

## DOMINGO VALLO, PETITIONER, VS. THE WORKMEN'S COMPENSATION COMMISSION AND THE REPUBLIC OF THE PHILIPPINES, RESPONDENTS.

*G.R. No. L-41816. October 29, 1976*

Ponente: MUÑOZ PALMA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7a5b54530314/>

---

### MUÑOZ PALMA, J.:

Petitioner, an elementary school teacher in the Division of City Schools, San Carlos City, Pangasinan, filed on April 19, 1974, a "notice of sickness and claim for compensation"[1] accompanied with a report of Dr. Juan C. Lomibao, dated March 15, 1974, attesting that petitioner was sick of pulmonary tuberculosis incurred since November 15, 1973 which incapacitated him for work and necessitated treatment for an indefinite period of time.[2]

On October 21, 1974, petitioner's claim was dismissed by Hearing Officer Adriano Pasaoa who stated:

"x x x The records show that this claim was received in this Office on April 19, 1974 or after the lapse of three (3) months and sixteen (16) days, hence, claimant's cause of action has already prescribed and furthermore, Mr. Vallo has not shown any interest by appearing in this Office from the time he filed the instant claim." (Annex "C", p. 15, rollo) (Italics supplied)

On November 5, 1974, a motion for reconsideration was filed by petitioner, but the same was denied, hence, the record of the case was elevated to the Workmen's Compensation Commission for Review. The Commission rendered its decision on August 18, 1975, thus:

"We affirm the dismissal order, not on grounds of prescription but for reasons hereinunder discussed.

"The only medical proof upon which this instant claim is based is a physician's report issued by Dr. Juan C. Lomibao, dated March 15, 1974. This report, standing alone, can hardly be considered as substantial evidence to prove the illness of pulmonary tuberculosis. To prove this, he should have presented an x-ray examination result, or a photo-fluorography in addition to the physician's report. For claims under the Workmen's Compensation Act, as amended, to prosper, the required quantum of evidence should be met by the claimant. It is a sad thing that the claimant in this case has failed to do this. We can not supply the missing proof, much as we want to help the working man." (p. 18, rollo)

Petitioner's motion for reconsideration having been denied, he is now before Us seeking a reversal of the afore-quoted decision.

For palpably obvious reasons, the decision of respondent Commission is to be set aside.

1. The oft-repeated rule that a claim for compensation is presumed compensable under the provisions of the Workmen's Compensation Act is undoubtedly applicable to the instant case.[3]

In the words of then Justice Conrado Sanchez in *Industrial Textile Mfg. Co. of the Philippines vs. Florzon, et al.*,

the law presumes in the absence of substantial evidence to the contrary that a claim is compensable, and so rigid is the rule that even where the cause of death is unknown the right to compensation subsists, the reason being that the Workmen's Compensation Act is a social legislation designed to give relief to the working man.[4]

Jacob vs. Workmen's Compensation Commission, et al ., one of the most recent cases decided by this Court is squarely in point. Jacob was also a schoolteacher who became afflicted with pulmonary tuberculosis and whose claim for compensation was dismissed for insufficiency of evidence for lack of an x-ray report or laboratory findings to corroborate the physician's report and certification. We set aside the dismissal and awarded compensation under the settled jurisprudence that when an illness supervened during the course of employment there is the presumption that the same arose out of or was at least aggravated in the course of the employment, and that this legal presumption can be overthrown only by substantial evidence to the contrary, and here there was none.[5]

In the case of petitioner Vallo, he developed tuberculosis of the lungs while working as a public elementary school teacher in San Carlos City and had to stop teaching due to his ailment which needed constant treatment for an indefinite period of time. The physician's report stated that petitioner underwent strenuous work, teaching at daytime and preparing lesson plans at night, and supervising the gardening of the school children all of which caused or aggravated his illness. The medical report of Dr. Juan C. Lomibao, a duly licensed practicing physician of the San Carlos Medical & Surgical Clinic, San Carlos City, is sufficient evidence to establish the nature of the illness of petitioner. Under Sec. 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.[6] And as stated earlier, in the case of Jacob, the Court categorically held that an x-ray or some other laboratory report is not an indispensable prerequisite to compensation.

2. There is nothing in the record to show that petitioner's claim was ever controverted by his employer, the government, more particularly, the Bureau of Public Schools.

Petitioner's position is strengthened by the non-controversion of petitioner's claim notwithstanding the notice to the Bureau of his ailment which caused him to retire prematurely from the service, that is, even before reaching the compulsory age of retirement. It is an equally well-settled rule that failure to controvert results in the loss of non-jurisdictional defenses and an ultimate admission of compensability.[7] Notice was given on January 3, 1974. (p. 2, orig. record)

In Dinaro vs. Workmen's Compensation Commission and Republic of the Philippines, this Court through Justice Claudio Teehankee in quite emphatic language stated that it is inexplicable why the Workmen's Compensation Commission failed to apply the express mandate of Section 45 of the Workmen's Compensation Act which requires the employer, if it desires to controvert the right to compensation, to do so within fourteen days from disability or within ten days after the employer had knowledge of the alleged accident, and to issue outright an award, since a failure to controvert is a renunciation of the right to claim and a waiver of all non-jurisdictional defenses and there is nothing that the employer can legally prove in relation thereto.[8]

3. Finally, there is no merit to the Solicitor General's contention in his Comment that the Hearing Officer correctly dismissed petitioner's claim for having been filed beyond the reglementary period of two months as required in Section 24 of the Workmen's Compensation Act.

