

**REPUBLIC OF THE PHILIPPINES (BUREAU OF CUSTOMS),
PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION
AND DELFIN MANAHAN, RESPONDENTS.**

G.R. No. L-30915. July 22, 1975

Ponente: MAKALINTAL, C.J.

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MAKALINTAL, C.J.:

The only issues raised in this petition for review of the decision of the Workmen's Compensation Commission dated March 17 1969 in its W.C. Case No. 3168 (PU-SWORO), as affirmed by the Commission en banc, are with respect to the reimbursement of medical expenses incurred by the claimant and the amount of attorney's fees.

The claimant, Delfin Manahan, was formerly Chief Accountant IV of the Bureau of Customs. On November 23, 1967 he suffered a stroke, resulting in the paralysis of half of his body. He was rushed to the Marian General Hospital in the early morning of that day but was transferred to the Manila Medical Center in the afternoon. Dr. Napoleon Manzo, his attending physician, diagnosed his ailment as "cerebro-vascular accident, basilar artery thrombosis secondary to hypertension."

On November 29, 1967 the claimant was brought back to the Marian General Hospital, where he stayed until he was discharged on December 21, 1967. Thereafter he was confined in his home, where he underwent physical therapy and rehabilitation treatment. He was also treated continuously by his attending physician.

On April 3, 1968 the claimant filed a Notice of Injury or Sickness and Claim for Compensation with the Workmen's Compensation Section, Department of Labor, Pasay City Sub-Regional Office. The claim, being controverted, was set for hearing. In due time the Acting Referee rendered his decision, which as amended ordered the respondent to pay the claimant the sums of P6,000.00 as disability compensation and P7,369.30 as reimbursement of medical expenses incurred; to pay the claimant's counsel the sum of P300.00 as attorney's fees; to provide the claimant with such services, appliances and supplies as the nature of his disability and the process of his recovery might require; and to pay the Workmen's Compensation Commission the sum off P60.00 as administrative fee.

The respondent moved to reconsider the decision only insofar as the award to the claimant of the sum of P7,369.30 representing reimbursement of medical expenses was concerned on the ground that it was excessive, unreasonable and contrary to law. In his order dated January 20, 1969 the Acting Referee turned down the respondent and elevated the case to the Workmen's Compensation Commission for review.

On March 17, 1969 the Workmen's Compensation Commission, through its Acting Chairman Severo Pucan, rendered its decision affirming that of the Acting Referee but with modifications regarding the amount of medical expenses, attorney's fees and costs of the proceedings. The dispositive portion of the decision reads:

"WHEREFORE, as above-modified, the decision sought to be reconsidered is, as it should be AFFIRMED, and the respondent Bureau of Customs, is ordered to pay:

1. To the claimant, through this Commission, in lump sum, the total amount of SIX THOUSAND PESOS (P6,000.00) as disability compensation benefits, under Section 14 of the Act;
2. To claimant, also through this Commission, in lump sum, the total sum of SEVEN THOUSAND and NINETY PESOS AND 60/100 (P7,090.60) reimbursement for medical expenses incurred by him in the treatment of his illness from November 23, 1967 up to December 2, 1968, in accordance with Section 13 of the same Act;
3. To claimant's counsel of record, Atty. Narciso Parayno, the total amount of ONE THOUSAND THREE HUNDRED NINE PESOS and 06/100 (P1,309.06) as his attorney's fees, pursuant to Section 31 of the said Act;
4. To provide claimant such medical services, appliances and supplies as the nature of his disability and the process of his recovery may require and that which will promote his early restoration to the maximum level of his physical capacity; and
5. To pay to the Workmen's Compensation Fund, the total amount of ONE HUNDRED AND FORTY-FIVE (P145.00) PESOS, as costs, which includes the fees for this review, in accordance with Section 55 of the said Act."

Unable to secure a reconsideration of the decision, the respondent filed the instant petition for review.

In connection with the reimbursement of medical expenses the petitioner insists that the claim therefor is invalid and unenforceable for failure to comply with the penultimate paragraph of Section 13 of the Workmen's Compensation Act, which reads:

"No claim for such services, appliances or supplies shall be valid and enforceable against the employer or insurance carrier unless the attending physician or other person concerned, within twenty days following the first treatment, attendance, or furnishing of supplies and thereafter within the same period following every treatment, attendance, or furnishing of supplies, furnish the employer or insurance carrier and the Commission a report of such injury and treatment on a form prescribed by the Commission."

The petitioner alleges that there is no showing that the attending physicians made any report of the treatment given to the private respondent within twenty days following the first treatment and thereafter within the same period following every treatment. Moreover, it contends that the aforequoted provision requires full compliance, not mere substantial compliance.

The petitioner cannot be sustained in view of the following findings of the respondent Commission:

"Records further reveal that the Customs Medical Officer, Dr. Antonio C. Macasia, examined the claimant at his house at No. 1679 Munoz St., Pasay City on April 22, 1968 and in his report, the said physician among others, found and declared: 'the patient started out with dizziness, vomiting, and nausea on November 23, 1967 followed by himiparesis, on the left side. Presently, patient is still with the left hemiparesis and undergoing rehabilitation.' (Exhibit 'G')

"The same medical officer made a list of the names and addresses in the said medical report of all the attending physicians of claimant. He included in the list the names of Drs. Napoleon Manso and Martesio Perez, both of the Marian General Hospital; Drs. Bienvenido Araw, a private practitioner with medical clinic at Vergara St., Quiapo, Manila and Andres Reyes of the Manila Medical Center.

"Not only this, the Acting Chief of the Accounting Division of the Bureau of Customs, Mr. Alejo M. Ver on October 4, 1968, issued a certification to the effect that the claimant through his daughter, had notified the bureau (Customs) of the projected medical and hospital bills and expenses of her father immediately upon suffering his present illness. (Exhibit 'O')

"When claimant entered the hospital for the first time, and Mr. Ver visited him, the latter informed the former that he (Manahan) will claim reimbursement for medical expenses."

It is evident that the petitioner, through its officials, had prompt knowledge of the sickness of the private respondent, and of the fact that he was receiving professional, medical and hospital treatment, for which expenses were being incurred by him, and had prior information that the private respondent would claim reimbursement of such medical expenses. Indeed, the petitioner was in a position to get any material information it desired regarding the private respondent's illness and treatment in order to preclude any possible unfounded claim. In such factual setting there was substantial compliance with the statutory requirement which is sufficient for the claim to prosper.

Moreover, the failure to comply strictly with the law was not the fault of the private respondent and, consequently, he should not be made to suffer by disallowing his claim for reimbursement.

Considering further that the award for the reimbursement of medical expenses is supported by receipts, we hold that the respondent Commission did not commit any reversible error in making said award.[1]

As regards the amount of attorney's fees, we agree with the petitioner that the sum awarded as reimbursement for medical expenses may not be included in the computation of the attorney's fees.[2] Accordingly, the amount should be reduced to P600.00.

WHEREFORE, modified only as to the amount of attorney's fees, which is reduced to P600.00, the decision of the Workmen's Compensation dated March 17, 1969 and the resolution of the Commission en banc dated July 7, 1969 are hereby affirmed, without costs.

Castro, Makasiar, Esguerra, Muñoz Palma, and Martin, JJ., concur.

Teehankee, J., is on official leave.

[1] ALATCO Transportation, Inc., vs. WCC, No. L-30548, February 24, 1971, 37 SCRA 613.

[2] Supra, citing Section 31, Act No. 3428, as amended.

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