

RAMON CASTRO, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND BUREAU OF PUBLIC SCHOOLS, RESPONDENTS.

G.R. No. L-41886. January 31, 1977

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Petition for review on certiorari dated December 16, 1975 from the decision of the defunct Workmen's Compensation Commission dated August 13, 1975. This COURT, by resolution of February 18, 1976 gave due course to this petition, treated it as a special civil action and required both parties to file simultaneous memoranda.

Petitioner Ramon Castro is a classroom teacher at Manan Elementary School in Urdaneta, Pangasinan, with a monthly salary of P286.00. On March 15, 1972, he submitted himself for medical treatment at the Pangasinan Provincial Hospital. This treatment lasted until June 6, 1972 wherein he was subjected to X-ray test with the following findings:

"Chest (PA) - Film No. 2344

Right Lung - dense hilar shadow

Left Lung - fibro exudative infiltrated at the left upper
lobe

Heart - O.K.

Impression - P.T.B. Minimal left"

(Annex A-2 of the Petition).

The treatment duration as well as the X-ray examination result is contained in a certificate dated October 7, 1975 issued by Dr. Arturo Abella, Radiologist of the Pangasinan Provincial Hospital.

Petitioner stopped working on July 3, 1972 because his illness persisted. He filed the corresponding application for sick leave of absence and also notified the Division Office of Pangasinan about his sickness, through the District Supervisor (Annex A of the Petition).

Since July up to November 30, 1972, petitioner had regular medical check-up by Dr. Mauro Mondala, the Municipal Health Officer of Urdaneta, Pangasinan, and by Dr. Tomas Cornel of Dagupan City, a private practitioner. Medical certificates to this effect were issued separately by Dr. Mondala on August 19, 1972 (see Annex A-1 of the petition) and by Dr. Cornel on November 30, 1972 (p. 48, rec). Despite continuous medical treatment, petitioner's sickness worsened. Finally, petitioner could no longer return to work. On February 19, 1974, petitioner filed a claim for compensation against respondent Bureau of Public Schools with Regional Office No. 1 of the Department of Labor at Dagupan City. Attached to this claim is a medical certificate dated July 3,

1972 issued by the Urdaneta Health Office, Urdaneta, Pangasinan.

On October 23, 1974, the Regional Office issued an order dismissing the claim on the ground that the claim was filed beyond the reglementary period prescribed by Section 24 of the Workmen's Compensation Act (Act No. 3428, as amended). Petitioner moved for a reconsideration of the order of dismissal, contending that his failure to file a compensation claim within the reglementary period is no bar to the claim since his employer has knowledge of his sickness.

Petitioner's motion for reconsideration was denied for lack of merit, and the said records were elevated to the Commission for review, together with the X-ray report on the infirmity of the complainant.

On August 31, 1975, the Commission rendered a decision sustaining the order of dismissal on the ground that "[T]he only evidence found in the record to base a finding of compensability is the Physician's Report" which, according to the Workmen's Compensation Commission, "is not sufficient to warrant such finding;" and that "claimant must prove that at the time he stopped working, he was actually afflicted with pulmonary tuberculosis and this he may do by substantiating his claim with concrete proof such as an X-ray report thereon. x x x. Claimant failed to substantiate his claim x x x."

On October 1, 1975, petitioner filed a motion for reconsideration of the Commission's decision (see Annex C of the petition). The Commission did not act thereon and instead on October 28, 1975, wrote the petitioner a letter requiring him to comply with Letter of Instruction No. 190, as implemented by Labor Order No. 3 (p. 8, rec.) of the Department of Labor.

On December 16, 1975, petitioner filed this petition for review on certiorari.

There are two questions raised in this special civil action, namely, procedural and substantive.

On the procedural question, the Office of the Solicitor General submits that the petition itself explicitly states that there is a pending motion for reconsideration of the decision in question with the Commission; and that this motion was not acted upon by the Commission, but instead, in a letter dated October 28, 1975, which was received by petitioner on November 7, 1975, petitioner was instructed "to comply with Letter of Instruction No. 190 as implemented by Labor Order No. 3." Evidently, on December 15, 1975, when this petition for review on certiorari was filed with this COURT, the defunct Workmen's Compensation Commission had not yet acted on respondent's motion for reconsideration. It is now contended that the decision of the Workmen's Compensation Commission dated August 31, 1975 "is not yet final, and it follows that the same is not yet ripe for judicial cognizance and determination."

