after-cataract, complicated cataract, traumatic cataract, toxic cataract or senile cataract. [see *Jarillo v. Employees' Compensation Commission*, G. R. No. 52058, February 25, 1982, 112 SCRA 264, 269.] Respondent was not able to show that the cataract contracted by the petitioner falls under a non-compensable type, e.g., congenital, senile.

The respondent having failed to rebut the presumption of compensability with stronger and more conclusive evidence, this Court finds itself in disagreement with the decision of the Commission denying petitioner's claim for compensation. The Court cannot give weight to the bare allegation that petitioner's cataract is a result of the aging process without substantial evidence to support it. In *Matta v. Workmen's Compensation Commission* [G. R. No. L-43280, December 26, 1984, 133 SCRA 635] also a case on compensation for cataract, this Court reiterated the following rule pronounced in the case of *Bautista v. Workmen's Compensation Commission* [G.R. No. L-42885, November 23, 1977, 80 SCRA 313]:

While we do not discount the possibility that such ailments may be caused by the aging process . . . nonetheless that fact alone will not be sufficient to remove the ailment from the periphery of compensable disabling diseases under the Workmen's Compensation Act. The law applied to the young as well as to the aged, and while advancing age may be a contributing factor to the occurrence of an injury, the constant physical and mental exertions, strain, and tension in teaching children of tender age for a period of almost 37 years are equally contributing and aggravating causes which render the resulting disabling injury or ailment compensable under the law.

The present case must be distinguished from that of *Zozobrado v. Employees' Compensation Commission* [G.R. No. 65856, January 17, 1986, 141 SCRA 136] which considered senile cataract not a compensable ailment as it is not listed as an occupational disease. The case was decided under the new rules on employees' compensation which have done away with the doctrine of presumptive compensability in the old Workmen's Compensation Law.

WHEREFORE, the petition for review is GRANTED. The decision of the Workmen's Compensation Commission dated January 16, 1976 is REVERSED and SET ASIDE and the award of the Acting Referee dated September 22, 1975 is REINSTATED and AFFIRMED.

SO ORDERED.

Fernan, C.J., Feliciano, and Bidin, JJ., concur.

Gutierrez, Jr., J., in the result.

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