

## **PHILIPPINE ENGINEERING CORP., PETITIONER, VS. AMADO FLORENTINO AND WORKMEN'S COMPENSATION COMMISSION RESPONDENTS.**

*G.R. No. L-16569. May 30, 1964*

Ponente: DIZON, J.

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### **DIZON, J.:**

This is an appeal from the decision of the Workmen's Compensation Commission in RO3-WC Case No. 339 holding petitioner Philippine Engineering Corporation liable for compensation under Act No. 3423, as amended, to its former employee, respondent Amado Florentino, and from its resolution en banc of January 14, 1960 denying petitioner's motion for reconsideration.

It is not disputed that since 1946 respondent Florentino was employed with petitioner as a truck driver, his work being principally to take the company's personnel from their homes to the piers and back; that an X-ray examination made in 1952 revealed that said respondent was suffering from pulmonary tuberculosis, for which reason he was allowed to go on six months sick leave with pay; that after the lapse of said period, upon recommendation of petitioner's physician, he was allowed to resume his duties as truck driver; that subsequent annual X-ray check-ups revealed that his illness became active anew, and was, consequently, given medical aid by petitioner; that in 1956 he was relieved from his duties as truck driver and assigned the lighter task of driving for the company's vice-president until, finally, on February 20, 1958, due to his illness, he was laid off.

On June 4, 1958 Florentino filed with the Regional Office 3 of the Department of Labor a "NOTICE OF INJURY OR SICKNESS AND CLAIM FOR COMPENSATION" under the Workmen's Compensation Act, as amended, against petitioner based mainly upon the facts above stated. Earlier, on March 5, 1958, the latter had submitted to the same office its "EMPLOYER'S REPORT OF ACCIDENT OR SICKNESS" (W.C.C. Form No. 3) stating that it will controvert said respondent's claim for compensation.

After trial before the Hearing Officer, during which only respondent was permitted to present evidence in support of his claim because said Officer ruled that petitioner had failed to file the notice required under Section 45 of the Act, said Officer made an award in favor of the former, as follows:

"WHEREFORE, the Philippine Engineering Corporation is hereby ordered:

"(1) To pay Amado Florentino, through this Office, the lump sum of FIVE HUNDRED FOUR PESOS(P504.00).

"(2) To pay him the further sums of EIGHTEEN PESOS (P18.00) weekly beginning from October 1, 1953 until the legal maximum of P4,000.00 shall have been paid.

"(3) To render continuous medical, surgical and hospital attendance on him until his PTB shall have been completely cured.

"Respondent is further ordered to pay direct to this Regional Office, the sum of FORTY-ONE PESOS (P41.00)

as fees assessed pursuant to Section 55 of the Act, as amended."

On November 17, 1958, petitioner filed with the Workmen's Compensation Commission a petition for review of said award, assailing, inter alia, the Hearing Officer's ruling barring it from presenting evidence to controvert the claim. As a result, the Commission ordered the reopening of the case for the reception of petitioner's evidence, after which it rendered the appealed decision affirming the award mentioned above and requiring petitioner to pay the additional amount of P5.00 as legal fees.

Petitioner contends that Florentino's claim for compensation was filed beyond the period of two months after the date of his sickness, provided by Section 24 of the Workmen's Compensation Act, as amended, and should have been, therefore, dismissed. This We find to be without merit. True, the claim for compensation under consideration was filed only on June 4, 1958, more than three months after Florentino's dismissal, and several years after 1952 when he was first found to be suffering from tuberculosis, and also years after the discovery of the reactivation of his illness in 1956; but it must be borne in mind that, as stated heretofore, after he was first found to be sick with tuberculosis, he was given six months sick leave with pay; that after that period had elapsed, he was allowed to work again as truck driver until the discovery of the reactivation of his illness in 1956 when he was given the lighter job of driving the car of petitioner's vice-president; that besides the medical services furnished voluntarily by petitioner, it also extended to Florentino monetary help amounting to the total sum of P657.84, part of which was given during the pendency of the present case. While petitioner claims that said amounts were "loans" given to Florentino, out of charity, the latter contends, and the Hearing Officer as well as the Workmen's Compensation Commission ruled that they were "advance salaries" or "advance compensation for sickness." We find nothing in the record sufficient to overcome the finding of the Commission to this effect, specially in view of petitioner's admission that part of the money was given to Florentino during the pendency of this case. As a result, it is Our opinion and We so hold that the late filing of Florentino's claim for compensation does not bar his right to receive compensation in view of the provision of the law to the effect that if the employer has voluntarily made compensation payments, the filing of the claim for compensation within the time provided by law shall no longer be necessary.

Petitioner likewise contends that the Hearing Officer and the Workmen's Compensation Commission had no jurisdiction over the claim because "the Workmen's Compensation Commission and its referees, as creations of the Workman's Compensation Act, as amended, were abolished by Reorganization Plan No. 20-A of the Government Survey and Reorganization Commission, as implemented by Executive Order No. 218, Series of 1956, and that in their place said Reorganization Plan had provided for the Commission and the so-called Regional Offices." This contention is likewise untenable, not only because petitioner did not raise it before the Workmen's Compensation Commission, but because the Reorganization Plan No. 20-A has already been declared unconstitutional.

Lastly, petitioner claims that the Commission erred in not deducting the alleged loans it had given to Florentino in the total amount of P657.84 from the compensation awarded. This is also without merit because, as the Commission held in its resolution of January 14, 1960, such amount had already been credited to petitioner as payment of the separation pay adjudged in favor of Florentino in RO3-WC Case No. LS-1715.

WHEREFORE, the decision and order appealed from are affirmed, with costs.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, and Makalintal, JJ., concur.

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