

## **MARIANO R. BASA, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES (DEPARTMENT OF JUSTICE), RESPONDENTS.**

*G.R. No. L-43098. March 30, 1981*

Ponente: MAKASIAR, J.

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### **MAKASIAR, J.:**

Mariano R. Basa, retired municipal judge of Calapan, Oriental Mindoro, seeks the review of the December 12, 1975 decision of the Workmen's Compensation Commission in WC Case No. C-958, which affirmed the October 14, 1975 order of the acting chief of Unit, Regional Office No. 5, Department of Labor, at San Pablo City, denying his second claim for reimbursement of medical expenses incurred in relation with his heart ailment.

On July 26, 1969, petitioner suffered a heart attack that incapacitated him from further performing his function as municipal judge, and which forced him on October 16, 1969 to retire from the service. Consequently, he filed a claim for compensation under the Workmen's Compensation Act, as amended and was awarded on October 26, 1970 permanent and total disability benefits and reimbursement of medical expenses incurred.

On January 26, 1975 or after a period of almost six (.6) years from his initial heart attack on July 26, 1969, petitioner suffered his second heart attack which proved more severe, causing loss of his power of speech and the weakening of his body.

On June 26, 1975, he filed with the Workmen's Compensation Unit of the Department of Labor, Regional Office No. 5, at San Pablo City, a claim for reimbursement of medical expenses incurred in connection with his aforesaid second heart attack; but the same was denied on October 14, 1975 by the acting chief of unit for lack of merit, reasoning that petitioner had been awarded benefits under Section 15 of the Workmen's Compensation Act, as amended, for permanent and total disability, plus reimbursement of medical expenses.

Petitioner duly filed his motion for reconsideration, invoking Section 13 of the Workmen's Compensation Act, as amended.

On December 27, 1976, respondent Commission rendered a decision affirming the decision of its acting chief of unit, thus:

"It appears that claimant of this case has previously been awarded compensation under Section 15 of the Act and the instant case was subsequently filed in relation thereto only for the sole purpose of seeking reimbursement under Section 13.

"We cannot sustain claimant's view. The claimant has already been declared totally disabled in the previous award. That being so, no claim for reimbursement of subsequent and further medical expenses may be entertained or awarded, in accordance with the policy of this Commission."

Hence, this recourse.

The parties are agreed that the sole issue in this case is whether or not petitioner is entitled to recover subsequent and further medical expenses for the same permanent and total disability which had already been the subject of a maximum compensation benefits under Section 15 of the Workmen's Compensation Act, as amended, and for reimbursement of medical expenses already then incurred under Section 13 thereof.

## I

The issue as framed admits the causal relation-ship of petitioner's 1969 heart attack to his 1975 heart attack. As a matter of fact, respondent employer did not allege and there was no evidence presented that petitioner had fully recovered from his first heart, attack in 1969 when his second heart attack occurred in 1975. Moreover, petitioner's attending physician testified that once the patient has been subjected to this kind of disease, and there is already exclusion in the blood because of the previous thrombosis, the patient will be in serious condition because the area in the brain will be involved (TSN, September 26, 1975, pp. 17-18, rec.).

The members of this Tribunal are aware of death induced by a second heart attack even after the lapse of many years from the first attack.

Consequently, petitioner's second attack, being causally linked with his first heart attack which was already declared compensable by the Workmen's Compensation Commission, may be the source of a claim for further compensation benefits. In the recent case of *Enriquez versus Workmen's Compensation Commission* (93 SCRA 366 [1979]), WE stated that "x x x the right to compensation extends to disability due to disease supervening upon and proximately and naturally resulting from a compensable injury (82 Am Jur 132). Where the primary injury is shown to have arisen in the course of employment, every natural consequence that flows from the injury likewise arises out of the employment, unless it is, the result of an independent intervening cause attributable to claimant's own negligence or misconduct (I Larson Workmen's Compensation Law 3-279 [1972]). Simply stated, all the medical consequences and sequelae that flow from the primary injury are compensable (ibid.)."

## II

Petitioner's case therefore comes within the ambit of the 1980 precedents-setting decision of the Supreme Court En Banc in *Biscarra vs. Workmen's Compensation Commission* (G.R. No. L-43425, January 22, 1980), where IT sustained the right of an ailing employee under Section 13 of the Workmen's Compensation Act, as amended, to continuous medical treatment and therefore reimbursement for subsequent medical expenses incurred even after he is declared permanently disabled. The Court En Banc, passing upon the same issue and arguments raised in this present case, compassionately ruled:

"The Law applicable is Section 13 of the Workmen's Compensation Act, as amended on June 20, 1964, which provides, in part:

'SEC. 13. Services, appliances and supplies. - Immediately after an employee has suffered an injury or contracted sickness and during the subsequent period of disability, the employer or insurance carrier shall provide the employee with such services, appliances and supplies as the nature of his disability and the process of his recovery may require; and that which will promote his early restoration to the maximum level of his physical capacity.

"The word "services" used herein shall include medical, surgical, dental, hospital and nursing attendance and treatment as well as the proper fitting and training in the use of appliances and the necessary training for purposes of rehabilitation; "appliances" shall include crutches, arti-ficial members and other devices of the same kind, and

the replacements or repairs of such artificial members or such devices unless the replacement or repair is made necessary by the lack of proper care by the employee; and "supplies" shall include medicines, as well as medical, surgical and dental supplies.' (Underlined portions are amendments introduced by Section 7 of Republic Act 4119 of June 20, 1964).

