

JUAN SALANGUIT, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC HIGHWAYS), RESPONDENTS.

G.R. No. L-43434. May 25, 1979

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision of the Workmen's Compensation Commission in RO4-WC Case No. 155739 entitled "Juan Salanguit, Claimant, versus, Republic of the Philippines (Bureau of Public Highways), Respondent" reversing the decision of the Acting Referee of Regional Office No. 4 of the Department of Labor, Manila, and dismissing the case for lack of merit.[1]

On July 12, 1974, Juan Salanguit filed a claim for compensation with Regional Office No. 4 of the Department of Labor at Manila on account of his illness of hypertension and rheumatoid arthritis allegedly caused or aggravated by the nature of his employment with the respondent Bureau of Public Highways. An Employer's Report of Accident or Sickness (Exhibit "A"), which was considered as an answer to the claim, was simultaneously filed stating that the employer is HED, Auditing Unit, Bureau of Public Highways, that the respondent, Bureau of Public Highways, would not controvert the claim and that the petitioner suffered his ailment during his regular occupation (Items 1, 8 and 17, Employer's Report).

The Acting Referee of Regional Office No. 4, Manila, set the case for hearing at which evidence was adduced by the claimant. After the hearing on the merits, the Acting Referee rendered a decision dated September 26, 1975, the dispositive part of which reads:

"(1) To pay claimant, thru this Office, the sum of SIX THOUSAND (P6,000.00) PESOS as compensation under Section 14 of the Act; (Claimant should have been entitled to P9,367.50 but was reduced to P6,000.00 maximum amount allowed by law);

(2) To pay attorney's fee to Atty. P. D. Dequeña as counsel for claimant the amount of P300.00 pursuant to Section 21 of the Act; and

(3) To pay to the Commission the sum of P61.00 as decision fee pursuant to Section 55 of the Act."[2]

The Republic of the Philippines (Bureau of Public Highways), through the Office of the Solicitor General, received a copy of the decision of the Acting Referee on October 6, 1975 but filed the petition to elevate the records for relief from judgment only on February 18, 1976. The reason given for the late filing of said petition is "the volume and pressure of work of the undersigned Solicitor who had to attend to the preparation of appellee's briefs in appealed criminal cases, pass upon awards and decisions assigned to him on workmen's compensation cases prior to their submission to the Chairman of the Committee on Compensation duly created by the Honorable Solicitor General, and attend hearings of cases in the trial courts, the decision in question was not acted upon immediately, or within the period required for filing a Motion for Reconsideration x x x".[3]

Although the petition to elevate the records for relief from judgment was filed after four (4) months from the date that the Office of the Solicitor General received a copy of the decision of the Acting Referee, the Workmen's Compensation Commission took cognizance of the appeal, reversed the decision of the Acting Referee and dismissed the case for lack of merit.[4]

It is now settled that volume and pressure of work in the Office of the Solicitor General is not a valid excuse for not filing an appeal or petition for relief on time.[5] Moreover, under the rules and regulations of the Workmen's Compensation Commission, the petition for relief should be filed within thirty days after petitioner learns of the decision or award sought to be set aside and not more than three months after such decision or award was entered.

Granting, arguendo, that there was justification for the late filing of the petition to elevate the records for relief from judgment, this Court finds that the petition for review is meritorious.

The record discloses that the illness of Juan Salanquit, petitioner herein, supervened during his employment with the Republic of the Philippines (Bureau of Public Highways). Hence, there is a disputable presumption that the claim is compensable.[6] The claimant is relieved of the duty to prove causation as it is then legally presumed that the illness arose out of the employment. To the employer is shifted the burden of proof to establish that the illness is non-compensable.[7]

Moreover, the respondent, Republic of the Philippines (Bureau of Public Highways), manifested that it was not controverting the claim. In view thereof, said respondent is deemed to have renounced all non-jurisdictional defenses.[8]

The claimant did not rely on the disputable presumption alone. He presented evidence that he acquired his illness as a result of the nature of his employment in the Bureau of Public Highways. The respondent, Republic of the Philippines (Bureau of Public Highways), did not rebut the disputable presumption and the evidence adduced by the petitioner.

