

ODON CRUZ CUETO, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND THE REPUBLIC OF THE PHILIPPINES (BOARD OF LIQUIDATORS), RESPONDENTS.

G.R. No. L-43539. August 31, 1978

Ponente: MUÑOZ PALMA, J.

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MUÑOZ PALMA, J.:

This case involves a situation wherein We are constrained to hold the legal posture of the Solicitor General, as counsel for the employer, Board of Liquidators, Republic of the Philippines, untenable and devoid of merit.

Odon Cruz Cueto was employed with the Board of Liquidators since November 24, 1951, where he served in various capacities from Bookkeeper, Assistant Attorney, Liquidator I, to Liquidator II until he was compelled to leave the government service on March 27, 1974 due to a cerebral stroke which rendered him totally and permanently disabled to work. At the time of his forced retirement, Cueto was receiving an annual salary of P10,216.80.[1]

On May 3, 1974, Cueto filed with Regional Office No. 4, Department of Labor, a "notice of sickness and claim for compensation" against the Board of Liquidators wherein he stated that he stopped working on March 27, 1974 by reason of an attack of "cerebral thrombosis, hypertension, arteriosclerosis" which supervened in the course of his employment.[2]

A notice concerning the filing of the claim was sent to the Chairman of the Board of Liquidators and to the Solicitor General copies of which were received on May 29, 1974, and on June 14, 1974, a controversion was filed in behalf of the employer by Assistant Solicitor General Hector C. Fule.[3] The case was then set for hearing with notice to the parties.

To support his claim, Cueto submitted the following:

a) service record showing his service with the Board of Liquidators from 1951;[4]

b) statement of the duties attendant to the position of Liquidator II;[5]

c) report of Dr. Alejandro A. Cruz who attended to Cueto on March 27, 1974 when the latter suffered an attack and was rushed to the ABM Sison Hospital where he was confined for a few days until he was transferred to St. Luke's Hospital;[6]

d) record of St. Luke's Hospital showing that Odon Cruz Cueto was brought to that hospital in an ambulance

late in the afternoon of April 5, 1974, and was attended to by Dr. Velasco and Dr. Gatchalian whose diagnosis showed that the patient suffered "coronary thrombosis, cerebrovascular accident, with right-sided hemiplegia-paralysis affecting the right side of the body - and aphasia resulting in impairment of his speech;[7] and

e) receipts substantiating the expenses for medicines and hospitalization, etc. of the claimant.[8]

On April 14, 1975, Acting Referee Ignacio V. Valera rendered a decision on the basis of claimant's evidence granting the maximum disability compensation of P6, 000.00, reimbursement of medical expenses in the amount of P12,071.13, and P300. 00 as attorney's fee.[9] A motion for reconsideration was filed by the Office of the Solicitor General disputing the aforementioned amount of P12,071.13 on the ground that the receipts were not submitted to the Compensation Medical Rating Officer for evaluation. The motion sought the following relief:

"WHEREFORE, it is respectfully prayed that the decision dated April 14, 1975 be reconsidered insofar as reimbursement of medical expenses is concerned and an order be issued denying the claim for reimbursement of said expenses unless they are submitted to the Compensation Medical Rating Officer of the region for evaluation.

"Respondent further prays that in the event of denial of this motion the records of this case be elevated to the Workmen's Compensation Commission for review." (pp. 17-18, WCC record; underline supplied)

Acting on this motion for reconsideration, the claim for medical expenses was referred to the Compensation Medical Rating Officer and as a result an award was made on October 30, 1975 by referee Valera reducing the medical expenses to P3,098.02.[10]

Having received copy of the award of October 30, 1975, respondent Board of Liquidators through Assistant Solicitor General Santiago M. Kapunan filed a "Motion to Set Aside Decision" alleging that the regional office had not acquired jurisdiction over respondent employer as no service of process was made upon the Solicitor General.[11]

On January 9, 1976, Assistant Chief of Section Danilo L. Reynante denied the foregoing motion for reconsideration of the decision of October 30, 1975, and forwarded the record of the case to the Workmen's Compensation Commission for review.[12]