Petitioner stated in his reply dated April 8, 1976, that the letter dated October 28, 1975 of the Commission instructing petitioner to comply with Letter of Instruction No. 190 may be treated as a "denial" of his motion for reconsideration. This view of petitioner is not unjustified considering that the existence of the Workmen's Compensation Commission originally was to terminate on December 31, 1975 under the new Labor Code, before it was extended to March 31, 1976. Then again, the Workmen's Compensation Commission was swamped with numerous cases, which it had to decide during the remaining few months of its existence.

While as a rule of procedure, only final awards, judgments, decisions, or orders of the Workmen's Compensation Commission are reviewable by this COURT, in certain exceptional cases, such as the one at bar, this rule may be relaxed where to do so would be consistent with the promotion of substantial justice and equity (Rule 28, Rules of WCC) and would promote the speedy disposition of Workmen's Compensation Commission cases and accomplish the very objectives of the rule. Cognizance of the circumstances surrounding the filing of the petition for certiorari, at a time when the Workmen's Compensation Commission was already in the twilight of its

existence pursuant to the Labor Code which took effect on November 1, 1974, and already winding up its affairs, and, considering further, that the offices which should take over from the defunct Workmen's Compensation Commission had not yet been organized and were not yet operational, the decision of the Workmen's Compensation Commission dated August 31, 1975 as well as the letter directing petitioner to comply with the requirements of Letter of Instruction No. 190,' may be sufficient reason for petitioner to go directly to this COURT on a petition for review on certiorari.

On the substantive aspect, the Workmen's Compensation Commission postulates that since petitioner had not filed a claim within the two-month statutory period from date of his sickness as provided by Section 24 of Act No. 3428, as amended, but nearly two years after his sickness, the claim is already barred by prescription. This posture is patently without merit.

In one case (*Pio y Compania vs. Workmen 's Compensation Commission, et al.*, L-21467, Aug. 30, 1967, 20 SCRA 1196, 1202), and reiterated in another case (*Victorias Milling Co., Inc. vs. Workmen 's Compensation Commission*, No. L-25640. March 31, 1968, 22 SCRA 1215, 1217), this COURT held that claimant's failure to comply with the requirements of Section 24 of the Workmen's Compensation Act, that is, by giving of notice and filing of a claim within the time prescribed in said section, is non-jurisdictional. It has uniformly held in a good number of cases (*Industrial Textile Manufacturing Co. of the Phil. vs. Reyes Florzo*, L-21969, Aug. 31, 1966, 17 SCRA 1104, 1109; *National Development Company vs. Workmen's Compensation Commission*, No. L-21796, Aug. 29, 1966, 17 SCRA 1004, 1008; *Manila Railroad Company vs. Vda. de Chavez*, L-20103, Sept. 30, 1964, 12 SCRA 142, 146), that the non-observance of the prescriptive period under Section 24 of Act No. 3428 will be excused if it is shown that the employer had actual knowledge of the illness of the employee, as well as the cause thereof, and did not suffer any prejudice. Definitely, petitioner's employer had actual knowledge of his ailment.

But respondent Commission refused to give evidentiary weight to the physician's report on petitioner's illness which he submitted in support of his claim for compensation. Respondent Commission was too technical in its appreciation of the evidence submitted by the petitioner. The physician's report of petitioner's illness contains all the facts obtaining and embodied the X-ray report itself. This certificate as to the X-ray result — embodied in the physician's report — was issued by no less than Dr. Arturo Abella, a Radiologist of the Pangasinan Provincial Hospital. This is the best evidence that petitioner can submit under the circumstances. For, under Section 23 of Act No. 3428, as amended, "after receiving an injury or contracting sickness and during the period of his disability and rehabilitation, the laborer shall at reasonable time and places submit to examination by a duly qualified physician or surgeon and rehabilitation technician designated and paid by the employer or insurance carrier. The laborer shall be entitled to have a physician or surgeon and rehabilitation technician designated by himself at such examination: x x x" (*Italics supplied*).

