

EUFRONIO RUELAN, CLAIMANT, VS. REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), AND WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. L-42323. April 30, 1976

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The Court reverses respondent commission and finds that it acted arbitrarily, unreasonably and whimsically in setting aside the award and absolving respondent from all liability on the inexistent ground of non-compensability of petitioner's illnesses when the question of compensability was no longer in issue, respondent not having questioned nor appealed from the same (and there being no claim of fraud or collusion) and the only issue before it was the appeal taken by petitioner-claimant that he should be awarded the maximum compensation of P6,000.00.

Petitioner-claimant, Eufronio Ruelan, as per the findings of the Workmen's Compensation Commission Regional Office at Cebu City, was employed as a public school teacher for thirty-six (36) years (since September, 1937 up to September 30, 1973) when his illnesses (p.t.b. and impaired eyesight which he began to complain of since 1965) compelled him to retire optionally with an annual salary of P3,792.00.

At the hearing, petitioner duly presented his evidence, including his record of medical treatment and latest chest X-Ray examination dated July 12, 1974 (showing PTB bilateral, minimal, pulmonary fibrosis, moderate), his 50% loss of central vision due to "cataract, immature, O.D.; Lenses-both slightly opaque; V.O.D.-20/100", as per his doctor's report and evaluation dated July 25, 1974 and medical expenses incurred. On the other hand, respondent did not present any witness nor any counter-evidence, and after admitting all of petitioner's exhibits submitted the case for decision.

The Acting Referee further made of record that "(I)mmediately after the hearing, claimant was examined by the medical rating officer of this office who granted the claimant 48% N.S.D. and recommended reimbursement of medical expenses incurred by the claimant in the amount of One Thousand Three Hundred Ninety-Three (P1,393.00) Pesos."

Finding the claim to be duly compensable as having been work-connected and — aggravated, the Acting Referee rendered on October 18, 1974 his Award ordering respondent to pay petitioner the sum of P3,639.16 as non-scheduled disability compensation under section 18 of the Workmen's Compensation Act, P1,393.00 as reimbursement for medical expenses, P182.00 as attorney's fee and P37.00 as administrative fee.

Respondent was satisfied with the award and made no further move to challenge or appeal from the same.

But petitioner who was dissatisfied with the amount of the disability compensation of P3,639.16 awarded him, moved for reconsideration alleging that the referee erred in not considering his visual disability, and also in not computing his temporary total disability from August 1, 1973 (when he stopped working) rather than only from

the later date of October 15, 1974 (when the medical rating and evaluation were made). Upon denial of petitioner's motion for reconsideration, the records were elevated to the respondent commission for review of petitioner's appeal.

Respondent commission, however, instead of limiting itself to the issue raised on appeal of the greater amount of compensation sought by petitioner by virtue of his illnesses which were already by final adjudication declared to be duly compensable, entirely reversed the award and absolved respondent from all liability in its decision of December 17, 1975.

Hence, the petition at bar, charging that respondent commission acted with grave abuse of discretion. Upon receipt of the Solicitor General's comment, the Court resolved to treat the petition as a special civil action and declared the case submitted for decision.

The petition is meritorious.

The Court finds that respondent Commission acted arbitrarily, unreasonably and whimsically in reversing the award in this wise:

"The claimant alleges that his retirement was due to his pulmonary tuberculosis and due to visual disability. After a careful review of the records, we indeed find medical evidence confirming his claimed illnesses. However, the X-Ray examination results showing his affliction of PTB, bilateral, minimal and pulmonary fibrosis, moderate was dated July 12, 1974. Considering that this X-Ray examination was taken almost one year after he retired from the service, it now becomes unreasonable to trace said illness to his employment. In all probabilities, this ailment could have been contracted in the intervening period, i.e., between the date he retired and the date of his examination. As such, to hold the respondent liable therefor could be unjust and unfair. It is tantamount to making the employer the insurer of the health or life of the claimant even after he had retired. The same is true with respect to his cataract. The findings in the medical certificate certifies to the examination taken on July 12, 1974, almost a year after he had retired. Hence, the illness is not compensable." [1]

The record plainly shows that the only issue for review by the commission was petitioner's claim that he should be awarded the maximum compensation of P6,000.00 under the law. The question of compensability of petitioner's illnesses was no longer in issue, respondent not having questioned nor appealed from the same nor has there been the least claim of fraud or collusion in its responsible officials not having taken an appeal.[2] Consequently, the commission acted in excess of authority and with grave abuse of discretion in absolving respondent from a liability that was already finally adjudicated insofar as respondent was concerned.

