

**FELICISIMO LIGASON, PETITIONER, VS. WORKMEN'S
COMPENSATION COMMISSION, REPUBLIC OF THE PHILIPPINES
(BUREAU OF PUBLIC SCHOOLS), RESPONDENTS.**

G.R. No. L-43691. September 30, 1978

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision of the Workmen's Compensation Commission dated February 13, 1976 in WC Case No. RO7-18363 entitled "Felicisimo Ligason, claimant, versus, Republic of the Philippines (Bureau of Public Schools), respondent," reversing the decision of the Hearing Officer of Workmen's Compensation Unit, Regional Office No. 7, Cebu City and absolving the Republic of the Philippines (Bureau of Public Schools) from liability.[1]

The claimant, Felicisimo Ligason, an employee of the Bureau of Public Schools as Principal and In Charge of the District of Garcia-Hernandez, Division of Bohol, filed a claim for compensation with the Workmen's Compensation Unit, Regional Office No. 7, at Cebu City, by reason of sickness which he allegedly contracted in the course of his employment with the respondent. On October 9, 1975, Hearing Officer and Acting Referee, Fernando S. Camacho, rendered a decision ordering the Republic of the Philippines (Bureau of Public Schools) to pay claimant the sum of P5,928.00 as permanent partial disability compensation and the amount of P390.50 as reimbursement for medical expenses and to pay attorney's fees to claimant's counsel.[2]

The record shows that on October 20, 1975, a copy of the decision of the Hearing Officer and Acting Referee was received by the Office of the Solicitor General. Since no motion for reconsideration or petition for review was filed by the Solicitor General within fifteen (15) days from the receipt of the decision, the claimant filed a motion for the issuance of a writ of execution dated December 1, 1975 with the Office of the Workmen's Compensation Unit at Cebu City. On December 18, 1975, said motion for execution was granted and the Bureau of Public Schools was ordered to comply with the dispositive portion of the decision of the Hearing Officer and Acting Referee.

The Solicitor General, in behalf of the Republic of the Philippines (Bureau of Public Schools), filed on November 12, 1975 a petition dated November 11, 1975 to elevate records for relief from judgment.

The Workmen's Compensation Commission rendered a decision dated February 13, 1976 reversing the decision of the Hearing Officer and Acting Referee and absolving the Republic of the Philippines (Bureau of Public Schools) from liability.[3]

The claimant bases this petition principally on the ground that the decision of the Hearing Officer and Acting Referee has become final due to the failure of the Republic of the Philippines (Bureau of Public Schools) to file either a motion for reconsideration or appeal within fifteen (15) days from the receipt on October 20, 1975 by the Solicitor General of the said decision.

The Solicitor General does not deny that the petition to elevate the records for relief from judgment was filed after the lapse of the period for filing a motion for reconsideration allegedly due to the volume and pressure of work of the trial attorney who had to attend to the preparation of government briefs assigned to him to be filed before the Supreme Court and the Court of Appeals and to attend to hearings of cases.[4]

In *Ranada vs. Workmen's Compensation Commission*,[5] this Court held:

"The resolution of the issue hinges on whether the award made by the acting Labor Referee has already become final and executory. Petitioners contend that when respondent Republic filed its petition to elevate the records of the case to the respondent Commission for review, the award made by the Acting Labor Referee was already final and executory for failure of respondent Republic to petition the Workmen's Compensation Commission to review the decision of the Acting Labor Referee within 15 days from notice of the same pursuant to the provisions of Section 49 of the Workmen's Compensation Act. According to the records, the Office of the Solicitor General received a copy of the decision of the Acting Labor Referee on November 17, 1975 and the petition to elevate the records was filed on December 11, 1975 or 24 days after a copy of said decision was received by the Office of the Solicitor General. In fact the trial attorney of the Office of the Solicitor General handling the case admitted that due to extreme pressure of work he was not able to file a timely motion for reconsideration of the aforesaid decision. What was filed was a petition to elevate the records of the case to the respondent Commission and this was on December 11, 1975. Since the reglementary period for reconsideration or review of the award of the Acting Labor Referee prescribed by Section 49 of the Workmen's Compensation Act expires 15 days after receipt of the decision, the same has already become final and executory when the Office of the Solicitor General filed said petition to elevate the records on December 11, 1975. Consequently, the respondent Commissioner has no more jurisdiction to entertain any petition to review or set aside the decision of the Acting Labor Referee. In *Ramos vs. Republic*, G.R. No. L-41949, February 27, 1976, the Court held:

'The Commission has invariably heretofore adhered strictly to the basic rule that the expiration of the reglementary period for reconsideration or review of an award deprives it of appellate jurisdiction to review or set aside the award by virtue of its having become final and executory. And it has been consistently sustained by this Court which has upheld the Commission's rejections of appeals that were filed out of time on the ground that the questioned award or decision had become final and executory whether the late appellant be the claimant-employee or the employer.'

