

LOMINOG DINARO, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES (DEPARTMENT OF PUBLIC HIGHWAYS), RESPONDENTS.

G.R. No. L-42457. March 31, 1976

Ponente: TEEHANKEE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3c8734c9a20a/>

TEEHANKEE, J.:

The Court sets aside respondent commission's peremptory dismissal of petitioner's claim. Since the claim was uncontroverted and expressly admitted and there is no claim or showing of fraud or collusion in the non-controversion of the claim which is amply supported by documentary evidence, an award without further hearing should have been issued forthwith.

On March 3, 1975, petitioner Lominog Dinaro, a clerical aide with the District Engineer's Office at Marawi City, filed with the Workmen's Compensation Unit, Regional Office No. 10, Cagayan de Oro City, a claim for compensation for PTB, moderately advanced and rheumatism, general weakening of body, contracted and/or aggravated by the nature of his work or in the course thereof since 1970 and which finally forced him to stop working on May 31, 1973 and prevented him from returning to work.

Supporting documentary evidence were duly submitted by petitioner-claimant, as follows: Dr. Mangontrac Macarambon's physician's report dated February 5, 1975 that he had first treated the claimant in early 1970 and that claimant was "still under treatment" with "poor" prognosis for his "total" temporary disability for an "undetermined" length of time;^[1] claimant's sick leave from March 5, 1971 to April 25, 1971 on account of his illness^[2] and the corresponding medical certificate of Dr. A. Primero who attended him during that period;^[3] claimant's service record from January 10, 1938 to May 31, 1973;^[4] and X-Ray Finding dated June 6, 1973 showing "PTB, Fibro- Executive , Moderately Advanced Multiple Cavitations."^[5] In his claim petitioner further made of record that he had given notice of his sickness to Administrative officer M. Santican and others in writing and orally in 1970.

On July 9, 1975, respondent through District Engineer Orlando Mancao, Sr. of the Lanao del Sur Engineering District of the Department of Public Highways as the district employer with knowledge of the facts, filed the required Employer's Report^[6] expressly admitting the facts and details of the claim and stating that the Employer "will not controvert the claim for compensation."

Notwithstanding respondent's failure to controvert the claim under section 45 of the Workmen's Compensation Act and the express admission of petitioner's right to compensation, the Acting Chief Referee instead of rendering outright an award in consonance with the Act and the Rules of the commission, issued the order of August 15, 1975^[7] dismissing the case "for lack of merit" due to petitioner's alleged failure "to submit any evidence that his alleged illnesses incapacitated him from working with the respondent."

The referee denied reconsideration and petitioner's plea for a one-month period to submit any required documents. Upon elevation of the records for review by respondent commission the latter affirmed the dismissal order, ruling

that

* * * * *

"A careful perusal of the record of the case will reveal that there is no sufficient evidence to show that claimant had suffered from any disabling illness and as a consequence thereof, was rendered disabled. The only medical proof on record is the unverified Physician's Report signed by Dr. Mangontra Macarombon. This piece of evidence is not substantial or sufficient to show that the claimant was in fact disabled for labor. Considering further that we are now in the process of expediting cases we cannot tolerate any dilatory tactics on the part of any parties for this Commission has set a deadline for disposing all pending compensation cases before the end of this year."

Hence, the present petition, which the Court resolved upon receipt of respondent's comment to treat as a special civil action and declared submitted for decision without briefs or memoranda for prompt disposition of the case.

Respondent Commission's peremptory dismissal of the claim was clear error and must be set aside, since respondent not only had failed to controvert the claim and thereby renounced all non-jurisdictional defenses but had expressly admitted the petitioner's right to compensation and therefore an outright award without the need of further hearing should have been issued.

Petitioner's ample documentary evidence in support of his claim as hereinabove listed shows the utter lack of basis for respondent commission's gratuitous pronouncement as to the lack of "sufficient evidence" to sustain petitioner's claim. Considering that the claim was uncontroverted and expressly admitted, there is no justification for respondent commission to impose a new requirement that the physician's report be verified for it to be considered "substantial or sufficient".