The facts, as found by the Acting Referee, are:

"After the hearing on the merits, the following pertinent facts were duly established by substantial evidence. That claimant was employed by the respondent as Auditing Examiner II with station at Calapan, Oriental Mindoro, at the monthly salary of P549.96. That since 1966, claimant has been feeling the symptoms of his ailment like dizziness and headache. He was found to be suffering from hypertension. In spite of these symptoms, he continued working. In 1969 claimant suffered a mild hypertensive attack resulting to slight disfigurement of his face. He was suffering from dizziness, headache and numbness of the extremities. He was treated by Dr. Honorio Carreon and the disfigurement of the face was relieved and felt better. On March 20, 1973, claimant was rushed to the Manila Doctor's Hospital due to another hypertensive attack. He was found to be suffering from hypertension with cardiac involvement. He therefore was advised to stop working.

Respondent likewise submitted its 'Employer's Report' and signified its intention not to controvert the right of claimant to compensation. Under Item 17 of the report, it stated that claimant was sick in regular occupation. The Physician's Report of Sickness also stated that the illness of claimant was aggravated thereof. According to the attending physician who executed the Physician's report, that it is his opinion that 'the patient's blood pressure was aggravated due to much train work because of the nature of his job.'

It cannot be denied that the work of claimant involves brain work and therefore the aggravation was due to mental stress and strain. Due to the advice of his attending physician, claimant stopped working and applied for retirement on August 16, 1973 at the age of 61 years.

After due consideration, Respondent admitted the compensability of the claim by not controverting the right of claimant to compensation. The non-controversion was buttressed by the comment of the attending physician

that the ailment of claimant was contracted due to the nature of his employment and was aggravated thereof. Claimant did not claim for the reimbursement of any medical and hospital expenses." [9]

The belated contention of the Solicitor General that the petitioner was not an employee of the respondent, Bureau of Public Highways, has no merit. In the Employer's Report of Accident or Sickness signed by Highway District Engineer, Domingo R. Rayco, the name of the employer is HED, Auditing Unit, Bureau of Public Highways. (Item 1).

In addition to the compensation benefits, the petitioner is entitled to be reimbursed of whatever medical expenses he incurred if supported by proper receipts. The attorney's fees should be in the amount of P600.00.

WHEREFORE, the decision sought to be reviewed is hereby set aside and the respondent, Republic of the Philippines (Bureau of Public Highways), is ordered:

- 1) To pay the petitioner the sum of Six Thousand Pesos (P6,000.00) as disability compensation;
- 2) To reimburse petitioner of his medical expenses if supported by proper receipts;
- 3) To pay petitioner the sum of Six Hundred Pesos (P600.00) as attorney's fees; and
- 4) To pay to the successor of the Workmen's Compensation Commission the sum of Sixty-One Pesos (P61.00) as administrative fee.

SO ORDERED.

Teehankee, (Chairman), Guerrero, De Castro, and Melencio-Herrera, JJ., concur.
Makasias, J., concurs in a separate opinion.

[1] Annex "C", Rollo, pp. 17-18.

[2] Rollo, p. 13.

[3] Annex "B", Rollo, pp. 14-15.

[4] Rollo, p. 18.

[5] Solite vs. Workmen's Compensation Commission, et al., 75 SCRA 388; Cruz vs. Workmen's Compensation Commission, et al., 81 SCRA 445.

[6] Section 44, Workmen's Compensation Act, as amended; Justiniano vs. Workmen's Compensation Commission, 18 SCRA 677.

[7] Balanga vs. Workmen's Compensation Commission, 83 SCRA 721.

[8] Lominog Dinero vs. Workmen's Compensation Commission, et al., 70 SCRA 292.

[9] Rollo, pp. 11-12.

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SEPARATE CONCURRING OPINION

MAKASIAR, J.:

I concur with the additional opinion that the respondent employer should likewise be directed to continuously provide the claimant with such medical, surgical and hospital services as well as appliances and supplies as the nature of his disability and the progress of his recovery may require and which will promote his early restoration to the maximum level of his physical capacity. It is my consistent view that the provisions of Section 13 of the Workmen's Compensation Act, as amended, and Article 185 of the New Labor Code confer such right on the disabled employee, whether his disability is temporary or permanent. This is in compliance with the social justice guarantee of both the 1935 and 1973 Constitutions and in obedience to the directive of Article 4 of the New Labor Code that "all doubts in the implementation and interpretation of the provisions of this Code, including its implementing rules and regulations, shall be resolved in favor of labor", which is a re-statement of existing jurisprudence as well as Article 1702 of the New Civil Code. To limit such right to a temporarily disabled employee would inflict gross injustice on those permanently disabled, who still need to be relieved from the pain, trauma, social ostracism or humiliation generated by such permanent disability.

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