

MANUEL D. TABAS, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES (PHILIPPINE CONSTABULARY, AFP), RESPONDENTS.

G.R. No. L-42276. August 29, 1980

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition for certiorari to review the decision of the Workmen's Compensation Commission dated October 23, 1975 in RO4-WC Case No. 14013 entitled "Manuel D. Tabas, Claimant, versus, Republic of the Philippines (Philippine Constabulary), Respondent" reversing the decision of the Workmen's Compensation Section, Regional Office No. 4, Manila, dated December 25, 1974, ordering the Republic of the Philippines (Philippine Constabulary, AFP), to pay the claimant, Manuel D. Tabas, the amount of P2,525.18 as reimbursement of medical and professional expenses as of October 1974.[1]

The petitioner, Manuel D. Tabas, was a captain in the Philippine Constabulary. On July 17, 1968, while in the performance of his official duties, he suffered a stroke which was diagnosed as infarction of the myocardium due to coronary thrombosis. After having been hospitalized for sometime, he was discharged from the service for complete disability on November 20, 1970. The petitioner filed a Notice of Sickness and Claim for Compensation under the Workmen's Compensation Act, as amended, with Regional Office No. 4, Department of Labor, Manila.[2]

The Hearing Officer and Acting Referee rendered a decision dated May 5, 1972, the dispositive part of which reads:

"WHEREFORE, judgment is hereby rendered ordering the respondent to pay claimant through this Office, the following amounts:

- 1) SIX THOUSAND PESOS (P6,000.00) as disability compensation;
- 2) THREE HUNDRED PESOS (P300.00) as attorney's fees payable direct to Atty. Daniel Balanoba;
- 3) RESPONDENT is further ordered to provide the claimant such medical, hospital, surgical supplies, appliances and services as the nature of his heart disease may require, and to reimbursement of such medical expenses that may be incurred by him for the treatment of such illness; and
- 4) Respondent is likewise ordered to pay direct to this office the sum of SIXTY ONE PESOS (P61.00) as fees pursuant to Section 55 of the Act.

SO ORDERED.

Manila, Philippines, May 5, 1972

(Sgd.) PEDRO P. PELAEZ
Hearing Officer

Acting Referee"[3]

The respondent, Philippine Constabulary, AFP, did not appeal from the decision. In fact, on November 10, 1972, said respondent paid the petitioner the amount of P6,000.00 as disability compensation and P710.06 as reimbursement of medical expenses pursuant to the aforementioned decision.

The petitioner incurred additional medical expenses in connection with the treatment of his heart illness. On the basis of the decision of the Hearing Office, Regional Office No. 4, Department of Labor, Manila, the petitioner filed on March 27, 1974 a motion for reimbursement of medical expenses in the amount of P2,835.80.[4]

At the hearing of the motion for reimbursement, all the medical and professional receipts were referred to the Compensation Rating Medical Officer for evaluation. On October 11, 1974, Dr. Edmund Calaycay recommended the payment of the amount of P2,525.18 as reimbursement which he considered reasonable and fair. Some amount for medicine was disallowed being unnecessary for the treatment of petitioner's heart illness. The Hearing Officer and Acting Referee issued an order dated December 25, 1974 directing the respondent, Philippine Constabulary, AFP, to pay the claimant the amount of P2,525.18 as reimbursement of medical and professional expenses as of October 1974.[5]

The respondent, Philippine Constabulary, AFP, appealed to the Workmen's Compensation Commission which set aside the award of P2,525.18 on the following ground:

"x x x It is the considered medical opinion of the Evaluation Division that by reason of the nature and extent of disability of claimant's ailment, no amount of medical attention could restore him to the maximum level of his physical capacity. Hence, respondent can no longer be held legally liable for further medical attention and the present claim for additional reimbursement of medical expenses must necessarily fail."[6]

The contention of the petitioner that he is entitled to the reimbursement of additional medical expenses of P2,525.18 is meritorious.

The decision of the Hearing Officer, Acting Referee, dated May 5, 1972, expressly ordered the Philippine Constabulary, AFP, "x x x to provide the claimant such medical, hospital, surgical supplies, appliances and services as the nature of his heart disease may require, and to reimbursement of such medical expenses that may be incurred by him for the treatment of such illness x x x". This decision had become final because the respondent, Philippine Constabulary, AFP, did not appeal therefrom. It is a fact that the petitioner incurred additional expenses in the total amount of P2,525.18 for the treatment of his heart illness. Pursuant to the decision of the Regional Office No. 4 which had become final, Philippine Constabulary, AFP, should pay the amount.

