

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. PATROCINIO POLLOSCO AND WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. L-29540. March 27, 1981

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition for certiorari to review the decision of the Workmen's Compensation Commission in R04-WCC-Case No. 91, entitled "Patrocinio Pollosco, Claimant vs. Republic of the Philippines (Bureau of Public Highways), Respondent", affirming the decision of the Acting Referee in Regional Office No. 4, Quezon City Sub-Regional Office, Workmen's Compensation Commission but modifying said decision by increasing the disability compensation to P4,000.00.[1]

The claimant, Patrocinio Pollosco, was an employee of the Bureau of Public Highways. When he was already 63 years old, he ceased to work because he contracted pulmonary tuberculosis during his employment. He filed a claim for disability and medical benefit with Regional Office No. 4, Quezon City Sub-Regional Office, Department of Labor.

The Acting Referee rendered a decision dated December 29, 1966, the dispositive portion of which reads:

"WHEREFORE, judgment is hereby rendered ordering respondent to pay claimant, through this Office, the following amounts in lump sum:

1. TWO THOUSAND ONE HUNDRED ONE & 84/100 PESOS (P2,101.84) as disability compensation; and
2. FIVE THOUSAND ONE HUNDRED PESOS (P5,100.00) as for reimbursement of medical expenses.

"Respondent is further ordered to pay direct to this Office the sum of TWENTY TWO PESOS (P22.00) as administrative fee pursuant to Section 55 of the Act.

"SO ORDERED.

"Quezon City, Philippines, December 29, 1966."[2]

On January 13, 1967, the Republic of the Philippines (Bureau of Public Highways), petitioner herein, filed with the Workmen's Compensation Commission, Regional Office No. 4 at Quezon City Sub-Regional Office, a motion for reconsideration of the decision of the Acting Referee, only with respect to the award to the claimant of the sum of P5,100.00 as reimbursement of medical expenses, on the ground that the penultimate paragraph of Section 13 of Act 3428, as amended by Republic Act 4119 was not complied with, but not with respect to the compensability of the claim nor the amount of disability compensation awarded to the said respondent.[3]

On January 16, 1967, the private respondent Pollosco, filed a motion for partial execution of the decision of the Acting Referee dated December 29, 1966, as regards the disability compensation awarded to the claimant. Acting

on said motion, the Chief of Section of Regional Office No. 4 issued an order dated January 18, 1967 directing the petitioner to pay unto the respondent Pollosco the sum of P2,101.84 as disability compensation.

On January 17, 1967, Acting Referee Pedro P. Pelaez issued an Order forwarding to the Workmen's Compensation Commission the entire records of the case for review.[4]

The Workmen's Compensation Commission, through one of its Commissioners, rendered a decision, the dispositive portion of which reads:

"WHEREFORE, the decision sought to be reviewed is affirmed and the respondent is hereby ordered:

1. To pay claimant thru this Commission the sum of FOUR THOUSAND PESOS (P4,000.00) as compensation under Sections 14 and 15 of Act 3428, as amended;
2. To reimburse the claimant the sum of EIGHT HUNDRED SEVENTY FIVE PESOS (P875.00) for medical expenses he incurred for his compensable illness of tuberculosis and to provide him with whatever medical assistance he may need until his illness is pronounced arrested or cured by competent authority under Section 13 of Act No. 3428, as amended;
3. To pay attorney's fees in the sum of P400 under Section 30 of Act No. 3428, as amended; and
4. To pay the Workmen's Compensation Fund the sum of FORTY-SIX PESOS (P46.00) (plus P5.00 cost of the review) as fees under Section 55 of Act No. 3428, as amended.

"SO ORDERED.

"Quezon City, May 31, 1968."[5]

The motion for reconsideration of the petitioner was denied by the Workmen's Compensation Commission en banc.[6]

The petitioner assigned the following errors:

"I

"THE COMMISSION EN BANC ERRED IN MODIFYING THE DECISION DATED DECEMBER 29, 1966 OF ACTING REFEREE PEDRO P. PELAEZ AND IN ORDERING THE PETITIONER TO PAY RESPONDENT POLLOSCO THE TOTAL SUM OF P4,000.00 WHEN THE SAID DECISION HAD BECOME FINAL AND EXECUTORY.