The commission's summary rejection as "dilatory tactics" of petitioner's plea to be given an opportunity "to submit additional medical evidence, if what has been submitted, was not sufficient"[8] in view of its 1975 deadline for the disposition of all pending compensation cases, was likewise patent error. Petitioner validly complains that he could not logically avail of "dilatory tactics" since he badly needs the benefits due him.

What the commission inexplicably failed to do, particularly in view of its approaching end of 1975 deadline, was to apply the express mandate of section 45 of the Workmen's Compensation Act[9] as it has heretofore done in an unbroken line of countless cases[10] and issue outright an award, since a failure to controvert (and more so, an express admission of the compensability of the claim, as in this case) is a renunciation of the right to challenge the claim and a waiver of all non-jurisdictional defenses and there is nothing that the employer can legally prove in relation thereto.

Here, there was an express statement of non-controversion of claim and no showing of any petition under oath for reinstatement of the right to controvert nor any claim of fraud or collusion in the non-controversion of the claim. The outright issuance of an award in favor of petitioner-claimant is therefore in order.[11]

We find no merit in the Solicitor General's contention on behalf of respondent that failure of the records of the Solicitor General to show that copy of the Notice and Claim for Compensation was received by his office prior to the issuance of the Referee's dismissal order resulted in a failure of jurisdiction of respondent commission over the respondent State. Failure of the government agency concerned to comply with the cited Department of Labor's Manual of Standard Operations Procedure provision that "claims against the Republic of the Philippines shall be transmitted to the Solicitor General in his capacity as counsel for the National Government and a copy thereof to the Bureau or office where the injured laborer was working * *" cannot be the instrument of injustice against the claimant-employee nor override the statutory sanction for non-controversion in accordance with enshrined doctrinal jurisprudence.

Since petitioner's illness caused temporary total disability since May 31, 1973 up to the present time,[12] at a salary base of P3,931.20 per annum, petitioner is entitled to an award for the maximum disability compensation of P6,000.00 under section 14 of the Act and P600.00 attorney's fees.

ACCORDINGLY, judgment is hereby rendered setting aside respondent commission's dismissal of the claim and instead ordering respondent to pay (a) petitioner the amount of P6,000.00 as compensation and (b) to petitioner's counsel the sum of P600.00 as attorney's fees and (c) to respondent commission the fees provided by section 55 of the Workmen's Compensation Act.

SO ORDERED.

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

[1] Annex B, petition.

[2] Annex D, petition.

[3] Annex C, petition.

[4] Annex E, petition.

[5] Annex L, petition.

[6] Annex F, petition.

[7] Annex G, petition.

[8] Petition, page 7.

[9] The pertinent provision reads "* * * In case the employer decided to controvert the right to compensation, he shall, either on or before the fourteenth day of disability or within ten days after he has knowledge of the alleged accident, file a notice with the Commissioner, on a form prescribed by him, that compensation is not being paid, giving the name of the claimant, name of the employee, date of the accident and the reason why compensation is not being paid. Failure on the part of the employer or the insurance carrier to comply with the requirement shall constitute a renunciation of his right to controvert the claim unless he submits reasonable grounds for the failure to make the necessary reports, on the basis of which grounds the Commissioner may reinstate his right to controvert the claim."

[10] Cf. *Victorias Milling Co. vs. Workmen's Compensation Commission*, 101 Phil. 1208 (May 13, 1957); *Magalona vs. Workmen's Compensation Commission*, 21 SCRA 1199 (Dec. 11, 1967)

[11] Rule 9, section 1 of the Workmen's Compensation Commission Rules expressly provides for the outright issuance of an award "where liability is admitted by the employer" and in uncontroverted cases.

[12] Petition, page 14

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.