It was established at the hearing of the motion for reimbursement that the medical and professional expenses were duly supported by receipts which were referred to the Compensation Rating Medical Officer for evaluation. The Workmen's Compensation Commission may not disallow the reimbursement of said amount on the ground that "No amount of medical attention could restore him to the maximum level of his physical capacity." The decision of Regional Office No. 4 did not limit the medical expenses to those that will restore the petitioner to the maximum level of his physical capacity. We affirmed the right to such refund on January 22, 1980 in *Biscarra vs. RP*, etc. (L-43425).

WHEREFORE, the decision of the Workmen's Compensation Commission dated October 23, 1975 is hereby set aside and the respondent, Republic of the Philippines (Philippine Constabulary, AFP), is ordered to reimburse the petitioner the amount of Two Thousand Five Hundred Twenty-Five Pesos and Eighteen Centavos (P2,525.18) which was incurred for medical and professional expenses for the treatment of his heart ailment.

SO ORDERED.

Guerrero and De Castro, JJ., concur.

Teehankee, (Chairman), J., concurs in a separate opinion.

Makasiar, J., concurs fully pursuant to the controlling doctrine in Biscarra vs. RP, etc., L-43425, January 22, 1988.

Melencio-Herrera, J., dissents.

[1] Annex "G", Rollo, pp. 20-22.

[2] Petition, Rollo, p. 1.

[3] Rollo, p. 12.

[4] Rollo, pp. 13-14.

[5] Rollo, pp. 15-16.

[6] Rollo, p. 21.

CONCURRING OPINION TEEHANKEE, J.:

The judgment at bar orders the payment and reimbursement to petitioner of the sum of P2,525.18 for medical and professional expenses, incurred after his retirement from employment by virtue of his total and permanent disability (stroke diagnosed as infarction of the myocardium due to coronary thrombosis), for which he was fully paid under the Workmen's Compensation Commission's decision-award of May 5, 1972 the sum of P6,000-total disability compensation and P710.06 medical expenses incurred in connection therewith.

This is in consonance with the Court en banc's pronouncement early this year in Biscarra vs. Republic of the Philippines, et al.[1] I dissented from the majority ruling, stating that for the reasons and considerations therein stated, the Court should not at this late stage set aside the Workmen's Compensation Commission's consistent official interpretation and implementation of the Workmen's Compensation Act that under its key provision in section 13 of the Act, "under the old Workmen's Compensation Act (repealed and superseded as of December 31, 1974 by the New Labor Code) the Republic of the Philippines as employer may not be held liable to pay without limit as to time and amount the lifelong medical, surgical and hospital expenses of an employee after he had been declared totally and permanently disabled for work and had been paid fully the maximum P6,000. - compensation for such disability and had been reimbursed the medical expenses attendant thereto x x x."

However, as long as the Biscarra majority ruling to the contrary is not set aside, the same has to be applied and followed.[2]

I am constrained, accordingly, to file this concurrence to the judgment at bar. The judgment at bar may furthermore be sustained on the limited ground that the referee's original decision-award of May, 1972, which erroneously (in my view, as set forth in Biscarra, supra) ordered the employer Republic "to provide the claimant such medical, hospital, surgical supplies, appliances and services as the nature of his heart disease may require, and to reimbursement of such medical expenses that may be incurred by him for the treatment of such illness," notwithstanding the employee's total and permanent disability, had long become final and executory, not having been appealed from, and has become the law of the case.

[1] L-43425, prom. January 22, 1980, emphasis copied.

[2] See *Yap vs. Republic*, 45 SCRA 36 (1972), per Zaldivar, J., where the Court, including the dissenters, applied the split ruling in the *Moy Ya Lim Yao* case; see also the writer's separate opinion in the Martial Law cases, *Aquino vs. Enrile*, 59 SCRA 183, 313-316 (Sept. 17, 1974).

DISSENTING

MELENCIO-HERRERA, J.:

Vote for affirmance of the decision of the Workmen's Compensation Commission, the amounts of P6,000.00, as permanent disability compensation, and P710.06, as reimbursement of medical expenses, having been fully paid by respondent Philippine Constabulary.

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