

ST. ANNE'S HOSPITAL, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION, SEGUNDA MANGLICMOT AND MONICO MANGLICMOT, RESPONDENTS.

G.R. No. L-42694. October 24, 1978

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. 153018 entitled "Segunda Manglicmot and Monico Manglicmot, Claimants, versus, St. Anne's Hospital, Respondent", the dispositive part of which reads:

"WHEREFORE, judgment is in favor of the claimants and against the respondent St. Anne's Hospital hereby ordering the latter to pay:

- The claimants, Segunda and Monico, both surnamed Manglicmot, the amount of P4,160.00 as death compensation and P200.00 as burial expenses or the total amount of FOUR THOUSAND THREE HUNDRED SIXTY (P4,360.00) PESOS, and
- Atty. Crisanto Hypaur, the amount of FOUR HUNDRED SIXTEEN (P416.00) PESOS as attorney's fee, and
- This Commission, the amount of FORTY SEVEN (P47.00) PESOS as administrative costs.

SO ORDERED.

Quezon City, Philippines, December 31, 1975.

(SGD) DIOSCORO C. ARELLANO
Associate Commissioner

I CONCUR:

(SGD) SEVERO M. PUCAN
Chairman of the Commission"[1]

The respondents Segunda Manglicmot and Monico Manglicmot are the parents of Federico Manglicmot who was employed by the petitioner, St. Anne's Hospital, as Maintenance Man from November 1, 1969 until April 1, 1972. The respondent Segunda Manglicmot filed on May 21, 1974 with the Workmen's Compensation Section, Regional Office No. 4, Department of Labor, Manila, a claim against St. Anne's Hospital for the death of Federico Manglicmot on May 24, 1973.

On August 1, 1974, the petitioner, St. Anne's Hospital, submitted to the Workmen's Compensation Commission, Regional Office No. 4 at Manila, a notice of controversion praying for the dismissal of the claim on the ground that no employer-employee relationship existed between the deceased Federico Manglicmot and said petitioner,

Manglicmot having resigned effective April 1, 1972, and that the claim is barred by laches for having been served upon petitioner more than one year from the death of the deceased.[2]

The Acting Referee of Regional Office No. 4 at Manila rendered a decision dated October 18, 1975 awarding death compensation benefits and reimbursement of burial expenses to the claimants and attorney's fees to claimants' counsel.[3]

The St. Anne's Hospital appealed to the Workmen's Compensation Commission which rendered its decision dated December 31, 1975 substantially affirming the decision of the Acting Referee.

The petitioner's position is:

"Petitioner respectfully submits that the compensation claim of respondents Segunda and Monico Manglicmot is untenable for lack of employer-employee relationship between petitioner and the deceased Federico Manglicmot, that said claim is barred by laches for having been filed and served upon petitioner beyond the period prescribed by law, and that the decision of respondent Commission is a nullity for having been rendered without hearing and without giving petitioner opportunity to be heard." [4]

The record shows that Federico Manglicmot was employed by St. Anne's Hospital as maintenance man at the rate of P280.00 a month since November 1, 1969 until April 1, 1972. On March 19, 1972, he took a leave of absence and went home to Olongapo City. On the next day, March 20, 1972, he was confined and treated at the Olongapo City General Hospital by Dr. Jesus A. Abayan, resident physician, who diagnosed the ailment of Federico Manglicmot as "Congestive Heart Failure secondary, Rheumatic Heart Disease". Federico Manglicmot was discharged two days later on March 22, 1972, and was advised to rest and submit to further treatment for a period of at least four days. A few days after his confinement in said hospital, he returned to Manila and asked for a leave of absence from his employer. Thereafter, Federico Manglicmot continued submitting for treatment at the La Union Provincial Hospital where his uncle was employed. He was confined for treatment at the La Union Provincial Hospital from September 9, 1972 until October 31, 1972 where he became an out-patient up to April, 1973. Thereafter, he went home to Olongapo City and continued taking the medication prescribed. On May 24, 1973, Federico Manglicmot complained of weakness whereupon he was brought to the Olongapo City General Hospital where he died on the same day due to "Congestive Rheumatic Heart Disease."

The confinement at the Olongapo City General Hospital from March 20, 1972 to March 22, 1972 of Federico Manglicmot is evidenced by a medical certificate issued by Dr. Jesus A. Abayan, resident physician thereat. Dr. Rodulfo C. Catbagan of the La Union Provincial Hospital accomplished the Physician's Report of Accident or Sickness wherein it is stated that he treated Federico Manglicmot of "Congestive Heart failure, Rheumatic Heart Disease" from September 9, 1972 up to October 31, 1972 and that said disease was aggravated by Federico Manglicmot's employment.

The Director of St. Anne's Hospital, Dr. Herminia Santiago-Ibaviosa, certified on June 7, 1973 that the deceased Federico Manglicmot was employed in said hospital from November 1, 1969 up to April 1, 1972.[5]

From the established facts, it is clear that when Federico Manglicmot was confined at the Olongapo City General Hospital from March 20 to 22, 1972, he was still employed by the petitioner St. Anne's Hospital. The sickness which caused his death on May 24, 1973 supervened in the course of his employment with St. Anne's Hospital.

The letter of resignation of Federico Manglicmot, Annex "H" to the petition, wherein he stated that he would continue his studies in the Columban College at Olongapo City is dated March 15, 1972. Said letter was submitted before he became sick on March 19, 1972. What is important is that the illness of Federico Manglicmot

supervened before his resignation became effective on April 1, 1972.

The petitioner did not rebut the evidence of the claimants that the sickness of Federico Manglicmot was aggravated by his employment. Having supervened during the employment of Federico Manglicmot, his illness is presumed to be compensable.[6] Under the law it is not required that the employment be the sole factor in the growth, development or acceleration of the illness to entitle the claimant to the benefits provided therein. It is enough that the employment has contributed even in a small degree to the development or acceleration of the illness.

The petitioner was not denied procedural due process. On the various hearings conducted before the Acting Referee, the petitioner's counsel was present. The affidavits presented by the claimants before the Acting Referee were open for inspection by the counsel of the petitioner.

The petitioner was served a copy of the Acting Referee's decision. Indeed, the petitioner was able to appeal to the Workmen's Compensation Commission.

The contention that the claim is barred because the notice of claim of compensation was filed beyond the reglementary period of two months as provided in Section 24 of the Workmen's Compensation Act, as amended, is without merit. It has been held that said defense is not jurisdictional and that the statutory right to compensation prescribes in ten years (Art. 1144 /2/, New Civil Code.)[7]

WHEREFORE, the petition is hereby dismissed and the decision of the Workmen's Compensation Commission dated December 31, 1975 is affirmed, without pronouncement as to costs.

SO ORDERED.

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

[1] Rollo, p. 66.

[2] Petition for Review, Rollo, pp. 1-2.

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

[4] Petitioner's Memorandum, Rollo, p. 90.

[5] Decision, Workmen's Compensation Commission, Rollo, pp. 64-65.

[6] Manila Railroad Company vs. Workmen's Compensation Commission, et al., 21 SCRA 98, 103.

[7] Romero vs. Workmen's Compensation Commission, et al., 77 SCRA 482-487; Cañonero vs. Workmen's Compensation Commission, et al., 81 SCRA 712, 720.

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