What is worse is that the commission after positively finding that medical evidence of record did confirm petitioner's illnesses, arbitrarily and whimsically ruled it "unreasonably to trace said illnesses [of p.t.b. and cataract] to his employment" disregarding the uncontroverted facts of record as found by itself in its decision that "in 1965, claimant started to feel impairment of his eyesight and chest pains" despite which, as per the Referee's decision, he "continued to work until on July 31, 1973, he had severe headache and extreme dry coughing which were later on diagnosed by his attending physician as PTB bilateral and cataract of the eyes", that petitioner was incapacitated and forced to go on sick leave beginning August 1, 1973[3] and to avail of optional retirement on September 30, 1973, and that these facts were totally undisputed by respondent who presented no counter-evidence against, nor appeal from, the Award.

Respondent commission acted unreasonably in so reversing the award because in capriciously ruling the illnesses as "not compensable", it derogated without any basis the established doctrine and mandate of the law that it had itself applied in countless cases that a claimant's illness which supervened at the time of employment is presumed

to have arisen out of or to have been aggravated by his employment and the burden of proof is shifted to the employer to show non-compensability by convincing proof. Here, needless to add, compensability was conceded by respondent which did not even appeal the award.

The most that the commission could have done, then, was to simply reject petitioner's appeal for maximum compensation and to maintain the award but certainly it could not reverse it and absolve respondent from all liability on the inexistent ground of non-compensability which was not even in issue nor claimed by respondent itself!

The Court notes with great regret that respondent commission in the final months of its existence up to the end of March this year when it exerted commendable effort to dispose of the numerous compensation cases pending before it nevertheless inexplicably and arbitrarily rejected a good number of meritorious claims and reversed the awards in gross disregard of statutory mandate and doctrinal jurisprudence, such as the presumption of compensability of illness which has supervened in the course of employment as in this case, the waiver of all non-jurisdictional defenses when the claim is not duly controverted^[4] and the commission's lack of jurisdiction to set aside an award that has already become final and executory for failure to take an appeal by motion for reconsideration.^[5] The end result is that in all such cases already decided and given due course the commission has needlessly burdened the Court with the task of setting aside its arbitrary action and thus deprived it of considerable time and attention which it could have well devoted to the study and disposition of truly contentious and meritorious cases in its crowded docket.

On petitioner's appeal for the maximum disability compensation of P6,000.00, the Court finds merit in the same. Aside from the 48% N.S.D. evaluation of petitioner's P.T.B. by the medical rating officer (equivalent to 99.84 weeks times P36.45 which is 50% of petitioner's average weekly wage of P72.90 amounting to disability compensation of P3,639.16 granted in the award^[6]) there is substantial evidence for the granting of additional disability compensation as urged by petitioner, viz. 50% loss of central vision due to his cataract (50% of wages for 208 weeks under section 16 of the Act) or for temporary total disability compensation at the rate of 60% of wages under section 14 of the Act for the period when petitioner stopped working and went on sick leave beginning August 1, 1973 through October 15, 1974 when his P.T.B. was medically rated (which period was not covered by the award). The grant of either of such additional disability (besides the Referee's award of P3,639.16) would bring beyond the maximum of P6,000.00 the disability compensation to which petitioner is rightfully entitled.

ACCORDINGLY, respondent commission's decision is hereby reversed and in lieu thereof judgment is hereby ordered reinstating the Acting Referee's award and decision of October 18, 1974, with the modification that the disability compensation is increased to the maximum of SIX THOUSAND PESOS (P6,000.00) and the attorney's fee payable to petitioner's counsel is increased to SIX HUNDRED PESOS (P600.00). SO ORDERED.

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

[1] Emphasis supplied.

[2] Dinaro vs. WCC, L-42457, March 31, 1976.

[3] Notice and claim of petitioner, item 12.

[4] Dinaro vs. WCC, supra fn. 2.

[5] Ramos vs. RP, L-41949, February 27, 1976.

[6] Annex C, petition.

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