

EARNSHAW'S DOCKS & HONOLULU IRON WORKS, PETITIONER, VS. DOMINGO SORTIJAS AND THE IS WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. L-29375. September 05, 1975

Ponente: ESGUERRA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7abde5ac8b9f/>

ESGUERRA, J.:

Petition to review by certiorari the decision en banc of the Workmen's Compensation Commission (WCC) in WC Case No. RO4-4683, entitled "Domingo G. Sortijas, claimant versus the Earnshaws Docks and Honolulu Iron Works (Honiron Philippines Inc.), respondent," which modified the decision of Acting Referee Claro Q. Riego de Dios in RO4-WC Case No. 4683, between the same parties, holding the defendant liable in favor of claimant for "the sum of Two Thousand Pesos (P2,000.00) as due disability compensation benefits, and to pay this Office the sum of Sixty-one Pesos (P61.00), as fee, pursuant to Section 55 of the Act, as amended." The WCC decision's dispositive portion reads as follows:

"Wherefore, subject to the foregoing modifications, the decision appealed from should be, as it is hereby affirmed and respondent ordered —

- To pay the claimant the amount of Five Thousand Eight Hundred Forty-Two Pesos and 70/100 (P5,842.70), in one lump sum and the amount of Thirty-One Pesos and 30/100 (P31.10) as weekly compensation beginning March 1, 1968, provided that the aggregate sum thereof (P5,842.70 plus weekly compensation) does not exceed the amount of P6,000;

- To pay the claimant's legal counsel the amount of Five Hundred Eighty-Four Pesos and 27/100 (P584.27) (P5,842.70 x .10 the allowable rate in appealed cases) and ten per cent (10%) of such weekly compensation which the respondent is hereafter bound to remit to the claimant, as attorney's fees; and

- To pay the Workmen's Compensation Commission the amount of Sixty Four Pesos (P64.00) (P59.00 as decision fee plus P5.00 as costs of this review), as administrative fees pursuant to Section 55 of the Act. as amended.

So ordered."

Petitioner seeks to set aside the foregoing decision of the respondent Workmen's Compensation Commission on the following alleged errors committed:

- The Workmen's Compensation Commission erred in deviating from the pleadings filed by the parties, in deciding issues not raised by the appeal and in granting a relief which is not and has never been sought for;
- The Workmen's Compensation Commission erred in holding that the recurrence of an illness chronic in nature constitutes a new and separate cause of action for which an employee should be compensated anew;
- Assuming that such recurrence of a chronic illness constitutes a new and separate cause of action, the

Workmen's Compensation Commission erred in granting the employee, respondent Domingo Sortijas in this case, compensation in the absence of a claim or complaint specifically seeking to recover or demanding such compensation as the appropriate relief;

- The Workmen's Compensation Commission erred in holding that the law which should govern the right of respondent Domingo Sortijas to receive compensation from petitioner for the disability he has incurred as a result of his illness of pulmonary tuberculosis is Republic Act No. 4119 and not the Workmen's Compensation Law prior to its amendment. Accordingly, the Workmen's Compensation Commission erred in not holding that petitioner has fully discharged its obligation to respondent Domingo Sortijas under the applicable Workmen's Compensation Law when it paid said respondent the full amount of P4,000.00, the maximum allowable compensation."

Undisputed facts as stated in respondent Workmen's Compensation Commission's Decision of February 29, 1968 are:

"Domingo Sortijas, records disclose, was since 1946 employed by the respondent firm as steelworker with a last known salary of P8.64 a day. In 1952 he was found afflicted with tuberculosis which prevented him from working up to April 1964. Apparently cured of his illness, he returned to work on July 14, 1964, only to be on leave again ten days thereafter or on July 25, 1964, because the ailment had recurred. And finding him unfit, by reason of said illness, to continue performing his assigned work, Sortijas was permanently separated from the service on March 12, 1965. He, however, received on account thereof, in addition to his separation pay, the total amount of P4,000.00 (P2,886.11 plus P1,113.89) as disability benefit under the Workmen's Compensation Act, as amended, on June 23, 1965, after executing an instrument (Release and Waiver) releasing the respondent from any further liability, including the medical benefit, under the Act.