"II

"THE COMMISSION EN BANC ERRED IN DISREGARDING THE RULING LAID DOWN BY THIS HONORABLE COURT IN THE CASE OF HERNANDEZ VERSUS WORKMEN'S COMPENSATION COMMISSION, ET AL., G.R. NO. L-20202, MAY 31, 1965."[7]

It is a fact that no appeal was taken either by the petitioner or the private respondent Patrocinio Pollosco from the decision of the Acting Referee as regards that portion ordering the petitioner to pay the claimant, Patrocinio Pollosco, the amount of P2,101.84 as disability compensation. Indeed the claimant had asked for the execution of said portion of the decision and the petitioner was directed to pay the private respondent Pollosco the sum of P2,101.84.

The award for disability compensation having become final and executory, the same may not be modified by the Workmen's Compensation Commission.

In *Carreon vs. Workmen's Compensation Commission*,^[8] this Court said:

"In *Vitug vs. Republic*, (L-44890, Feb. 28, 1977), we once again reaffirmed our ruling in *Ramos vs. Republic*, 69 SCRA 576 (Feb. 27, 1976), that '(the) basic rule of finality of judgments is applicable indiscriminately to one and all and regardless of whether respondent employer be a public or private employer, since the rule is grounded on fundamental considerations of public policy and sound practice that at risk of occasional error, the judgment of courts and award of quasijudicial agencies must become final at some definite dated fixed by law."

The Workmen's Compensation Commission, therefore, clearly erred in modifying the award by increasing the amount to P4,000.00.

Moreover, the computation of the award of P2,101.84 by the Acting Referee is correct. He computed the amount thus:

"The claimant having been shown to have been disabled for labor as a result of his illness and was by reason thereof compelled to retire prematurely at the age of 63 years, 2 years away from the compulsory retirement age of 65 years, he is entitled to disability compensation for two (2) years and reimbursement of expense for medical supplies and services since the requirements of notice of the illness and corresponding treatment has been substantially complied with.

"Under Sections 14 and 15 of Act 3428 as amended, having been totally and permanently disabled for labor, and in the light of the rule laid down by the Supreme Court in the case of *Hernandez vs. W.C.C. et al.*, G.R. NO. L-20202, May 31, 1965, claimant is entitled to disability compensation in an amount equivalent to 60% of his average weekly wage for a maximum period of two (2) years, or 104 weeks, the aggregate amount not to exceed P4,000.00. By the evidence his last rate of pay was P146.00 a month or P1,752.00 per annum (P1,752.00 divided by 52 equals P33.69) 60% of which is P20.21 for 104 weeks, gives P2,101.84 as disability compensation."^[9]

In *Ciriaco Hernandez vs. Workmen's Compensation Commission, et al.*, G.R. NO. L-20202, May 31, 1965,^[10] this Court said that compensation payments premised on loss or impairment of earning, capacity due to illness cannot extend beyond the compulsory retirement date of an employee.

The award of P2,101.84 to the private respondent will not be deducted from the gratuity which he was entitled to receive when he reached the age of 65 years. Anent this matter, the petitioner states in its brief:

"Respondent Commission's differentiation between the Workmen's Compensation Law and the Retirement Law is beside the point. Petitioner admits that the purposes of the said laws are different. Petitioner does not deny also that respondent Pollosco is entitled both to the benefits of the Workmen's Compensation Law and the Retirement Law. In the first instance, because he contracted illness in the course of his employment with petitioner and in the second, because he applied for retirement under the Retirement Law. In the case at bar, petitioner does not contend that any benefit which respondent Pollosco will receive under the Workmen's Compensation Act, as amended, should be deducted from the benefit which he would receive as gratuity and therefore diminishes his compensation under the Workmen's Compensation Law."^[11]

The Workmen's Compensation Commission also erred in the computation of the disability benefit to be awarded to the private respondent.

WHEREFORE, the portion of the decision dated May 31, 1968 of the Workmen's Compensation Commission ordering the petitioner to pay respondent Pollosco the sum of P4,000.00 as disability compensation is hereby set aside and the decision dated December 29, 1966 of Acting Referee Pedro P. Pelaez ordering petitioner to pay respondent Pollosco the sum of P2,101.84 as disability compensation is affirmed.

SO ORDERED.

Teehankee, (Chairman), Guerrero, De Castro, and Melencio-Herrera, JJ., concur.
Makasiar, J., no part.

[1] Annex "E", Rollo, pp. 19-42.

[2] Rollo, p. 14.

[3] Brief for the Petitioner, p. 3.

[4] Idem., pp. 3-4.

[5] Rollo, p. 22.

[6] Rollo, pp. 24-25.

[7] Brief for the Petitioner, pp. 1-2.

[8] 77 SCRA 297, 300.

[9] Annex "A", Rollo, pp. 13-14.

[10] 14 SCRA 219.

[11] Brief for the Petitioner, p. 9.

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