This is not the first time that such a defense of prescription has been raised by the employer, and in Manila Railroad Co. vs. Perez and the Workmen's Compensation Commission, the Court through then Justice, later Chief Justice, Roberto Concepcion, ruled that the failure to file the claim within the period provided in the aforementioned Sec. 24 does not affect the jurisdiction of the Commission to entertain said claim, and that

compensation under the Workmen's Compensation Act as amended is a liability vested by statute which prescribes in ten years pursuant to Article 1144 (2) of the Civil Code.[9] The rule is especially true where there is no showing that the employer sustained damage as a result of the delayed filing of the claim.[10]

In addition, the failure of the respondent Republic (Bureau of Public Schools) to dispute as non-compensable the illness of petitioner Vallo after the latter had filed his application for optional retirement by reason of his lung ailment, constitutes a forfeiture of non-juris-dictional defenses such as non-compensability of injuries and prescription.[11]

Decisions such as that rendered by respondent Commission in the instant case, and the arguments advanced in support thereof, u the applicable provisions of the Workmen's Compensation Act and long-settled jurisprudence on the matter into empty rhetoric rather than into living truths.

IN VIEW OF THE FOREGOING, and without need of returning this case for further proceedings, the decision under review is set aside, and respondent Republic of the Philippines (Bureau of Public Schools) is ordered to pay Domingo Vallo by way of compensation the maximum amount of Six Thousand (P6,000.00) Pesos, plus Two Hundred (P200.00) Pesos as attorney's fees.

**SO ORDERED.**

Teehankee, (Chairman), Makasiar, Concepcion, Jr., and Martin, JJ., concur.

---

[1] p. 12, rollo.

[2] p. 13, *ibid*.

[3] Sec. 44, Workmen's Compensation Act;

A.D. Santos, Inc. vs. De Sapon, et al., L-22220, April 29, 1966, 16 SCRA 791, citing *Naira vs. WCC*, G.R. No. L-18066, Oct. 30, 1962, 6 SCRA 361. *MRR vs. WCC*, L-21504, Sept. 15, 1967, 21 SCRA 98; *Central Azucarera vs. Agno*, L-20424, Oct. 22, 1964, 12 SCRA 178 citing *Agustin vs. WCC*, L-19957, Sept. 29, 1964, 12 SCRA 55; *Justiniano vs. WCC*, L-22774, Nov. 21, 1966, 18 SCRA 677; see also *Maria Cristina Fertilizer Corp. vs. WCC*, L-29998, Oct. 21, 1974, 60 SCRA 228, 232. *Reynaldo vs. Republic of the Philippines & WCC*, L-43108 June 30 1976.

[4] L-21969, August 31, 1966, 17 SCRA 1104.

[5] L-43302, August 31 1976; *Talip vs. WCC*, et al., L-42574, May 31, 1976.

[6] *National Development Co. vs. Raymundo and Workmen's Compensation Commission*, L-21724, April 27, 1967, 19 SCRA 861, 864.

[7] *General Shipping Co., Inc. vs. Workmen's Compensation Commission*, et al., 109 Phil. p. 60, per Labrador, J., citing *Victoria's Milling Co., Inc. vs. Workmen's Compensation Commission*, et al., L-10533, May 13, 1957 and *Tan Lim Te vs. Workmen's Compensation Commission*, et al., 104 Phil. 522; *La Mallorca vs. Workmen's Compensation Commission*, L-29315, Nov. 28, 1969, 30 SCRA 613, 619 per Fernando, J., citing *Bachrach Motor Co. vs. Workmen's Compensation Commission*, 99 Phil. 238 and many others; *Dangue vs. Franklin Baker Co. of the Philippines*, 107 Phil. 1083; *Laron vs. Workmen's Compensation Commission and Republic of the Philippines*, L-43344, Sept. 29, 1976 per Muñoz Palma, J.

[8] L-42457, March 31, 1976, 70 SCRA 292, 295-296; see *Security Services Unlimited Inc. vs. Workmen's*

Compensation Commission, et al., per Esguerra, J., 69 SCRA 269.

[9] L-20171, June 29, 1965, 14 SCRA 504, 510, citing Victorias Milling Co. vs. WCC, L-10533, May 13, 1957; Century Insurance Co. vs. F.A. Fuentes, L-16039, August 31, 1961; Luzon Stevedoring Co. vs. de Leon, L-9521, November 28, 1959.

[10] National Development Co. vs. WCC & Raymundo, per Regala, J., L-21724, April 27, 1967, 19 SCRA 861.

[11] Luzon Stevedoring Corp. vs. WCC & Vda. de Rosano, L-27588, April 28, 1969, 27 SCRA 1132, 1141. See National Development Co. vs. WCC & Raymundo, *supra*, wherein the employer failed to controvert the claim notwithstanding its having paid gratuity retirement to the employee by reason of the latter's illness of tuberculosis.

**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.