

FRANCISCO CARRERA, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), RESPONDENTS.

G.R. No. L-42536. September 30, 1978

Ponente: MUÑOZ PALMA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/721fdebf6ea8/>

MUÑOZ PALMA, J.:

Petitioner Francisco Carrera, was an elementary school teacher in the Bureau of Public Schools, Pangasinan Division I, Lingayen, Pangasinan, who was forced to stop teaching on October 4, 1974 due to his ill health and upon advice of his physician.

On March 14, 1975 Carrera filed a "notice of injury or sickness and claim for compensation" with the Workmen's Compensation Unit, Dagupan City accompanied with a report of Dr. Manuel dela Cruz dated March 14, 1975, attesting that petitioner was sick of moderately advanced pulmonary tuberculosis since July 10, 1972 the date he was first examined and treated by said physician.[1]

On June 6, 1975, due to the failure of respondent Bureau of Public Schools to controvert the claim on time, the Workmen's Compensation Unit, Department of Labor at Dagupan City through Acting Chief Adriano H. Pasaoa issued a letter-award granting disability compensation of Six Thousand Pesos to the claimant.[2]

On June 25, 1975, a motion for reconsideration was filed by respondent employer but the same was denied, hence, the record of the case was elevated to the Workmen's Compensation Commission for review.[3]

The Commission reversed the referee's award reasoning as follows:

"x x x The failure of the respondent to file its controversion within the period provided for by law, does not necessarily make the claim compensable. There must be substantial evidence that the injury or sickness is compensable. While claimant stated in his notice of sickness and claim for compensation that he was attended to by Dr. Darios Fernandez of Lingayen, Pangasinan, he submitted the Physician's Report of Dr. Manuel dela Cruz of Bugallon, Pangasinan. Moreover, no chest x-ray findings has been submitted or mentioned in the physician's report as the basis of the diagnosis of the alleged pulmonary tuberculosis, moderately advanced." (p. 4, WCC records)

Francisco Carrera now submits that "(1) the respondent Workmen's Compensation Commission erred in holding that the sickness of pulmonary tuberculosis, moderately advanced, is not compensable in spite of non-controversion of the claim, and (2) respondent Workmen's Compensation Commission erred in holding that the claimant failed to establish by convincing evidence that the claimant petitioner was in fact afflicted with pulmonary tuberculosis which was contracted in the course of employment or as the result of the nature of his employment or aggravated thereby." [4]

There is merit in petitioner's allegations.

1. The oft-repeated rule that a claim for compensation is presumed compensable under the provision of the Workmen's Compensation Act is undoubtedly applicable to the instant case. Section 44 of the Workmen's Compensation Act establishes in favor of the workman the presumption of compensability of a claim filed under the Act. This Court has consistently held that where an illness of an employee or worker occurs in the course of employment, and this fact is established by petitioner's evidence, it is presumed under the law that such illness was directly caused by or arose out of the employment or was aggravated by it.[5]

Petitioner's position is strengthened by the late controversion of petitioner's claim. Although the employer was well aware that Carrera stopped teaching on October 4, 1974, which was even before his compulsory retirement at 65, no employer's report was ever filed controverting any possible claim for disability compensation. The controversion was made only on April 11, 1975, well beyond the ten-day period after receipt of notice of the filing of the claim which was on March 24, 1975.[6] Time and again We have ruled that failure to controvert results in the loss of non-jurisdictional defenses and an ultimate admission of compensability.[7]

Thus, inasmuch as the claim was not properly and/or timely controverted nor was there any evidence submitted by the employer to rebut or disprove the fact of illness of petitioner, the referee was justified in issuing an outright award in favor of the claimant herein.

2. Respondent Commission asserts in its decision that "no chest x-ray findings had been submitted or mentioned in the physician's report as the basis of the diagnosis of the alleged pulmonary tuberculosis, moderately advanced" and "considering therefore that claimant has failed to establish by convincing evidence that he is in fact afflicted with pulmonary tuberculosis which was contracted in the course of his employment or as a result of the nature of his employment or aggravated thereby, the alleged disability of the claimant herein could not be considered compensable."

We cannot but disagree with the foregoing conclusion of respondent commission.

Under Section 49 of the Workmen's Compensation Act, a report of an attending examining physician may be received as evidence and used as proof of the fact in dispute. This Court has categorically held that an x-ray or some other laboratory report is not an indispensable prerequisite to compensation.

