

PEDRO BASAYSAY, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND ELIZALDE PAINT & OIL FACTORY, INC., RESPONDENTS.

G.R. No. L-16438. November 29, 1961

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Appeal by certiorari from a decision of the Workmen's Compensation Commission dismissing a claim for compensation filed by petitioner Pedro Basaysay against respondent Elizalde Paint & Oil Factory, Inc.

The main facts are not disputed. They are set forth in the decision appealed from, from which we quote:

"This case involves a laborer, Pedro Basaysay, the claimant, who during the period of his employment in the respondent company contracted tuberculosis for which he was hospitalized and treated. He was first taken to the Singian Clinic on November 17, 1952 and when Dr. Conrado Lorenzo, the company consultant, discovered that he was afflicted with active minimal pulmonary tuberculosis, he had the claimant transferred to the Hospital de Santiago. He was twice hospitalized there, the first from November 24, 1952 to July 7, 1953 for his P.T.B., and the second, from September 29, 1956 to August 1, 1957 for pleurisy with effusion. The respondent not only defrayed all expenses for medical and hospital services, but also paid the claimant and full wages during the two periods of disability. He was charged from the services on January 2, 1958.

"The parties stipulated on practically all material facts of the case concerning the period of claimant's employment, his average weekly wage, the extent of his hospitalization, and the payment to him of full wages during the period of disability. The only issue they seek to resolve is whether or not claimant's P.T.B. is traceable to his employment.

"Respondent, however, in its petition for review, contends that the ailment suffered by the claimant during his employment was already arrested on the last day of his work on January 2, 1958. If this be so, then there would be no need to determine whether or not the same was service-connected, for if the ailment was not traceable to the employment, the respondent should be commended for the care and treatment of its worker far beyond what is imposed upon it by law and its contractual obligations. On the other hand, if claimant's P.T.B. was in fact the direct result of the employment or aggravated by it, the respondent should be declared as having already complied with its obligation, by virtue of the payment of claimant's wages and the medical and hospital expenses incurred by him during the period of his disability.

"The essential question to be resolved in this case, therefore, is whether or not claimant's tuberculosis was already arrested on his last day of work, because upon this point hinges the determination of whether claimant is entitled to medical and hospital services after his discharge from employment on January 2, 1958."

The hearing officer of the Workmen's Compensation Commission resolved the question in the negative and, accordingly, rendered a decision, dated May 13, 1959, which, as amended by an order of the same officer of June 2, 1959, sentenced respondent:

"1. To pay claimant Pedro Basaysay, thru this Office, the amount of two thousand one hundred eighty three pesos (P2,183.00) corresponding to expenses incurred by him in the treatment of his ailment, pursuant to Section 13 of Act 3428, as amended, covering the period from March 1, 1958 to April 30, 1959.

"2. To pay this Office the sum of P31.00 as fees, and beginning May 16, 1959 an additional fee of P1.00 for every P100.00 additional award to the herein claimant until the amount of P41.00 is reached."

A petition for review and, subsequently, a motion for reconsideration having been filed by respondent, decision was rendered by Hon. Jose Sanchez, Associate Commissioner of the Workmen's Compensation Commission, reversing the aforementioned amended decision of the hearing officer, and, consequently, dismissing petitioner's claim. A reconsideration of said decision of Associate Commissioner Sanchez having been unanimously denied by the Commission en banc, petitioner interposed this appeal by certiorari.

