

ELINO A. VILLAFLOR, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), WORKMEN'S COMPENSATION COMMISSION, DEFUNCT AND/OR THE SECRETARY OF LABOR AND/OR COMPE...

G.R. No. L-45017. June 25, 1980

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

A Petition for review by Certiorari of the Decision of the Workmen's Compensation Commission, dated March 5, 1976, setting aside the Decision of the Acting Referee, dated December 17, 1974, granting petitioner disability compensation benefits under the Workmen's Compensation Act.

The records show that petitioner, Elinio A. Villaflor, is a retired public elementary school teacher, who taught Physical Education and was engaged in community work and scouting. He started teaching at Talavera, Nueva Ecija, on February 2, 1945 until October 1, 1971 when, at the age of 60 years old, he opted for retirement upon the advise of his doctor.[1] Petitioner's medical records show that he had a history of Kock's pulmonary disease in 1951 and began to suffer the symptoms of "hypertensive heart disease" before 1970. Since August 1970, petitioner had been under the medical care and treatment of Dr. Exequiel Santiago, Assistant Medical Director of the Nueva Ecija Community and Maternity School. In his Physician's Report of Sickness, dated April 13, 1973, Dr. Santiago stated that petitioner contracted hypertensive heart disease "in line of duty" and was completely disabled from resuming his former work, which requires mental and physical exertion.[2] The Evaluating Committee of the Bureau of Public School, designated to determine the compensability of petitioner's claim, and composed of Dr. Candelaria, Municipal Health Officer of Talavera, Mr. Felipe Capalad, Division Health Education Supervisor, and Eugenia Gregorio, District Supervisor, came to the conclusion that petitioner incurred his hypertensive heart disease "while he was in the teaching service", and recommended that he be "awarded compensation benefits provided for by our laws".[3]

On July 25, 1973, petitioner filed his claim for compensation with Regional Office No. 4, Department of Labor, in RO Case No. 143290-180-XVII.[4]

On January 29, 1974, the Bureau of Public Schools, through the Office of the Solicitor General, filed a notice of controversion of petitioner's claim.[5]

After hearing, Acting Referee Vivencio Escarcha, finding that the disabling ailment of petitioner had a causal relation to his work, duly supported by medical evidence, rendered judgment on December 17, 1974, the dispositive portion of which we quote:

"WHEREFORE, premises considered judgment is hereby rendered ordering the respondent Republic of the Philippines (Bureau of Public Schools) to pay, through this Office and in lump sum:

- Claimant the disability compensation in the sum of P6,000 and to provide claimant with such medical

provisions that the nature of his dis-ability and the process of his recovery may require un-til such disabling ailment shall have been pronounced cured or arrested;

- His counsel, Atty. Felizardo R. Moreno, the sum of P300.00 as attorney's fees and

- This Office the sum of SIXTY-ONE (P61.00) PESOS as fees pursuant to section 55 of the Act, as amended."

From the aforesaid judgment, no appeal nor Motion for Reconsideration was filed by either petitioner nor respondent.

However, on February 17, 1976, respondent, through the Solicitor General, filed a Motion to Correct Decision of December 17, 1974 questioning the award of P6,000.00.[6] Respondent claimed that the number of weeks counted in favor of petitioner by the Referee, or 154 weeks, does not correspond to the dates stated therein, or, from October 2, 1971 to December 4, 1971, which is actually only 9 weeks. The questioned portion of the judgment reads:

"Under section 14 of the Act, claimant is entitled to disability compensation in the sum of P7,817.04 (84.60 x 60% x 154 weeks which corresponds to the period from Oct. 2, 1971 to Dec. 4, 1971) which shall however be reduced to P6,000."

Respondent thus contended that petitioner is only entitled to the sum of P456.84, equivalent to nine weeks, and not to P6,000.00.

On March 3, 1976, respondent's Motion to Correct Decision was denied by the Asst. Chief of Section of the Workmen's Compensation Section, Regional Office No. 4, for lack of merit. However, the entire records of the case were elevated for review to the Workmen's Compensation Commission pursuant to section 4, Rule 19, of the Rules of the Workmen's Compensation Commission.

