

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

G.R. No. L-43187. November 29, 1977

Ponente: MARTIN, J.

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MARTIN, J.:

This is a petition for review^[1] of the decision of the Workmen's Compensation Commission reversing the decision of the Acting Referee of the Regional Office No. 5, San Pablo City (RO-5, WCC No. C-2685) which awarded to petitioner an accrued disability compensation benefits of P5,375.57 and a weekly compensation of P48.32 starting August 1, 1975 until the total sum reaches P6,000.00, the maximum compensation allowed by law.

Petitioner Benito Robles was employed by the respondent Republic of the Philippines (Bureau of Public schools) as a public school teacher with a salary of P4,188.00 per annum. He has been in the continuous service of the respondent for 33 years until the age of 60 when on July 12, 1972, he applied for optional retirement due to illness. On or about March 4, 1975, or about 3 years from the date of his disability, he filed his claim for disability compensation benefits before Regional Office No. 5, Department of Labor, San Pablo City. In support of his claim, he filed a Physician's Report of Sickness or Accident (WCC Form No. 4) accomplished by his physician, Dr. Vicente Aguila of San Pablo City certifying to the fact that petitioner was sick of Rheumatic Arthritis; that he came to know of petitioner's illness on January 5, 1972 on initial consultation and treatment. In his report, Dr. Aguila also certified that:

"10. Was the illness or injury contracted ...

(b) the result of the nature of such employment? Yes

(c) or aggravated by the employment? Yes

11. Give your findings to support items 9 and 10:

Patient as a school teacher is required by his job to stand continuously for long periods thereby resulting in excessive strain of the joints.

In the column "General Remark", he stated that the patient is still under treatment for this condition.^[2]

A hearing was conducted on the merits of the case before the Hearing Officer of the Regional Office of San Pablo City and on July 30, 1975, the Hearing Officer, Emilio de Villa rendered a decision granting the claimant an accrued disability compensation benefits of P5,375.57 and a weekly compensation of P48.32, starting August 1, 1975 until the total sum reaches P6,000.00, the maximum compensation allowed by law.

On August 14, 1975 respondent received its copy of the decision of the Hearing Officer. On August 22, 1975, respondent employer filed with the Hearing Officer of Regional Office No. 5, San Pablo City, a motion for

extension of time to file a motion for reconsideration requesting for ten days extension from August 28, 1975 within which to file his motion for reconsideration.[3]

A close examination of the records failed to show any motion for reconsideration filed by the respondent employer within the time requested for filing said motion. As a matter of fact, a certification was made on December 22, 1975 by Atty. Amado A. Enriquez, Acting Chief of Unit, Regional Office No. 5, San Pablo City, that no motion for reconsideration was filed.[4]

Surprisingly, however, on December 29, 1975, or exactly 4-1/2 months after receiving a copy of the decision of the Hearing Officer, respondent employer filed with the respondent Commission a Petition to Elevate Records for Relief from Judgment. In said petition, however, respondent employer admits that the decision in question was not acted upon immediately or within the period required for a motion for reconsideration and reasons out that:

"The claim having been filed after retirement, and though having gone on sick leaves of absence, claimant failed to mention the illnesses now being complained of and which respondent came to know for the first time by the filing of the instant claim, there is prejudice caused respondent which is sufficient reason for the dismissal of the present claim on the ground of prescription (Cipriano M. Soriano vs. Pangasinan School of Arts and Trade, RO1-WCC Case No. 6148, November 22, 1973);

Arthritis without complications is not a basis for permanent disability because pains in the joints are part of the aging process."

On February 6, 1976, respondent Workmen's Compensation Commission en banc rendered a decision reversing the decision of the Hearing Officer of Regional Office No. 5, San Pablo City and absolved the respondent employer of its liability. Hence this petition for review.

We reverse the respondent Workmen's Compensation Commission. It has no more jurisdiction over the case after the decision of the Hearing Officer of Regional Office No. 5, San Pablo City became final and executory. In *Ramos vs. Republic*, L-41942, February 27, 1976, this Court has already ruled that:

"Respondent commission's decision must be set aside for being null and void for lack of jurisdiction and authority on its part to set aside an award that was already final and executory and had even been duly endorsed for payment by the Government's counsel.

Since no appeal to the commission (by motion for reconsideration) had been filed within the fifteen-day reglementary period, the referee's Award became final and executory upon the expiration of said deadline.

x x x x x

When respondent belatedly filed on January 23, 1975 its Motion to Set Aside Award on the ground of timely controversion, respondent Commission no longer had jurisdiction to act on the same. The award had long become final and executory, and the referee, in denying the motion, no longer had authority to elevate the record for the commission's review, as provided in cases of timely appeals, but merely the ministerial duty to issue *motu proprio* or on motion of the claimant the writ of execution for enforcement of the award."[5]

There can be no dispute in the instant case that the decision of the Hearing Officer of Regional Office No. 5, San Pablo City has long become final and executory almost 4 months when the respondent employer filed its Petition to Elevate Records for Relief with the respondent Commission.

It is, however, claimed that under abnormal and extraordinary circumstances, more particularly, the bulk of work assigned to the trial attorney in the Office of the Solicitor General personally handling the case as member of the Compensation Task Force of the Office of the Solicitor General requiring her presence in the hearing of compensation cases at Regional Office No. 5, Department of Labor, to beat the deadline set by the President for

the early disposition thereof, in addition to the interviews conducted by her pursuant to Letter of Instructions No. 270, on the naturalization of deserving aliens by Decree, it was humanly impossible for her, with the limited and meager resources and personnel of the Office of the Solicitor General to challenge the jurisdiction of the Acting Referee of Regional Office No. 5, San Pablo City and show that the decision he rendered was contrary to the facts and the law, within normal reglementary periods. But the records show that on August 22, 1975, respondent employer was able to file a motion for extension from August 28, 1975 within which to file a motion for reconsideration of said decision. Why did not respondent employer file any motion for reconsideration within the extended period? Instead of filing a motion for reconsideration, why did its counsel file a petition to elevate the records for relief with the respondent Commission after the period of extension within which to file a motion for reconsideration have long expired for four and one-half (4-1/2) months after receipt of the decision? In one case,[6] this Court ruled that mere pressure of work cannot be considered as a valid excuse for not filing a motion for reconsideration of the decision of the Acting Labor Referee.

WHEREFORE, the judgment of the respondent Commission is hereby reversed and set aside and that of the Acting Referee is hereby reinstated with the modification that respondent Republic of the Philippines (Bureau of Public Schools) is ordered to pay petitioner Benito Robles a disability compensation benefits of P6,000.00; medical expenses properly receipted for; his lawyer an attorney's fee in the amount of P600.00 and to pay the corresponding administrative fee.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Muñoz Palma, Fernandez, and Guerrero, JJ., concur.

[1] Treated as Special Civil Action per Resolution of this court dated June 29, 1976.

[2] Exhibits B and B-1 attached to the records of the case.

[3] Annex B of the Petition.

[4] Annex C of the Petition.

[5] Chief Products Inc. vs. WCC, 55 SCRA 478.

[6] Ranada vs. Workmen's Compensation Commission No. L-43709, September 30, 1976, 73 SCRA 263.

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