"As will be seen from this law, it imposes upon the employer the obligation 'to provide the employee with such services, appliances and supplies as the nature of his disability and the process of his recovery may require; and that which will promote his early restoration to the maximum level of his physical capacity.' This law does not provide a maximum either as to the amount to be paid or the time within which such rights may be availed of. To sustain therefore, the proposition that petitioner's disability being total and permanent, respondent's liability to furnish him with further medical and hospital expenses is terminated, would, in effect, qualify Section 13, supra, by adding what is not provided in the law or subtracting what is therein embodied which is legally impermissible. This would constitute 'judicial fiat'. This Court, therefore, shall limit itself to the clear intentment of the law.

"Before the 1964 amendment, but as amended by Republic Act 772 on June 20, 1952, Section 13 reads:

'Sec. 13. Medical attendance.? Immediately after an employee has suffered an injury or contracted sickness and during the subsequent period of disability, the employer shall provide the employee with such medical, surgical, and hospital services and supplies as the nature of the injury or sickness may require.

'The pecuniary liability of the employer for the necessary medical, surgical, and hospital services and supplies shall be limited to the amount ordinarily paid in the community for such treatment of an injured person of the same standard of living if the treatment had to be paid for by the injured person him-self.'

"Under the above-quoted 1952 amendment - prior to the 1964 amendment - WE already ruled that the employer's liability for medical services subsists during the period of disability or 'lasts as long as the employee is sick.'

"Thus, on October 19, 1961, WE ruled in *La Mallorca-Pambusco vs. Isip, et al.* (L-16495, Oct. 19, 1961 3 SCRA 242, 244):

'We are inclined to uphold this contention of respondent. In the first place, in the order of the Commission dated November 20, 1955 acting favorably on the claim of respondent it was expressly stated that petitioner should provide him "further medical, surgical and hospital services and supplies as the nature of his sickness may require until it is cured or arrested." Said order became final for lack of protest or appeal on the part of petitioner. Then we have the document signed by respondent entitled "satisfaction of Award or Decision", dated February 7, 1956, which embodies the so-called compromise agreement entered into between them, and from this document we find that while respondent received the sum of P5,302.05 in full satisfaction of the award, the same is qualified by the following condition: "except with respect to further hospital or medical treatment, whenever necessary." Finally, we have the provisions of Section 13 of Act No. 3428, as amended (Workmen's Compensation Act), which postulate, among others, that "during the subsequent period of disability the employer shall provide the employee with such medical, surgical and hospital services and supplies as the nature of the injury or sickness may require." These provisions justify the subsequent award made by the Commission.

'It is true that under the Workmen's Compensation Act the amount of compensation to which an injured employee is entitled in case of disability shall not in any case exceed the total sum of P4,000.00, but this limitation only applies to the compensation for disability, and not to medical attendance (Sections 12, 14, 16, 18, Act No. 3428, as amended). In fact, this subject is governed by a different section of law (Section 13, *Idem.*) [3 SCRA 242, 244; under-scoring supplied].

"Then on September 31, 1963, WE reiterated the aforesaid ruling in *Itogon--Suyoc, Inc. vs. Fruto Dulay, et al.* (L-18974, Sept. 31, 1963, 9 SCRA 199, 202-203):

"The decision orders petitioner "to provide him (Fruto Dulay) with continuous medical and hospital service and supplies until his illness is cured or arrested, pursuant to Section 13 of the Act." Petitioner assails this portion of the decision on the ground that Dulay is no longer in its employ and that its liability for medical care cannot extend beyond 208 weeks. There is no merit in the contention. Section 13 does not require employer-employee relationship as a condition for the employer's liability. As long as the illness was contracted during the employee's employment, the employer's obligation subsists. This obligation for as long as the employee is sick. The limit of 208 weeks, like the limit of P4,000.00, refers to the liability of the employer for compensation (Secs. 12, 14, 16, 18, Act No. 3428, as amended) and has no reference at all to the employer's liability for medical care (Sec. 13) which lasts during the "period of disability" (See *La Mallorca-Pambusco vs. Isip, et al.*, G.R. No. L-16495, Oct. 19, 1961) [underscoring supplied].

"And again, on February 29, 1964, in the case of *Cebu Portland Cement Co. vs. WCC, et al.* (L-19164, Feb. 29, 1964 10 SCRA 420, 423-425) WE ruled:

"It may be observed that the law, in imposing on the employer the obligation to provide medical attendance to an injured or sick employee, unlike those provisions relating to compensation for disability (Secs. 14, 16, 17 and 18 of Act No. 3428, as amended) does not provide maximum either in the amount to be paid or the time period within which such right may be availed of by the employee. On the contrary the law imposes on the employer the obligation to "provide the employee with such medical, surgical, and hospital services and supplies as the nature of the injury or sickness may require." The implication is that, such medical expenses as may be necessary until the work-connected injury or sickness ceases, may be charged against the employer. In the United States, from where our labor compensation law is derived, the two kinds of benefits for physical injury or sickness are like in our law treated differently. The wage-loss payments based on the concept of disability are invariably limited in both amount and duration while payments of medical benefits that is, hospital and medical expenses occasioned by any work-connected injury, regardless of wage-loss or disability vary in the different states of the Union. In twelve states such benefits are unlimited as to duration and amount; in nineteen, the preliminary limits are subject to extension by the administrative agency for indefinite periods as the case warrants; in eight, there are fixed limits subject to extension for limited additional periods; and in nine, there are fixed limits with no provision for extension (Arthur Larson on "The Law of Workmen's Compensation", Vol. 2 [1952], p. 82). In construing the contract's provision requiring the employer to furnish medical, surgical and hospital services "reasonably required to cure or relieve the employee from the effects of the injury", it was there held that "in the absence of express statutory authority, this court is powerless to place a definite limitation upon the time such medical, surgical and hospital shall be rendered in any particular case" (*W.J. Newman v. Industrial Commission*, 187 N.E. 137, 353 Ill. 190, 88 A.L.R., 1188). This was based on the theory that workmen's compensation acts are a humane law of a remedial nature, and wherever construction is permissible, their language should be liberally construed in favor of the employee. And, this is supported in compensation cases.

"Acts not containing any limitation as to the period during which the employer may furnish or pay for medical, surgical, or hospital services have been construed as imposing liability on the employer as long as such services are required to cure or relieve the injured employee from the effects of his injury" (*Florczak v. Industrial Commission*, 187 N.E. 137, 353 Ill. 190, 88 A.L.R. 1188).

"Thus, an employee who contracted tuberculosis while employed at a state tuberculosis hospital, and where the infection was never arrested from the time it was contracted until his death, was declared entitled to continued treatment the governing statute not having limited the time of treatment (*Carrol v. State*, 64 N.Y. 2d 166, 242

Minn. 70) [underscoring supplied].'

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"The Office of the Solicitor General, however, contends that since the petitioner had been declared to be totally and permanently disabled, the liability of the employer to furnish medical, surgical and hospital services ceases, citing 10 Workmen's Compensation Text, Schneider, page 109, that:

'Where the evidence discloses that further medical, surgical, and hos-pital services would not definitely improve the condition of an injured employee, the liability of an employer to furnish reasonable medical and hospital services, as and when needed, ceases (Paulsen vs. Glenn L. Martin Nebraska Co. 26 N.W. 2d. 11, Jan. 31, 1947, citing Wilson vs. Brown-McDonald Co. 278 N.W. 264, 256, March 4, 1938).'

"But the foregoing 1947 Nebraska decision was based on the old Nebraska law providing for limited liability. Thereafter, said law was amended allowing unlimited liability as to time and amount, thus making Nebraska one of the 12 states providing for such unlimited liability as to time and amount even for total and permanent disability, together with California, Connecticut, District of Columbia, Hawaii, Idaho, Illinois, Minnesota, New York, North Dakota, Puerto Rico and Wisconsin (see Samuel B. Horovitz "Injury and Death under Workmen's Compensation Laws", 1948 ed., p. 294; see also Larson, supra).

"From 1948 to 1975, the number of states in the American Union providing for medical benefits which are unlimited as to duration and amount, has increased from 12 to 43:

#### '61.11 Statutory summary

'An integral and important part of the benefit scheme of all compensation acts is the provision of hospital and medical benefits. These benefits account for about one-third of the total benefits paid to injured workmen.

'In forty-three states such benefits are essentially unlimited as to duration and amount; in one there is a fixed limit subject to extension for a limited additional amount; in three there are fixed limits with no provision for extension; and in three, there are limits only as to silicosis and related diseases.

'It is interesting to observe that in the space of about thirty years the number of states providing full medical coverage has risen from about a dozen to almost four times that number. This appears to evince agreement with the finding of an authoritative study that "it is impossible fully to relieve pain and to assure restoration of seriously disabled persons when medical care is arbitrarily limited. Equally important is the convincing evidence that unlimited medical benefits are economically the soundest benefit; that over the long term, they become the least expensive" (Sec. 61.11, Larson, The Law of Workmen's Compensation, 1976 ed., underscoring supplied).

"Larson continues to state that 'medical benefits ordinarily include not only medical, and hospital services, but necessary incidentals such as transportation, apparatus, and nursing care, which may be compensable even when supplied at home by a member of claimant's family. Palliative measures are included under the decisions of most jurisdictions, to relieve pain even after all hope of cure is gone. Rehabilitation is an increasingly important part of the compensation program, under such provisions supplying additional maintenance and com-pensation during the rehabilitation period as well as curative and retraining centers to restore earning power to handicapped workers' (Sec. 61, Larson, The Law of Workmen's Compensation, 1976 ed., underscoring supplied).

"To repeat, the prevailing interpretation of Section 13 is consistent with the law and jurisprudence of the States of Hawaii, Minnesota and New York (see Table 14, 4 Larson, The Law of Workmen's Compensation, 574-10-574.11 [1979]), upon whose compensation statutes our own compensation act was patterned. It was

originally adopted by our Philippine Legislature in Spanish from the Statutes of the Territory of Hawaii (Nava v. Ynchausti Steamship Co. 57 Phil. 751 [1932]; Fernando and Quiason, Labor Standards and Welfare Legislation, 401 [1964]; Pucan and Besinga, Comments and Annotations on the Workmen's Compensation Act, as amended, 5-6 [1971]).