On March 5, 1976, the Workmen's Compensation Commission rendered a Decision setting aside the Referee's award of December 17, 1974 and dismissing the case for lack of merit. The Commission held that petitioner was not entitled to the benefits of the Workmen's Compensation Act as he was not able to prove that he was incapacitated from his employment due to PTB and because he had failed to submit any X-ray report in support thereof. The Commission further found that there was nothing in the re-cords to show that claimant was disabled due to hyperten-sive heart disease and opined that in workmen's compensation cases, only injuries or diseases that produce disability are compensable. Moreover, the Commission also contended that since petitioner retired under RA 660, he is not entitled to disability benefits since RA 660 is a retirement plan, which allows retirement before the age of 65 but gives the same benefits to the retiree as if he retired at the compulsory age of 65.[7]

On March 29, 1976, a Motion for Reconsideration of the aforesaid Decision was filed by petitioner alleging that the award of December 17, 1974 had already become final and executory as no Motion for Reconsideration had been filed within the reglementary period. Said Motion for Reconsideration could not be acted upon by the Work-men's Compensation Commission as it was abolished on March 31, 1976. However, in accordance with PD 954, this case was forwarded to the Compensation Appeals and Review Staff of the Office of the Secretary of Labor (successor of the defunct Workmen's Compensation Commission).

On November 15, 1976, even during the pendency of petitioner's Motion for Reconsideration, and since there had been no action thereon for eight months, petitioner's counsel resorted to the present recourse in order to protect petitioner's rights and interests in view of the abolition of the Workmen's Compensation Commission.

In a Resolution dated January 26, 1977, we resolved to treat this Petition for Review as an original special civil action for Certiorari.

Petitioner filed his Memorandum on February 19, 1977, and respondent, on May 3, 1977. On June 27, 1977, we considered this case submitted for decision.

The questions posed for resolution are: 1) Did the Workmen's Compensation Commission act with grave abuse of discretion tantamount to lack of jurisdiction in setting aside the Acting Referee's award dated December 17, 1974? 2) Is the special remedy of Certiorari proper herein considering that a Motion for Reconsideration of said Decision is still pending with the Compensation Appeals and Review Staff of the Office of the Secretary of Labor?

We find this Petition impressed with merit.

I

On the basis of controlling jurisprudence, respondent Workmen's Compensation Commission committed grave abuse of discretion tantamount to lack of jurisdiction in setting aside the Referee's award of December 17, 1974. As previously mentioned, no Motion for Reconsideration nor Petition for Review was filed by respondent employer. What was filed by it on February 17, 1976, or one (1) year and two (2) months after the award of December 17, 1974 was rendered, was a Motion for Correction of Decision. While respondent employer alleges in its Comment that copy of the award of December 17, 1974 was received only on January 23, 1976, this material fact was not stated in the Motion for Correction of Decision. Satisfactory proof on this point is likewise wanting considering the lapse of approximately fourteen (14) months between the date of the award and the filing of said Motion. Section 1, Rule 19 of the Workmen's Compensation Commission Rules is explicit in that:

"Section 1. - When and with whom filed - A party who is not satisfied with the Decision or order on the merit of the Hearing Officer or Referee may within fifteen (15) days from receipt of notice thereof file with the Hearing Officer or Referee having Control of the case a petition for the review or motion for reconsideration of said decision or order."

Having thus failed to satisfactorily show that a timely Motion for Reconsideration of the award of December 17, 1974 had been filed, the same had already become final and executory and beyond the appellate jurisdiction of respondent Workmen's Compensation Commission. As re-affirmed by this Court in *Ramos vs. Republic*[8]

"x x x the basic rule of finality of judgment is applicable indiscriminately to one and all regardless of whether respondent employer be a public or private employer, since the rule is grounded on fundamental considerations of public policy and sound practice that at the risk of occasional errors, the judgment of courts and awards of quasi-judicial agencies as in this case must become final at some definite date fixed by law x x x x"

II

Granting *arguendo* that the Motion for Correction of Decision filed by petitioner is actually a Motion for Reconsideration duly filed within the reglementary period, respondent Commission's ruling that petitioner is not entitled to compensation is not borne out by evidence and law. The records disclose that petitioner's ailments of PTB and hypertensive heart disease were contracted while he was still in the government service. The fact that petitioner was forced to retire due to hypertensive heart disease is supported by the Physician's Report of De. Exequiel Santiago and confirmed by the Evaluating Committee of the Bureau of Public Schools. Firmly entrenched is the work-connected or work-aggravated principle that once the illness has supervened in the course of one's employment, as in petitioner's case, there exists a rebuttable presumption that the same arose out of or was at least aggravated by such employment. The burden to overthrow said presumption shifts to the employer and the employee is relieved of the burden to show causation.[9] In the case at bar, respondent has not shown by any substantial evidence that petitioner's ailments could not have been caused by the nature or conditions of his

employment. The statutory presumption, therefore, that the claim is compensable, stands un rebutted.[10]

