

SIMON GENCIANA, PETITIONER, VS. THE WORKMEN'S COMPENSATION COMMISSION, THE CITY OF MANILA AND THE REPUBLIC OF THE PHILIPPINES, RESPONDENTS.

G.R. No. L-34663. September 12, 1974

Ponente: MAKALINTAL, C.J.

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MAKALINTAL, C.J.:

On June 28, 1974 this Court rendered its decision in this case affirming the resolution of the Workmen's Compensation Commission en banc dated January 11, 1972. That resolution reversed the decision of the referee dated May 8, 1969, ordering respondent City of Manila to pay the claimant, petitioner herein, the amount of P23,347.96 as medical and disability benefits and attorney's and administrative fees. The Workmen's Compensation Commission held that it was the Republic of the Philippines and not the City of Manila that was the actual employer of the complainant, and so in dismissing the case as against the City of Manila made such dismissal "without prejudice on the part of the complainant to file his claim against the Republic of the Philippines (Bureau of Public Schools)."

In affirming the resolution of the Commission this Court ruled that the Republic, although one of the original alternative respondents, had been deprived of its right to be represented in the hearings of the case before the referee, to cross-examine the petitioner and his witnesses and to present its evidence in support of the defense that the claimant's illness was not compensable.

The petitioner thereafter filed a motion for reconsideration dated July 16, 1974, praying that his illness be declared as work connected, that is, contracted in the course of his employment, and that the respondent Republic of the Philippines be accordingly held liable on his claim. As an alternative prayer the petitioner asked that the case, instead of being dismissed without prejudice, be remanded to the Commission's referee for reception of additional evidence of the parties. The Solicitor General, when required to comment on the motion, manifested his conformity to the alternative prayer, which this Court indeed finds reasonable so as not to unduly delay the final disposition of the petitioner's claim.

WHEREFORE, the petitioner's alternative prayer in his motion for reconsideration is granted and the decision of this Court dated June 28, 1974 is modified by ordering the remand of this case to Regional Office No. 4, Department of Labor, Manila, so that the respondent Republic of the Philippines may cross-examine the witnesses presented by the petitioner in the previous hearings and adduce evidence in its own behalf, and so that the petitioner himself may likewise present additional evidence if he so desires.

Castro, Teehankee, Makasiar, Esguerra, and Munoz Palma, JJ., concur.

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