"Section 13 of our compensation law mandates the employer to provide the employee medical benefits immediately after he has suffered an injury and during the subsequent period of disability 'as the nature of his disability and the process of his recovery may require; and that which will promote his early restoration to the maximum level of his physical capacity', regardless of whether the disability is permanent or temporary.

"In Hawaii, the obligation of the employer to provide the employee medical benefits subsists 'during resulting period of disability'; in Minnesota, 'during disability as long as necessary to cure and relieve'; and in New York, 'as long as necessary'.

"The present jurisprudence in these states sanctions unlimited medical benefits, both in time and in amount.

"In Florida, the pertinent compensation statutes require the employer 'to furnish remedial treatment -- for such period as the nature of the injury or the process of recovery may require' but 'all rights for remedial attention --shall be barred unless a claim therefor is filed or the commission acts on its own initiative within two years after the date of the last remedial treatment or -- payment of compensation.' Applying said provisions in the case of Platzer v. Burger, 144 So. 2d 507 (Fla. 1962), where the evidence indicated that the claimant would need periodic medical treatment consisting of dilation of the urethra, medical prescriptions, and treatment for prostatitis for the rest of his life, the court ordered medical benefits for the lifetime of the claimant.

"It is true that 'throughout the Workmen's Compensation Act, the intention of the legislator to limit payable compensation to P6,000.00 is redolent.' But this refers only to compensation for loss of income proper or income benefit which is fixed or computed on the basis of the average weekly wages of the claimant; never to medical benefits. For it is likewise pervasive in the law that the legislature has intended a separate and different treatment for medical benefits as shown by the fact that it provided for separate provisions for medical benefits. If the intention of the lawmakers were to put a limit to medical benefits then they would have merged or lumped the two benefits in all the applicable provisions of the law. That they did not, simply means that they intended a different treatment thereof.

"It must be re-emphasized that under the Workmen's Compensation Act, benefits for disability are of two general types: (1) Indemnity benefits in the form of cash payments which is designed to compensate the worker for the loss of wages due to disability sustained or for his death; and (2) medical benefits in the form of medical services, hospitalization, medicine and other matters related to the treatment of the compensable injury or disease (Fernandez and Quiason, Labor Standards and Welfare Legislation, 597-598 [1964]). The first, indemnity or compensation benefits for loss of wages, is limited both as to time and as to amount; while the second, medical benefits, is unlimited both as to duration and to amount.

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"The suggestion that the 'period of disability' used in Section 13 of the Act refers to the number of weeks fixed in Sections 12, 14, 16 and 18, was already rejected in the aforecited cases. Thus, in the Itogon-Suyoc case, this Court rules:

"The decision orders petitioner: 'to provide him (Fruto Dulay) with continuous medical and hospital services and supplies until his illness is cured or arrested, pursuant to Section 13 of the Act.'" Petitioner assails this portion of the decision on the ground that Dulay is no longer in its employ and that its liability for medical care cannot extend beyond 208 weeks. There is no merit in the contention. Section 13 does not require employer-employee

relationship as a condition for the employer's liability. As long as the illness was contracted during the employee's employment, the employer's obligation subsists. This obligation lasts for as long as the employee is sick. The limit of 208 weeks, like the limit of P4,000.00, refers to the liability of the employer for compensation (Secs. 12, 14, 16, 18, Act No. 3428, as amended) and has no reference at all to the employer's liability for medical care (Sec. 13) which lasts during the "period of disability."

"Sections 22 and 29 refer to disability compensation or indemnity benefits; not to medical benefits. Section 22 speaks of compensation fixed by law, referring to the amounts fixed in Sections 12, 14, 16 and 18; not to Section 13 on medical benefits which have no fixed or definite amount. Likewise, Section 29 speaks of 'the same amount of compensation as that prescribed by this Act', referring to Sections 12, 14, 16 and 18.

"It must likewise be noted that the initial text of Section 13 before its amendment by Republic Act 4119 in 1964 imposed a limitation as to the amount of medical benefits, thus: 'The pecuniary liability of the employer for the necessary medical, surgical, and hospital services and supplies shall be limited to the amount ordinarily paid in the community for such treatment of an injured person of the same standard of living if the treatment had to be paid for by the injured himself.' That such discriminatory and degrading limitation was amended out of the Act is clearly indicative of the intention of the lawmakers to provide unlimited medical benefits.

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"The findings of the Workmen's Compensation Commission, that petitioner is 'totally and permanently disabled for labor', is no proof that further medical, surgical and hospital services would not definitely improve petitioner's condition, at the very least, relieve him of his pain or other injurious effect of his ailment. Thus, even assuming that further medical treatment would not return the employee to work or cure him, further treatment may still relieve him of his pain or its injurious effects. This is the doctrine laid down in *W.J. Newman Co. vs. Industrial Commission* (187 N.E. 137, June 22, 1933), thus:

'[1-37] This is a novel and exceptional case. Under such circumstances caution is required in the construction of the particular statute so as not to extend it or affect its general application to the thousands of other cases not presenting such unusual features. In construing paragraph (a) of Section 8, since the curing of Nee is admittedly impossible, two principal questions confront us, viz: First, whether the services rendered or to be rendered are reasonably necessary to relieve the employee from the effects of his injury; and, secondly, if such services are necessary, whether power is conferred upon this court to say when such services shall be terminated. Reference to the record clearly shows that Nee is beyond hope of cure from medical skill. It further shows that the medical, surgical, and hospital services he had been and is now receiving are not only necessary but also adequate to relieve him, as far as possible, from the effects of his injury. The findings of the Industrial Commission on this phase of the question are unquestionably in accord with the manifest weight of the evidence. We are therefore left solely with the question whether, by a construction of paragraph (a) of Section 8 of the Workmen's Compensation Act, this court can say, not only in this case but in other cases of exceptional nature hereafter presented, that the medical, surgical and hospital services rendered by an employer where no cure is possible, may with justice both to the employer and the injured employee, be terminated after a reasonable length of time, to be determined according to the varying circumstances of each particular case. In other words, can it be said that the last phrase of paragraph (a) should be interpreted to mean that when an employer has done that which is reasonably required to cure an injured employee from the effects of his injury and medical advice indicates that a cure is hope-less, the employer is thereafter relieved from any further liability, under the act, to furnish medical, surgical, and hospital services. We cannot adopt any such literal or strained construction of paragraph (a) as plaintiff in error urges in this case, to the effect that the words "cure" and "relieve" mean virtually the same thing. A workman who is cured is, of course, relieved from the effects of his injury, but one who is incurable, as in the present case, may still need skillful attention to relieve him of pain or other injurious effects caused by his injury.

This is only the natural and usual meaning of the words used. It is a construction in accordance with the general spirit and humane purpose of the act. The Workmen's Compensation Act is a humane law of a remedial nature, and wherever construction is permissible its language should be liberally construed. *City of Chicago vs. Industrial Commission*, 291 Ill. 23, 125 N.E. 705; *Chicago Cleaning Co. vs. Industrial Board*, 283 Ill. 177, 118 N.E. 989. A strained construction not fairly within the provisions of the act cannot be supported. *Berry Co. vs. Industrial Commission*, 318 Ill. 312, 149 N.E. 278. There was no denial by the employer of liability, and it has been repeatedly held by this court that the furnishing of medical, surgical, and hospital services must be regarded as the payment of compensation under the act. *Goodman Mfg. Co. v. Industrial Commission*, 316 Ill. 394, 147 N.E. 394, and cases cited.

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'[47] By these successive amendments it may be seen that the legislature deemed inadequate the original limitation of eight weeks' time and \$200 in amount as to medicine and hospital services, as the amendment of 1919 enlarged the hospital services from two weeks to extend "during the period for which compensation may be payable," and also removed any financial limit, except as to medical or surgical services. The amendment in 1925 went further by removing all time or money limitation upon medical and surgical services, and limited medical, surgical, and hospital services to such as might be "reasonably required to cure or relieve from the effects of the injury." In the absence of express statutory authority this court is therefore powerless to place a definite limitation upon the time such medical, surgical and hospital services shall be rendered in any particular case. As we have said before, the proof here shows that medical and hospital services are necessary to relieve Nee from the effects of his injury and that such services cannot be rendered in his home. There is no proof indicating any malingering or feigned sickness in this case, or any other circumstance which would enable us to say that further services are not reasonably necessary to relieve Nee from the effects of his injury.

'As the Legislature has seen fit to amend paragraph (a) of section 8 and to successively omit the former limitations therein imposed upon the furnishing of medical, surgical and hospital services, it would be nothing short of judicial legislation for this court now, in an exceptional case, to impose such a limitation. The limitations of the section in question cannot be definitely fixed except by the Legislature, and the only reasonable interpretation which we are able to place upon it, as said above, is that the employer's liability continues so long as medical, surgical, and hospital services are required in order to relieve the injured employee from the effects of his injury.'

"Indeed, to follow the modern trend of medical care, the direction is for increased medical liability to be the 'third phase of medicine', from 'preventive medicine' and 'definitive or curative medicine or surgery', to the dynamic concept of 'medical rehabilitation', one principal objective of which is to reduce or alleviate the disability to the greatest possible degree (*Injury and Death under Workmen's Compensation Law*, Samuel B. Horovitz, p. 297; *Medical Hand-book on Workmen's Compensation and Principles of Disability Evaluation*, by Guilatco, 1967 ed., pp. 264-265).

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"In much the same way that euthanasia is not even prescribed as the extreme remedy for what appears to be a terminal case, WE should not be oblivious to the possibility that medical science may devise somehow, sometime during the lifetime of the disabled employee, a remedy to banish his pain and to completely rehabilitate him physically, mentally and socially.

"After devoting the best years of their lives to the service of the State, it is only fair and just that the State should take care of its civil servants until they are relieved completely from the effects of an ailment incurred by reason of their employment.'

"Denial of medical benefits to an employee who is disabled permanently, is to accord more rights to an

employee who is suffering only temporary disability or incapacity; because the latter is entitled to continuous medical, surgical and hospital services and appliances as the nature of his injury or ailment may require (Section 13, Workmen's Compensation Act, as amended); x x x x x.

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"It certainly would be anomalous and would do violence to natural reason and logic as well as it would be an act of inhumanity to favor the temporarily disabled more than the one deemed permanently incapacitated by illness or injury contracted or sustained during his employment.