Respondent employer's contention that petitioner is only entitled to compensation in the amount of P456.84, equivalent to 9 weeks, the period stated in the award being from October 2, 1971 to December 4, 1971 (supra), cannot be sustained. In the first place, that a typographical error had been committed in that the last date mentioned should read December 4, 1974, as petitioner alleges, is shown by the computations appearing on page "23" of the original CARS Record. Secondly, petitioner's entitlement to the maximum amount of P6,000.00 is consistent with the ruling we have adhered to that an employee forced to ask for retirement ahead of schedule not because of old age but primarily of his weakened bodily condition due to illness contracted in the course of his employment should be given compensation for his inability to work during the remaining days before his scheduled retirement aside from the benefits received by him.[11] In the instant case, petitioner retired on October 2, 1971 at the age of 60 years old and, therefore, had approximately four more years to go (having been born on August 18, 1911) before compulsory retirement. Petitioner is, therefore, entitled to the maximum compensation of P6,000 for complete disability pursuant to our ruling in *Marcelino vs. 7-Up Bottling Co., and WCC*,[12] as follows:

"In the light of the aforestated authoritative opinions and/or comments on what constitutes permanent total disability within the meaning of the Workmen's Compensation Act, it is Our considered view that herein petitioner had contracted illness in the course of his employment which rendered him permanently and totally disabled to work, and as such is entitled to full compensation as provided for in Sections 14 and 15 of the Workmen's Compensation Act. We have arrived at this conclusion ever mindful of this constitutional mandate that the State should afford protection to labor, and of the doctrine that the Workmen's Compensation Act being basically a social legislation, designed to give relief to a workman, it must be liberally construed, and all doubts should be resolved in favor of the workman and his dependents, in order to attain the purpose for which it was enacted."

III

Finally, we find this special remedy of Certiorari proper under the circumstances. Although, as a rule, this special remedy may not be availed of where there is still a pending incident, in the interest of substantial justice and of a speedy disposition of workmen's compensation cases, the facts of this case call for a relaxation of that rule, as enunciated in *Castro vs. Workmen's Compensation Commission*[13] where this Court, speaking through Mr. Justice Makasiar, held:

"While as a rule of procedure, only final awards, judgments decisions or orders of the Workmen's Compensation Commission are re-viewable by this Court, in certain exceptional cases, such as the one at bar, this rule may be relaxed where to do so would be consistent with the promotion of substantial justice and equity (Rule 28, Rules of WCC) and would promote the speedy disposition of Workmen's Compensation Commission cases and accomplish the very objectives of the rule."

WHEREFORE, the judgment of the Workmen's Compensation Commission of March 5, 1976 is set aside, and the original award of the Acting Referee, dated December 17, 1974, is hereby reinstated.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Fernandez, Guerrero, and De Castro, JJ., concur.

[1] Exh. A, p. 43 Compensation Appeals and Review Staff Records.

[2] Pp. 57 & 44, CARS Records.

[3] Exh. C, p. 45, CARS Folder.

[4] p. 55, CARS Folder.

[5] p. 52, CARS Folder.

[6] Pp. 25-26, Records.

[7] Annex C, pp. 23-25, Rollo.

[8] 69 SCRA 576 (1976).

[9] Cirila Legason vs. WCC and Rep. of the Phil., 75 SCRA 213 (1977); NDC vs. WCC, 17 SCRA 1006 (1966); Despe vs. Workmen's Compensation Commission, 75 SCRA 350 (1977).

[10] Dimdiman vs. WCC, G.R. No. L-45201 (August 20, 1979) citing Justiniano vs. WCC, 18 SCRA 677 (1966).

[11] Hernandez vs. WCC, 14 SCRA 219 (1965).

[12] 47 SCRA 343 (1972) cited in Dimdiman vs. WCC et al., G. R. No. L-45203, August 20, 1972.

[13] 75 SCRA 173 (1977).

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