On February 11, 1976, the Commission modified the referee's decision by reducing the disability compensation from P6,000 to P255.40 and the reimbursement for medical expenses from P3,098.02 to P2,718.85. (pp. 7-8, *ibid.*)

In this Petition for Review, Cueto strongly argues that respondent Commission acted without or in excess of jurisdiction when it rendered its decision of February 11, 1976, on the ground that by that time the referee's award of April 14, 1975, granting him disability compensation as well as the referee's decision of October 30, 1975 awarding reimbursement for medical expenses had become final and executory. Claimant, now petitioner, submits that after Referee Valera had rendered his decision of April 14, 1975 granting him disability compensation in the amount of P6,000.00 and reimbursement for medical expenses in the sum of P12,071.13 plus attorney's fee, the motion for reconsideration filed by Assistant Solicitor General Hector Fule disputed only that portion of the decision concerning reimbursement for medical expenses and as a consequence the award for disability compensation became final for lack of an objection thereto.

On the other hand, the Solicitor General in his comment on this Petition for Review asserts that when the case was elevated to the Commission en Banc, the claim was thrown open for a re-examination of the entire findings of the referee, and that the Commission had jurisdiction to modify or set aside the referee's award on disability compensation, as well as, on the reimbursement for medical expenses.

As stated in the beginning of this Decision, We find this submittal of the Solicitor General untenable and without merit.

It is a fact borne out by the records that upon receipt of the referee's decision of April 14, 1975, Assistant Solicitor General Fule filed a motion for reconsideration specifically praying that the said decision be reconsidered only in so far as reimbursement of medical expenses was concerned. The motion did not dispute the validity of the award of P6,000.00 as disability compensation. In fact, the subsequent decision of the referee of October 30, 1975, covered solely the reimbursement for medical expenses pursuant to the motion of Assistant Solicitor General Fule.

The reason for Fule's action was understandable. He was convinced, and rightly so, of the merits of the award for disability compensation granted to Cueto on the basis of the incontrovertible evidence that the latter did suffer a cerebral stroke which caused the paralysis of the right side of his body and impairment of his speech resulting in his forced retirement.

While it is the rule in criminal cases that an appeal throws open the entire case for review so that the imposed penalty may either be set aside, reduced or increased by the appellate court,[13] that is not so in proceedings before the Workmen's Compensation Commission.

Sec. 49 of the Workmen's Compensation Act expressly provides:

"Sec. 49. Procedure. - xx xx xx

"Any party in interest who is dissatisfied with the order entered by the referee may petition to review the same and the referee may re-open said case, or may amend or modify said order, and such amended or modified order shall be a final award unless objection be made thereto by petition for review. In case said referee does not amend or modify said order, he shall refer the entire case to the Commissioner, who shall thereupon review the entire record in said case, and, in his discretion, may take or order the taking of additional testimony, and shall make his findings of facts and enter his award thereon. The award of the Commissioner shall be final unless a petition to review same shall be filed on an interested party. Every petition for review shall be in writing and shall specify in detail the particular errors and objections. Such petition must be filed within fifteen days after the entry of any referee's order or award of the Commissioner unless further time is granted by the referee or the Commissioner within said fifteen days." (*italics Ours*)

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Note that the aforequoted provision expressly requires that every petition for review, and this would apply necessarily to a motion for reconsideration, shall specify in detail the particular errors and objections. From that it is clear that matters not objected to acquire finality in character and can no longer be the object of review by the Commission en banc.

The principle laid down in *Ruelan vs. Republic of the Philippines*, 1976, per Teehankee, J., is applicable to the

instant case, although the circumstances there are in a manner different. In Ruelan, the Workmen's Compensation Commission granted disability compensation to the claimant, Eufonio Ruelan, in the amount of P3, 639.16, and not satisfied with said amount claimant moved for a reconsideration. The employer however did not question the award. Claimant appealed to the Commission en banc and the latter, instead of limiting itself to the issue raised on appeal of the greater amount of compensation sought by petitioner Ruelan, entirely reversed the decision and absolved the employer from all liability. The employee came up to this Court, and We held that respondent Commission acted arbitrarily, unreasonably and whimsically in reversing the award when the only issue for review by the Commission was the correct amount to be awarded as disability compensation and that as to the question of the compensability of petitioner's illness, the same was no longer in issue.[14]

The second argument of petitioner-claimant — that the award for medical expenses subject of referee's decision of October 30, 1975 was final and executory — is with legal basis. Although copy of the referee's award of October 30, 1975 was received by the Office of the Solicitor General on November 17, 1975, no motion for reconsideration was filed within 15 days from notice; instead, counsel for respondent employer filed on December 5, 1975, a "Motion to set aside decision" which was by then too late.