"An employee, whether temporarily or permanently disabled, is entitled (1) to continuous hospital, medical and/or surgical services to relieve the painful effects of his disability; (2) to relief from, or alleviation of the humiliating effects of his injury, like plastic surgery after the first operation that may leave an ugly scar or deformity; (3) to be provided with such facilities, supplies or equipment that will restore the normal use of his senses, faculties, or limbs, such as improved models of wheelchairs, crutches, artificial limbs or hearing or visual aids; and (4) to rehabilitation of his morale and spirit by eliminating the psychological effects of the trauma caused by the ailment or injury so that he can join, and be accepted by, the mainstream of society and lead a normal life.

"After the disability benefits have been paid, the disabled employee may remain to be the main support of his family. Denial to him of further hospital, medical or surgical services would be aggravating the economic distress his family is suffering.

"Because society does not seem to accept him (like a cured leper) his feeling of depression may drive him to commit suicide or may infect the other members of the family who may, in desperation, commit anti-social acts, which would engender a more serious tragedy for the family.

"Then again, to abandon one who is permanently disabled after the first medical treatment, is virtually to consign him to the scrap heap or to the garbage dump of human derelicts, no longer entitled to the concern and solicitude of the State. Nothing would be more inhuman, repugnant to the central core of our democratic welfare state as envisioned by our Constitution and shocking to a compassionate society. As heretofore emphasized, the Government should be the last to give up hope on the recovery and rehabilitation of those who are now considered permanently disabled. Laboratories all over the world are continuously testing and searching for the panacea for all ailments that plague humanity. There is greater possibility that such a cure may be discovered in our time. The right to life ranks second to none in the hierarchy of human rights. The entire world is witness to the amazing survival of Karen Quinlan for the last two years (over 4 years now) after the life-giving apparatus was disconnected from her body.

"It is likewise possible that from our own flora and fauna may be discovered the remedy for many an ailment or injury. Many of our plants, fruits and vegetables have been found to cure, prevent or minimize serious cardiac ailments, hypertension, arthritis, afflictions of the kidney and bladder, as well as deep wounds. Some of our vegetables are likewise natural disinfectants. Lately the lowly chichirica and dioscorea have been found to be a cure for cancer (BT or DE, May 13, 1978).

"God in His infinite wisdom, has provided the remedies for human diseases, injuries and afflictions. The genius of resourceful man will discover these cures somehow, sometime -- sooner than expected.

"As the Florida Supreme Court pragmatically opined in the 1950 case of Di Giorgio Fruit Corp. vs. Pittman, 'Medicine is not an exact science x x x. Moreover, in this modern era of extensive scientific research, it is not possible to say with certainty today that any disease is incurable for no one knows but that tomorrow will herald a new miracle drug' (49 So. 2d 600, 603).

"A Filipino eye specialist gave the information that blindness due to glaucoma may in time be a thing of the past.

"Specialists have provided relief to those afflicted with cardiac and kidney diseases through transplanting healthy hearts and kidneys for diseased or impaired ones.

"Social legislations which constrict the rights of labor, should yield to the social justice guarantee of the new Consti-tution which stresses that:

'Sec. 6. The State shall promote social justice to ensure the dignity, welfare and security of all the people. Towards this end, the State shall regulate the acquisition, ownership, use, enjoyment and disposition of private property, and equitably diffuse property ownership and profits' (Art. II, 1973 Consti-tution, underscoring supplied).

"To underscore this obligation of the State, Section 9 of Article II likewise directs that:

'The State shall afford protection to labor, promote full employment and equality in employment, ensure equal work opportunities regardless of sex, race, or creed, and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, Collective bargaining, security of tenure, and just and humane conditions of work. The State may provide for compulsory arbitration' (1973 Constitutions underscoring supplied).

"The conservative view limiting the right of the injured or ailing employee to only one surgical or medical service prevailing in some States of the American Union should not find adherence in our jurisdiction; because such States seem to be still dominated by the capitalistic philosophy as they do not provide in their respective constitutions any guarantee of social justice in favor of their citizens. If, on the other hand, the humanitarian view which sustains the right of the ailing or injured employee to continuous medical and surgical services until he has been fully rehabilitated, is espoused by the progressive states of the United States of America despite the absence of any social justice guarantee in their respective constitutions; a fortiori such compassionate approach should be followed in our jurisdiction, where our Constitution expressly guarantees social justice 'to ensure the dignity, welfare and security of all the people' (Sec. 6, Art. II, 1973 Constitution), while commanding the State to 'afford protection to labor' and 'assure the right of workers to x x x just and humane conditions of work' (Section 6, Art. II, 1973 Constitution).

"The fear that this humane, liberal and progressive view will swamp the Government with claims for continuing medical, hospital and surgical services and as a consequence unduly drain the National Treasury, is no argument against it; because the Republic of the Philippines as a welfare State, in providing for the social justice guarantee in our Constitution, assumes such risk. This assumption of such a noble responsibility is, as heretofore stated, only just and equitable since the employees to be benefitted thereby precisely became permanently injured or sick while invariably devoting the greater portion of their lives to the service of our country and people. Human beings constitute the most valuable natural resources, of the nation and therefore should merit the highest solicitude and the greatest protection from the State to relieve them from unbearable agony. They have a right to entertain the hope that during the few remaining years of their life some dedicated institution or gifted indi-vidual may produce a remedy or cure to relieve them from the painful or crippling or debilitating or humiliating effects of their injury or ailment, to fully and completely rehabilitate them and develop their 'mental, vocational and social potentials', so that they will remain useful and productive citizens.