Likewise, the reports of petitioner's attending physicians — Dr. Mauro Mondala, Municipal Health officer of Urdaneta, Pangasinan, and Dr. Tomas Cornel of Dagupan City — should be given full credit in support of his claim for compensation.

The observation of the Commission that petitioner failed to substantiate his claim that at the time he stopped working on or about February 19, 1974, "he was actually afflicted with pulmonary tuberculosis," has not destroyed the presumption of compensability which the law grants in favor of petitioner. And the Office of the Solicitor General never attempted to destroy this presumption. *ITEMCOP vs. Florzo*, *supra*, held that:

"At any rate, the law presumes, in the absence of substantial evidence to the contrary, that the claim is compensable. The burden to disconnect by substantial evidence the injury or sickness from employment, is laid at the employer's door. So rigid is the rule that even where the cause of the employee's death is unknown — as petitioners claim — the right to compensation subsists. Reason for this is that the Workmen's Compensation Act

is a social legislation; it is designed to give relief to the workmen; therefore, to effectuate its purpose, it must be liberally construed" (citing Sec. 44[1], Workmen's Compensation Act; Vda. de Acosta, et al. vs. Workmen's Compensation Commission, et al., L-19772, Oct. 31, 1964, 12 SCRA 168,173).

Indeed, in obedience to the constitutional guarantee of social justice, it is the government's duty to come to the aid of its employees, who, while in the course of employment, contracted illness that literally plucked them from the service and forced them to the sickbed, apart from the plus factor, that the courts "must be vigilant" for the protection of indigents like petitioner who has come to this COURT upon a pauper appeal.

WHEREFORE. THE DECISION OF THE RESPONDENT WORKMEN'S COMPENSATION COMMISSION IS SET ASIDE AND RESPONDENT BUREAU OF PUBLIC SCHOOLS IS HEREBY ORDERED:

- TO PAY CLAIMANT RAMON CASTRO:

A. THE SUM OF SIX THOUSAND PESOS (P6,000.00) AS COMPENSATION BENEFITS. AMOUNT ALLOWED BY LAW;

B. EXPENSES, IF ANY, INCURRED FOR MEDICAL AND HOSPITAL BILLS DULY SUPPORTED BY RECEIPTS IN CONNECTION THEREWITH:

C. ATTORNEY'S FEES EQUIVALENT TO 10% OF THE TOTAL RECEIVABLE AMOUNT;

- TO PROVIDE CLAIMANT RAMON CASTRO CONTINUOUS MEDICAL, HOSPITAL AND SURGICAL SERVICES AND SUPPLIES AS THE NATURE OF THE AILMENT REQUIRES, IF THE SAME ILLNESS STILL SUBSISTS; AND

- TO PAY;

THE WORKMEN'S COMPENSATION COMMISSION THE SUM OF SIXTY-ONE PESOS (P61.00) AS ADMINISTRATIVE . FEES.

Teehankee (Chairman), Muhoz Palma, Concepcion Jr., and Martin, JJ., concur.

[1] "In order to effect the orderly abolition of the present workmen's compensation system and the integration of the stale fund into the Social Security System and the Government Service Insurance System, as the case may be under the Labor Code, you are hereby instructed to undertake and implement the following measures:

- The Department of Labor through the Secretary of Labor, shall take such remedial steps as may be necessary to expedite the determination and/or settlement under such terms as he may consider fair and just, of the backlog of compensation cases pending before the workmen's compensation units in the regional offices of the Department of Labor as well as in the Workmen's Compensation to the end that said backlog may be liquidated by the end of the transition period.

- The Secretary of Labor shall coordinate with the Administrator of the Social Security System and the General Manager of the Government Service Insurance System in the immediate setting up of the corresponding and appropriate administrative arrangements and procedures for the proper implementation of the state fund system

under the Labor Code.

- The Secretary of Labor shall take such measures as may be necessary to effect the proper placement of personnel affected by the integration as well as the orderly transfer of all the unexpended funds, properties and equipment of the Bureau of Workmen's Compensation, the Workmen's Compensation Commission and the regional Workmen's Compensation Units to the Department of Labor.

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