Furthermore, respondent employer's "Motion to set aside decision" had no standing as a valid petition for relief, which under the Rules of the Commission could be filed within 30 days from notice and not more than 3 months after the rendition of the award, simply because that pleading was predicated on a misapprehension of facts, to say the least. The motion stated that the Regional Office did not acquire jurisdiction over respondent employer because copy of the notice or claim for compensation was not furnished the Office of the Solicitor General. That is incorrect. The original records of the case bear out, and We shall repeat, that on May 29, 1974, copy of the notice of the filing of the claim sent by Regional Office No. 4 was received by the Office of the Solicitor General; that Assistant Solicitor General Hector Fule filed on June 14, 1974 his notice controverting the claim; that notices for the hearing of the case were sent to the Solicitor General as well as to the claimant;[15] and that one Atty. Vicente Evangelista appeared for respondent employer at the hearings.[16] We are therefore constrained to state and hold that the employer's "Motion to set aside decision" was a mere scrap of paper which did not validly confer jurisdiction on respondent Commission to review a final award of the hearing officer.

WHEREFORE, We set aside the decision of respondent Commission and on the basis of the referee's decision of April 14, 1975, and that of October 30, 1975, the Republic of the Philippines (Board of Liquidators), is hereby ordered to pay:

1. Claimant ODON CRUZ CUETO the sum of SIX THOUSAND PESOS (P6,000.00) as disability compensation plus THREE THOUSAND NINETY-EIGHT PESOS & 2/100 (P3,098.02) as reimbursement for medical expenses, or a total of NINE THOUSAND NINETY-EIGHT PESOS & 2/100 (P9,098.02);
2. Atty. Isabelo Barredo SIX HUNDRED PESOS (P600.00) as attorney's fee for the hearing below and this appeal; and
3. To the Workmen's Compensation Fund SIXTY-ONE PESOS (P61.00) as administrative fee.

SO ORDERED.

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

Makasiar, J., concurs in a separate opinion.

[1] p. 34, WCC record

[2] p. 113, *ibid.*

[3] p. 108, *ibid.*

[4] p. 34, *ibid.*

[5] p. 35, *ibid.*

[6] p. 114, *ibid.*

[7] pp. 26-32, *ibid.*

[8] pp. 43-94, *ibid.*

[9] pp. 19-22, *ibid.*

[10] p. 9, *ibid.*

[11] pp. 39-40, *ibid.*

[12] p. 14, *ibid.*

[13] Moran, Rules of Court, 1970 Ed., Vol. 4, p. 354

[14] 70 SCRA 615

[15] p. 107, WCC record

[16] pp. 97-104, *ibid.*

SEPARATE CONCURRING OPINION

MAKASIAR, J.:

I concur with the additional opinion that the respondent employer should likewise be directed to provide the claimant with such medical, surgical and hospital services as well as appliances and supplies as the nature of his disability and the progress of his recovery may require and which will promote his early restoration to the maximum level of his physical capacity. It is my consistent view that the provisions of Section 13 of the Workmen's Compensation Act, as amended, and Article 184 of the New Labor Code, as amended, confer such right on the disabled employee, whether his disability is temporary or permanent. This is in compliance with the social justice guarantee of both the 1935 and 1973 Constitutions and in obedience to the directive of Article 4 of the New Labor Code that "all doubts in the implementation and interpretation of the provisions of this Code, including its implementing rules and regulations, shall be resolved in favor of labor", which is a re-statement of existing jurisprudence as well as Article 1702 of the New Civil Code. To limit such right to a temporarily disabled employee would inflict gross injustice on those permanently disabled, who still need to be relieved from the pain, trauma, social ostracism or humiliation generated by such permanent disability.

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