As stated in the decision appealed from, the main issue is whether or not petitioner's illness had already been arrested when he was discharged from employment on January 2, 1958. The decision appealed from decided the issue in the affirmative, relying principally upon the testimony of Dr. Conrado Lorenzo, to which, petitioner maintains, the Workmen's Compensation Commission should not have given "weight", because Dr. Lorenzo is respondent's consultant and witness in this case. Pursuant, however, to section 46 of the Workmen's Compensation Act (Act No. 3428, as amended), decisions of the Workmen's Compensation Commission shall be "subject to appeal to the Supreme Court, in the same manner * * * provided by law and by rules of court for appeal from the Court of Industrial Relations * * *". Upon the other hand, an award, order or decision of the Court of Industrial Relations may be appealed by certiorari, which appeal "shall be perfected by filing with said court a notice of appeal and with the Supreme Court a petition for certiorari" which may raise "only questions of law."^[1] It is well settled that in appeals by certiorari, such as the one we have before us, the findings of fact made in the decision appealed from will not be reviewed by this Court, unless there has been a grave abuse of discretion in making said findings, by reason of the total absence of competent evidence in support thereof. ^[2] Such competent evidence—which, to our mind, is, also, substantial—in support of the finding contested in the case at bar admittedly exists, petitioner's contention being merely that said evidence (Dr. Lorenzo's testimony) should not have been given credence. The task of ascertaining the credibility and weight of conflicting evidence, is, however, beyond the province of our authority in appeals by certiorari.^[3] Consequently, petitioner's contention is untenable.

Wherefore, the decision appealed from is hereby affirmed, without costs. It is so ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Paredes, Dizon, and De Leon, JJ., concur.

[1] Commonwealth Act No. 103, sections 14 and 15; Rule 44, sections 1 and 2, Rules of Court; *Elks Club vs. Rovira*, 80 Phil., 212; *Philippine Refining Co. Workers Union vs. Philippine Refining Co.*, 80 Phil. 533; *Kaisahan Ng Mga Mangagawa sa Kahoy sa Pilipinas vs. Gotamco Saw Mill*, 80 Phil., 521; *Leyte Land Transportation Co. vs. Leyte Farmers and Laborers Union*, 80 Phil., 842; *Kaisahan Ng Mga Mangagawa sa Kahoy sa Pilipinas vs. Court of Industrial Relations*, 81 Phil., 566; *Operators Incorporated vs. Jose*, 99 Phil., 893; 52 Off. Gaz., 7268; *Rex Taxicab Co. vs. Court of Industrial Relations*, 40 Off. Gaz., 137; *Bardwill Brothers vs. Phil. Labor Union*, 40 Off. Gaz., 186; *Phil. Newspaper Guild vs. Evening News*, 86 Phil., 303; *Phil. Education Co., Inc. vs. Court of Industrial Relations*, 94 Phil., 73; 49 Off. Gaz., (1) 5354; *Dee C. Chuan vs. Court of Industrial Relations*, 85 Phil., 365; 48 Off. Gaz., 3476; *Marcelo Rubber vs. Court of Industrial Relations*, 93 Phil., 1024; 43 Off. Gaz., (12) 5403; *Atok-Big Wedge Mining Co., Inc. vs. Atok-Big Wedge Mutual Benefit Association*, 93 Phil., 62; *Flores vs. Pingol*, 52 Off. Gaz., (14) 6209.

[2] *Ang Tibay vs. Court of Industrial Relations*, 69 Phil. 635; *Laguna Tayabas Bus Co. vs. Consunto* 108 Phil., 62; *Union of the Philippine Education Employees [NLU] vs. Philippine Education Co.*, 91 Phil., 93.

[3] *PAL vs. PAL Employees Association*, L-8197, October 31, 1958; *Donato vs. Phil. Marine Officers' Association*, L-12506, May 18, 1959; *UP Employees' Association vs. Dept. and Bazaar Free Workers' Union*, L-9168, October 18, 1956; *NLU vs. Dinglasan*, 98 Phil., 649 52 Off. Gaz., (4) 1933; *Madrigal Shipping Co. vs. N. Baens del Rosario*, L-13130, October 31, 1959; *St. Thomas Aquinas Academy vs. WCC*, L-12297, April 22, 1955; *NLU vs. Sta. Ana*, 102 Phil., 302 54 Off. Gaz., (8) 2529; *Batangas Transportation Co. vs. Rivera*, 109 Phil., 175; 60 Off. Gaz. [35] 5320.

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