In *Landayan vs. Workmen's Compensation Commission, et al.*, petitioner was employed in October, 1966, as a carpenter by private respondent Atlantic Gulf & Pacific Co. of Manila Inc. In June, 1968, petitioner was found by respondent company's physician, Dr. Bataclan, to be suffering from pulmonary tuberculosis. He was subsequently diagnosed by his attending physician, Dr. Amadeo Jorge, to be sick of pulmonary tuberculosis moderately advanced. His employment with the respondent company was subsequently terminated on June 6, 1968. On June 29, 1975, he filed his claim for compensation together with the Physician's Report and said claim was granted by the Acting Labor Referee. However, the respondent commission acting on the motion for reconsideration filed by respondent company reversed the decision of the Acting Referee and dismissed the case for lack of merit on the ground that the Physician's Report is not corroborated by Laboratory findings or chest x-ray conducted on the petitioner. The Court through then Justice Ruperto G. Martin reversed the judgment of respondent commission and ruled that it is not essential that the Physician's Report be accompanied by an x-ray examination and/or laboratory findings, and that their absence will not invalidate the diagnosis appearing on the report.[8]

We repeat what We said in *Vallo vs. Workmen's Compensation Commission, et al.*, that decisions such as that rendered by respondent Commission in the instant case, and the arguments advanced in support thereof, convert the applicable provisions of the Workmen's Compensation Act and long-settled jurisprudence on the matter into empty rhetoric rather than into living truths.[9]

IN VIEW OF THE FOREGOING, We set aside the decision under review. The referee's award granting disability compensation of Six Thousand Pesos (P6,000.00) is affirmed. Respondent employer is directed further:

(1) to furnish claimant Francisco Carrera with such services and supplies as the latter's disability and process of recovery from his pulmonary tuberculosis may require;

(2) to pay Atty. Hermogenes S. Decano the amount of Three Hundred Pesos (P300.00) as attorney's fee for this appeal; and

(3) to pay Sixty-one Pesos (P61.00) as administrative fee.

SO ORDERED.

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

[1] pp. 3-4, WCC records

[2] p. 9, *ibid.*

[3] p. 7, *ibid.*

[4] p. 9, *rollo.*

[5] *Legason vs. WCC*, et al., L-43089, 75 SCRA 213; *Santos vs. WCC*, et al., L-43243, 75 SCRA 364; *Solite vs. WCC*, et al., L-43404, 75 SCRA 388; *Gomez vs. WCC*, et al., L-43617, 75 SCRA 395; *Baterna vs. WCC*, et al., L-43932, 75 SCRA 409; *De Galang vs. WCC*, et al., L-42531, 76 SCRA 153; *Guevarra vs. Republic of the Phils.*, L-43099, 77 SCRA 292; *Caling vs. WCC*, et al., L-43309, 77 SCRA 309; *Evangelista vs. WCC*, et al., L-43572, 77 SCRA 497; *Romero vs. WCC*, et al., L-42617, 77 SCRA 482; *Vda. de Flores vs. WCC*, et al., L-43316, 78 SCRA 17; *Espino vs. WCC*, et al., L-43638, 78 SCRA 189; *Dimaano vs. WCC*, et al., L-43553, 78 SCRA 506; *De la Cruz vs. WCC*, et al., L-43687, 79 SCRA 96; *Moraza, et al., vs. WCC*, et al., 81 SCRA 306 and other cases; *Lorenzo vs. WCC*, et al., L-42631, 81 SCRA 434; *Gonzales vs. WCC*, et al., L-43689, 81 SCRA 703; *Cañonero vs. WCC*, et al., L-43880, 81 SCRA 712; *Mercado vs. WCC*, et al., L-45834, 81 SCRA 730.

[6] p. 12, WCC records.

[7] *Delgado Brothers, Inc. vs. WCC*, et al., L-42753, 75 SCRA 343; *Despe vs. WCC*, et al., L-42828, 75 SCRA 350; *Gomez vs. WCC*, et al., L-43617, 75 SCRA 395; *Baterna vs. WCC*, et al., L-43932, 75 SCRA 409; *Buenaventura vs. WCC*, et al., L-42835, 76 SCRA 485; *Evangelista vs. WCC*, et al., L-43572, 77 SCRA 497; *Romero vs. WCC*, et al., L-42617, 77 SCRA 482; *Vda. de Flores vs. WCC*, et al., L-43316, 78 SCRA 17; *Cuyno, Jr. vs. WCC*, et al., L-44271, 79 SCRA 100; *Galindez, et al. vs. WCC*, et al., L-43058, 79 SCRA 332; *Ilingan vs. WCC*, et al., L-40174, 79 SCRA 345; *Lopez vs. WCC*, et al., L-42562, 79 SCRA 551; *Lorenzo vs. WCC*, et al., L-42631, 81 SCRA 434; *Mercado vs. WCC*, L-45834, 81 SCRA 730

[8] L-43203, 77 SCRA 305. See also *Caling vs. WCC*, et al., L-43309, 77 SCRA 309; *Evangelista vs. WCC*, et al., L-43572, 77 SCRA 497; *Romero vs. WCC*, et al., L-42617, 77 SCRA 482; *Ybañez vs. WCC*, et al., L-44123, 77 SCRA 501; *Lorenzo vs. WCC*, et al., L-42631, 81 SCRA 434; *Mercado vs. WCC*, et al., L-45834, 81 SCRA

730.

[9] L-41816, 73 SCRA 623.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.