"But the respondent Republic claims that the petition to elevate the records of the case to the respondent Commission it has filed is equivalent to a petition for relief from judgment under Section 3, Rule 38 of the Revised Rules of Court and therefore said petition can be considered filed within the reglementary period provided for in said section. Respondent Republic also alleged that pursuant to Section 1, Rule 22 of the Revised Rules of the Workmen's Compensation 'when a decision, award or order on the merit has been rendered or issued by the Chief of the Unit or Hearing Officer or Referee in a case, and the aggrieved party thereto by fraud, accident, mistake or excusable negligence has been unjustly deprived of a hearing therein or has been prevented from taking an appeal, he may file a petition with the Commission praying that the records be elevated to said Commission for review and the questioned decision, award or order be set aside;' that pursuant to Section 3 of the same Rule, 'the petition must be verified, filed within thirty (30) days after the petitioner learns of the decision, award, or order or other proceedings sought to be set aside and not more than three (3) months after such decision

or award was entered or such proceedings were taken, and must be accompanied with affidavits showing the fraud, accident, mistake or excusable negligence relied upon and the facts constituting the petitioner's good and substantial cause of action or defense, as the case may be.' Pursuant to the foregoing sections of Rule 22, of the Revised Rules of the Workmen's Compensation, in order that a relief from judgment may be availed of it must be shown that the aggrieved party, by fraud, accident, mistake or excusable negligence has been unjustly deprived of a hearing therein or has been prevented from taking an appeal; that the petition must be filed on time; and the petition must be accompanied with affidavits showing the fraud, accident, mistake or excusable negligence and the facts constituting the petitioner's good and substantial cause of action or defense. In the case before Us, even granting that the filing of the petition to elevate the records for relief of judgment was filed on time, still said petition cannot be sustained because respondent Republic cannot claim that it was prevented by fraud, accident, mistake or excusable negligence from taking an appeal from the decision of the Acting Labor Referee. Its own trial attorney personally handling the case admitted that due to pressure of work he could not file a timely motion for reconsideration of said decision. 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. It was pure negligence on the part of the trial attorney assigned to the case not even to request for postponement to file the motion for reconsideration of said decision. Besides there are many trial attorneys in the Office of the Solicitor General who could have attended to the case. Certainly the negligence committed by the trial attorney cannot be considered excusable. Respondent Republic also failed to comply with the requirement that the affidavit of merit attached to the petition to elevate the records must show the facts constituting the valid cause of action or defense of respondent Republic. It merely states in paragraph 3 thereof, the following: x x x"

On the strength of the foregoing ruling, the decision of the Hearing Officer and Acting Referee is now final. The alleged volume and pressure of work of the trial attorney in charge of the case is not excusable negligence. Moreover, the respondent Republic of the Philippines (Bureau of Public Schools) has not set forth facts constituting its valid defense.

Granting, *arguendo*, that the decision of the Hearing Officer and Acting Referee of the Workmen's Compensation Commission at Cebu City has not yet become final, this appeal is meritorious. The evidence on record has sufficiently established that the claimant's nephritis, hypertension and hyperacidity were caused or at least aggravated by his employment as classroom teacher and later as Principal in the Bureau of Public Schools in Bohol. The record shows that the claimant, Felicisimo Ligason, was employed in the Bureau of Public Schools on June 9, 1937 as a classroom teacher. He was promoted as Principal and In Charge of the District of Garcia-Hernandez in the Division of Bohol. On October 15, 1972, the claimant suffered abdominal pains, painful and frequent urination and headache associated with vomiting. He was treated by Dr. Martin Pimentel who found the said claimant to be suffering from nephritis, hypertension and hyperacidity. Because his illness became worse, on June 5, 1973, the claimant stopped working and informed the Judicial Superintendent of Bohol about his inability to continue working due to his sickness.

The ruling of the Workmen's Compensation Commission that inasmuch as during the entire tenure of his employment with the Bureau of Public Schools, the claimant was never disabled for labor until he decided to retire on August 13, 1973 at the age of 63 years old, his claim for disability compensation will not prosper is erroneous. Precisely, the claimant applied for optional retirement due to disability on the advise of Dr. Martin Pimentel. Due to his sickness, the claimant could no longer continue working.

There is a Committee Report submitted by the Local Committee on Compensation Claims composed of the Principal Teacher and In Charge of the District Gabino Cuadra, as Chairman, Dr. Lourdes Galido, Rural Health Officer and Mrs. Rita Salera, Teacher, as members of the Committee. It is stated in said report that the claimant

retired optionally due to nephritis and hyperacidity; that he contracted the said sickness in the course of his performance of his duties as Principal and In Charge of the District; that said sickness was aggravated by the nature of his employment; that he contracted said sickness long before his optional retirement; and that the Committee has found the instant claim compensable.[6]

In the Physician's Report of Sickness accomplished and submitted by Dr. Martin Pimentel, it is stated that the claimant is suffering from nephritis and hyperacidity; that they were the result of the nature of his employment; and that Dr. Pimentel advised claimant to rest and stop teaching in order not to aggravate his ailment.

In view of the foregoing, it is clear that the illness of the petitioner is compensable.

WHEREFORE, the decision of the Workmen's Compensation Commission appealed from is hereby set aside and the Republic of the Philippines (Bureau of Public Schools) is ordered:

1) To pay the claimant the amount of Six Thousand Pesos (P6,000.00) as disability benefits plus the sum of Three Hundred Ninety Pesos and 50/100 (P390.50) as reimbursement of medical expenses if supported by proper receipts;

2) To pay the petitioner's counsel the amount of Six Hundred Pesos (P600.00) as attorney's fees; and

3) To pay the Workmen's Compensation Fund the sum of Sixty One Pesos (P61.00) as administrative fee.

SO ORDERED.

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

Makasiar, J., concurs in a separate opinion.

[1] Annex "F", Rollo, pp. 26-27.

[2] Annex "A", Rollo, pp. 12-14.

[3] Annex "F", Rollo, pp. 26-27.

[4] Comment, Rollo, p. 35.

[5] 73 SCRA 263, 266-269.

[6] Rollo, p. 13.

SEPARATE CONCURRING OPINION

MAKASIAR, J.:

I concur with the additional opinion that the respondent employer should likewise be directed to 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 184 of the New Labor Code, as amended, 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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