"Finally, the New Labor Code itself commands that 'all doubts in the implementation and interpretation of this Code, including its implementing rules and regulations, shall be resolved in favor of labor' (Section 4, Presidential Decree No. 442, as amended). This echoes Article 1702 of the Civil Code of the Philippines, which provides that:

'in case of doubt, all labor legislations and all labor contracts shall be construed in favor of safety and decent living for the laborer'.

"The school of thought that resists the expansion of the social rights of employees and workers is essentially capitalistic, conservative, reactionary and selfish. The invocation of the due process clause to challenge the validity of social and labor legislation as violative of the freedom of contract and an undue deprivation of property had long been discarded in America since the 1937 case of *West Coast Hotel vs. Parrish* (300 U.S. 379) affirming the validity of minimum wage laws. In our country, such a view was repudiated after the 1924 case of *People vs. Pomar* (46 Phil. 440). Thereafter, other social legislations followed and survived the constitutional test such as our own minimum wage law, the 8 hour labor law, and various amendments to the workmen's compensation law, and employer's liability act, law on maternity leave with pay, and laws for the protection of women and minors employed in dangerous industries and occupations. Such statutes were held not to trench upon the Constitution, even in the states of the American Union whose constitutions do not expressly guarantee social justice specifically in favor of the working class, as heretofore stated.

"Then again, the fear that con-tinued hospitalization and medical treatment of employees who are permanently disabled would constitute an intolerable burden on the employer, whether government or private, is more fancied than real. Firstly, no statistics have been cited to show that there are many permanently disabled and needing continued medical treatment or hospitali-zation for a long period. Secondly, the employer can always secure or purchase insurance against such possible liability.

"In the instant case, the govern-ment is the employer against whom such liability for continued hospitalization, medical services and medical supplies, is being raised. The government can always appropriate the necessary funds for the purpose.

"The government has been losing revenues, either through graft and corruption or failure to honestly and fully collect such revenues. These amounts of which the government has been mulcted by dishonest public officers, private contractors, or suppliers or which the government failed to collect by reason of the criminal neglect or dishonesty of its collecting agencies, may aggregate hundreds of millions, if not billions, of pesos yearly. The financial exposure of the government to provide medical and hospital services for its unfortunate employees rendered permanently disabled but still suffering pain or humiliation or degradation by reason of such permanent disability is practically minimal, or not substantial, compared to the millions of pesos that the country is losing all these years through graft and corruption. The government has failed not only to prosecute many big-time tax dodgers, grafters and corruptors but also to recover even a portion of the unpaid revenues or the amounts embezzled or stolen from its coffers. Until the guilty parties are brought before the courts, the tribunals cannot do anything."

In this case of petitioner who served the govern-ment as municipal judge from 1947 to 1969, risking his health and life, and who prays for a second reimbursement of his medical expenses, "x x x this Court has the singular opportunity to afford him relief from his misery and not let him deteriorate until his body is finally and totally decomposed and dissolved into dust. Any gratuity that he might have received, aside from the first compensation for wage loss and the first refund for hospitalization and medical treatment, would not even be sufficient to maintain his family for the remaining few years of his life. With his retirement gratuity and disability compensation already exhausted by now (after eleven years from 1969), he and his family are exposed to complete misery. The government or the court that does not lift a hand to rescue the ailing employee and his family from such abject penury cannot rightly claim to be an agency of social justice, much less pretend to be compassionate."

2. And the Court En Banc by way of emphasizing ITS role as a potent social justice arm of the State concluded optimistically in the aforesaid Biscarra case that --

"WE may yet escape the judgment of history that the Supreme Tribunal was once found wanting in 'moral vision' and abdicated ITS role as an active implementing instrument of reform.' "

3. It appears that petitioners claim for medical reimbursement as stated in his letter to the Workmens Compensation Unit was for the amount of P20,588.85 (p. 242, WCC rec.). However, the receipts submitted by his counsel totalled only P19,880.00, as follows:

1. Exhs. D, D-1 to D-12

(pp. 243-256, WCC rec.)

Payments to St. Lukes

Hospital -----

P11,750.00

(This includes the amounts

In Exhs. B, B-1 to B-152

and Exhs. C, C-1 to C-152,

pp. 258-551, WCC rec.).

2. Exh. O (p. 598, WCC rec.) - - -

330.00

3. Exh. P (p. 597, WCC rec.) - - -

6,500.00

(Professional fee of

Dr. Gatchalian)

4. Exh. Q (p. 596, WCC rec.) - - -

300.00

(Professional fee of

Dr. Quizon)

5. Exh. R (p. 595, WCC rec.) - - -

1,000.00

(Professional fee of

Dr. Damian)

\_\_\_\_\_  
TOTAL - - - - -

P19,880.00

WHEREFORE, THE DECISION OF THE RESPONDENT COMMISSION IS HEREBY REVERSED AND SET ASIDE AND THE RESPONDENT DEPARTMENT (NOW MINISTRY) OF JUSTICE IS HEREBY ORDERED TO PAY PETITIONER THE SUM OF NINETEEN THOUSAND EIGHT HUNDRED EIGHTY (P19,880.00) PESOS AS REIMBURSEMENT FOR MEDICAL EXPENSES.

Fernandez, Guerrero, and De Castro, JJ., concur.

