

## **BENEDICTA C. DAZA, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS, NOW MINISTRY OF EDUCATION, CULTURE & SPORTS) AND WORKMEN'S COMPENSATION COMMISSION, RES...**

*G.R. No. L-43276. September 28, 1984*

Ponente: RELOVA, J.

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### **RELOVA, J.:**

This is a claim for sickness compensation filed by petitioner Benedicta C. Daza against respondent Republic of the Philippines (Bureau of Public Schools, now Ministry of Education, Culture and Sports). Respondent Republic controverted the claim. After hearing, the Hearing Officer and Labor Attorney of the Workmen's Compensation Commission's Regional Office No. 9 at Tacloban City, rendered judgment requiring respondent Republic to pay -

"1. To the claimant in lump sum the amount of SIX THOUSAND PESOS (P6,000.00) as compensation benefits in accordance with the evaluation of the Compensation Rating Medical Officer of this Office, pursuant to Sections 14 and 18 of the Act.

2. To the claimant the further amount of ONE THOUSAND EIGHT HUNDRED SEVENTY EIGHT & 04/100 (P1,878.04) PESOS a reimbursement of her duly receipted and evaluated medical expenses pursuant to Section 13 of the Act.

3. To this Office the amount of SIXTY ONE PESOS (P61.00) as administrative fee pursuant to Section 55 of the Act.

"In consonance with the policy of the Commission, payment of compensation benefits should be coursed through this Office. However, the check or money order covering for such payment should be drawn in claimant's favor." (p. 28, Rollo)

On appeal, respondent Workmen's Compensation Commission (WCC) set aside the decision of the Hearing Officer and Labor Attorney and dismissed the claim of petitioner Daza for lack of merit.

Petitioner Benedicta C. Daza is a retiree and a public school teacher from October 11, 1937 until June 2, 1974. She claimed that she contracted the ailments of "arteriosclerotic heart disease, myocardial ischemia, fibromyoma uteri, chronic dacryocystitis - left eye" in the course of her employment and aggravated by the nature of such work; and that said sickness started on February 7, 1974 and on account of said ailments she was compelled to stop working on June 2, 1974. She notified her immediate superior about her ailments sometime in June 1974.

The decision of the Hearing Officer was reversed by respondent Commission for the following reasons:

"1. claimant's service record of May 2, 1974 clearly show that she was separated from the service on June 2, 1974 at the age of 60 years old and undoubtedly her retirement was optional and not based on any disability for labor, yet she deliberately alleged in her sickness claim that on account of her various ailments she was forced to stop working on June 2, 1974;

2. likewise, her service records clearly show that from February 18, 1971 she worked continuously up to her last date of service on June 2, 1974 and she has never been absent from her job;
3. even Exh. 'D', physician's report of sickness dated June 11, 1974, accomplished and submitted by her supposed attending physician, Dr. Fortunata B. Espiritu, also show that she was first treated by this doctor on February 7, 1974 and last treatment was in June 1974, and said doctor gave opinion that she was disabled for work for only two months; and
4. after June 2, 1974 there is no more existing employer-employee relation-ship between the parties." (pp. 36-37, Rollo)

Coming to this Court on a petition for review, petitioner Benedicta C. Daza assailed the decision of respondent Commission on the following grounds:

1. The respondent Commission erred when it gave due course to the petition to elevate records for relief from judgment which was filed out of time;
2. The respondent Commission erred when it gave due course to the petition to elevate records for relief from judgment which did not state any ground;
3. Granting arguendo, that the petition to elevate records for relief from judgment was seasonably filed, the respondent Commission erred when it dismissed the claim for lack of merit; and
4. The respondent Commission erred when it gave due course to petition to elevate records for relief from judgment pursuant to Sections 1 and 3, Rule 22 of its Rules as said Rule insofar as it extends the time for the finality of the decision is an ultra vires promulgation of the Commission. (pp. 48-49, Rollo)

Regarding the first assigned error, records show that the decision, dated October 6, 1975, was received by the Office of the Solicitor General on October 28, 1975. On November 21, 1975, or 24 days after receipt, the Solicitor General filed by registered mail a petition to elevate records for relief from judgment. Consequently, the said petition was filed within the reglementary period.

Anent the second assigned error, the Solicitor General argued that the ground relied upon by him in filing the aforementioned petition is found in paragraph 2 of the affidavit of merit, attached to the petition, which states that due to the great volume of work requiring similar preferential attention, the motion for reconsideration was not seasonably filed. The Court aware of the fact that the Solicitor General who represents the government, its agencies or instrumentalities before the different courts and administrative agencies has tremendous work load, finds the petition meritorious and the attached affidavit of merit, a substantial compliance with the requirement of Section 1, Rule 22 of the Rules of respondent Commission.

With respect to the third assigned error, this Court finds that the denial of petitioner's claim was based on the findings of fact of the Commission which are duly supported by the evidence on record. In this regard, it has been held by this Court in a string of cases that the findings of said Commission if supported by substantial evidence are conclusive and binding. Besides, petitioner failed to show sufficiently that her illness disabled her from work. As long as the employee is able to work and receives her pay, even when suffering from illness, she is not entitled to compensation because injuries compensated are only those that affect earning power. (*Lombo vs. Standard Cigarette Manufacturing Co.*, 58 SCRA 750)

We are not agreeable with the arguments adduced in the last assigned error because the Rules being assailed by petitioner were promulgated pursuant to the authority vested in the Commission by Section 7-A of the Workmen's Compensation Act, as further amended by Republic Act Nos. 772, 4119 and 4596, which reads:

"Except as otherwise provided herein, the jurisdiction, powers and duties heretofore pertaining to the

Commissioner of Workmen's Compensation under Republic Act Numbered Seven hundred and seventy-two shall be assumed and exercised by the Commission, which body is authorized to delegate the same to the extent that it shall remain as an appeal source with corresponding duties of promulgating related rules and regulations. The referees assigned to regional offices shall have the power to hear and decide all cases currently pending before said regional offices, which referees shall take jurisdiction thereof, administer and settle the same subject to appeal to the Commission in accordance with prescribed rules and regulations. Said referees shall assume original jurisdiction of all cases arising henceforth. The Commission may promulgate rules and regulations governing its internal functions as a quasi-judicial body including the power of each member to decide appealed cases from a referee, allowance for appeal from the decision of an individual member to the Commission en banc, and other allied rules covering jurisdiction to review, modify, or affirm all rules and regulations prepared by the Bureau." (pp. 62-63, Rollo)

As held in *Victorias Milling Co., Inc. vs. Social Security Commission*, 4 SCRA 627, [w]hen an administrative agency promulgated rules and regulations, it 'makes' a new law with the force and effect of a valid law, while when it renders an opinion or gives a statement of policy, it merely interprets a pre-existing law (Parker, *Administrative Law*, p. 197; Davis, *Administrative Law*, p. 194). Rules and regulations when promulgated in pursuance of the procedure or authority conferred upon the administrative agency by law, partake of the nature of a statute, and compliance therewith may be enforced by a penal sanction provided in the law. This is so because statutes are usually couched in general terms, after expressing the policy, purposes, objectives, remedies and sanctions intended by the legislature. The details and the manner of carrying out the law are often times left to the administrative agency entrusted with its enforcement."

ACCORDINGLY, the petition is hereby DISMISSED for lack of merit.

**SO ORDERED.**

Melencio Herrera, Plana, and De la Fuente, JJ., concur.

Teehankee, J., (Chairman), in the result.

Gutierrez, Jr., J., no part.

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