Teehankee, J., (Chairman), concurs in the result in a separate opinion.

Melencio-Herrera, J., see dissent.

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## DISSENTING OPINION

### MELENCIO-HERRERA, J.:

Petitioner herein was appointed Municipal Judge in 1947. He suffered his first heart attack in July, 1969. He retired from the service in October, 1969 and was awarded, in October 1970, by the Workmen's Compensation Commission, permanent and total disability benefits and reimbursement of medical expenses incurred.

After approximately six years from the date of his retirement, or in 1975, petitioner suffered a second heart attack. He incurred further medical expenses consisting of hospitalization and physician's fees in the amount of P19,880.00. Respondent Commission denied his claim for further reimbursement.

The question is, should petitioner be entitled to reimbursement for the subsequent medical and hospitalization expenses that he had incurred?

Although under the ruling of the Court en banc in *Biscarra vs. Workmen's Compensation Commission* (95 SCRA 248 [1980]), petitioner is so entitled, I am constrained, as a matter of principle, to reiterate my dissent in that case to the effect that under the Workmen's Compensation Act, a totally and permanently disabled claimant is not entitled, up to his death, to continued hospital, medical and surgical services, nor to further reimbursement of his medical expenses.

Briefly, the reasons I stated were: 1) under section 13 of the said Act, an employee is entitled to such services and expenses "immediately x x x during the subsequent period of disability", or, to immediate medical expenses. 2)

Under sections 22 and 29 of the Act, "the employer shall be exempt from all liability under this Act as soon as the compensation has been paid under this section, saving the provisions of section six of this Act." 3) Throughout the said Act; the legislative intent to limit payable compensation to P6,000.00 is evident (see secs. 12, 14, 16, 18). 4) The administrative inter-pretation given by the Workmen's Compensation Commission to section 13 of the Act, although never conclusive, is usually given great weight by the Courts as it is the department charged with the implementation of the Workmen's Compensation Act (Madriral & Paterno vs. Rafferty & Concepcion, 38 Phil. 415 [1918]; Asturias Sugar Central vs. Com-missioner of Customs, 1 SCRA 617 [1961] ).

Relative to the assertion that the Philippines is a "welfare state" (p. 26, majority Decision) to which I also took exception in my previous dissent in Biscarra and which I reiterate herein, I need mention only the statement of President Marcos, quoted in the local Times Journal of April 27, 1980, reading as follows:

"Speaking during a breakfast hosted by the Hawaii Chamber of Commerce and Industry at the Oahu Country Club in Honolulu, the President further pledged not to adopt the welfare state policy. This could render industry bankrupt, he said, stressing that his policy is for a proportionate sharing of wealth between capital and labor."

I, therefore, vote for the affirmance of the ruling of the Work-men's Compensation Commission.

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### CONCURRING IN THE RESULT

#### TEEHANKEE, J.:

I maintain my dissent and contrary view in Biscarra vs. Re-public and WCC (95 SCRA 248, 282) that "an employee who has been declared to be totally and permanently disabled and who has received the maximum P6,000. - disability compensation therefor and has been reimbursed the medical expenses attendant to the injury or illness which rendered him so incapacitated is not entitled under the Act and more particularly under section 13 to any further payment or reim-bursement for subsequent medical expenses. The Act has never bur-dened the employer, be it the government itself, (and this has always been the official construction and implementation of the Act as hereto-fore stated) with the obligation of making unlimited payments for sub-sequent medical services and expenses for as long as the permanently and totally disabled employee lives. Not even in the case of the State as employer has such a limitless burden been imposed, for the cost thereof would be staggering, if not altogether prohibitive, not to men-tion that no provision for such an open-ended and endless obligation has ever been provided in the budget for the half-century that the Work-men's Compensation Act has been in force. The employer's obligation ceases upon payment of the maximum and fixed P6, 000. -disability com-pensation for total and permanent disability and the medical expenses attendant thereto (which generally have amounted to about the same sum fixed as maximum compensation);" and that "the remedy for the plight of the permanently disabled who were not taken care of by the old Workmen's Compensation Act lies not with the Court but with the lawmakers. This they can give by simple remedial legislation provid-ing the necessary funds and directing that the medical and rehabilita-tion services contemplated and provided for under the above-cited Ar-ticles 185 and 190 of the New Labor Code are made applicable and shall be available to the employees and workers who incurred permanent and total disability under the Workmen's Compensation Act."

I reiterate that in our deliberations, the majority decision in Biscarra "was expressly limited to the government as the employer and that the question of whether the same ruling of now holding the government as employer liable for indefinite lifelong medical, surgi-cal and hospital expenses of totally and permanently disabled employees

would also apply to the private employers, many of which could possibly be thrown into bankruptcy should this ruling be also applied to them (considering the prevailing high costs of such medical expenses), was left open and unresolved." (Emphasis copied)

Confronted, however, with the majority ruling in Biscarra holding that the government as employer (as in the case at bar) continues to be liable for the indefinite, lifelong medical, surgical and hospital expenses of totally and permanently disabled employees, (notwithstanding their having been paid the corresponding disability compensation and reimbursed the medical expenses attendant to their disabling injury or illness), we have to apply the prevailing rule, for as long as the same has not been overturned and set aside. (Cf. *Yap vs. Republic*, 45 SCRA 36, 40 [1972]). Accordingly, I am constrained to concur in the result.

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