"On December 27, 1965, records further disclose, Sortijas who still claims to be afflicted with the disease lodged a formal complaint against the respondent for the recovery of the sum of P2,472.74, as balance of the compensation due him and reimbursement of the medical expenses in the amount of P200.00 plus attorney's fees and costs. On February 2, 1966 the respondent moved for the dismissal of said complaint on the ground that the claimant had already been paid the maximum compensation of P4,000.00 and his right to medical benefits had been waived by him when he executed the aforementioned instrument of waiver. Said motion, was, however, denied by the referee who set the case for hearing on the merit, after the respondent had filed its answer. On May 11, 1966, a decision was rendered by same official sustaining the claimant's right to recover the balance of P2,000 for the reason that under RA 4119 which amended the Act on June 20, 1964, the maximum compensation is P6,000.00, but denying in the same breath the latter's demand for medical expenses on the ground of waiver. And failing to have said decision reconsidered, the respondent has interposed the present appeal.

"No question of compensability is involved in this case for the same has all the while been admitted by the respondent. The question posed to us, however, is which law should apply to the case at bar Act 3428, as amended by RA 772 which provides for a maximum compensation of P-4,000 or the same Act, as amended by RA 4119 which provides for a maximum of P6,000?" (Appendix "A" hereof, pp. II-III)

"On the basis of the above recited facts, the Workmen's Compensation Commission overruled the contentions and arguments of both petitioner and respondent Domingo Sortijas and, departing from the issues raised by the parties, held —

"Let it be stated as a general principle that for every illness contracted and for every recurrence thereof a corresponding cause of action accrues in favor of the injured or sick employee. And by this is meant that a recurrence, or even a mere reactivation in some cases, of an illness gives rise to a cause of action distinct and separate from the cause of action brought about by the illness as originally contracted. And the law. Workmen's Compensation that is, applicable to such illness or recurrence thereof is that which is enforced at

the time the cause of action accrues.

"Sortijas was found afflicted with tuberculosis in 1952 and had since then been disabled for a work until July 14, 1964, when, apparently cured of his illness, he returned to work. Ten days thereafter or on July 24, 1964, his ailment recurred forcing him to be on leave again the following day and to be eventually separated from the service. It will thus be observed that there are two causes of action involved in this case. The first one accrued in 1952 when Sortijas was disabled for work because of the disease (PTB) and the second on July 25, 1964, when he again became disabled because of its recurrence. The first will have to be governed by the Workmen's Compensation Act, as amended by RA 772 which became effective on June 20, 1952, while the second by the same Act, as amended, by RA 4119 which took effect on June 20, 1964.

"We, therefore, say on the basis of the foregoing that for the disability covering the period from 1952 to July 13, 1964 (roughly 12 years or three times as much as the maximum period of 4 years the law has prescribed) claimant Sortijas is entitled to the maximum compensation of P4,000. Respondent paid him this amount on June 25, 1965. As far as his original disability, therefore, is concerned, he had been fully compensated. His second disability resulting from the reactivation of the disease accrued on July 25, 1964, hence, the law applicable is the Workmen's Compensation Act as amended by RA 4119 which provides for a maximum compensation of P6,000.

"Claimant's second disability on July 25, 1964, is up to the present (since it does not appear that his illness had already been cured or arrested) or a period of 187-6/7 weeks. Sixty per centum of his average weekly wage which was P51.84 ($P8.64 \times 6$) equals P51.10 and for 187-6/7 weeks, he is entitled for his second disability to the amount of P5,842.70 and to a weekly compensation of P51.10 beginning March 1, 1968, provided that the aggregate sum thereof (lump sum of P5,842.70 plus weekly compensation) does not exceed the amount of P6,000.

"The sum of P4,000 already paid to the claimant should not be deducted from the amount of P5,842.70 for while the latter refers to the second disability the former refers to the first or original disability, each (disability) having a different maximum of its own. To hold otherwise, as what the referee did, is to treat claimant's two distinct and separate disabilities as one — something which the records fail to reflect." (Appendix "A" hereof, pp. III-IV)

I

The appeal of petitioner from the decision of Acting Referee Claro Q. Riego de Dios in RO4-WC Case No. 4683 to respondent Workmen's Compensation Commission is predicated on the alleged error committed in giving P2,000.00 due disability compensation to claimant Sortijas, notwithstanding that claimant is entitled to a maximum compensation of P4,000 which he acknowledged to have already received from respondent employer. Respondent Workmen's Compensation Commission in its decision now under review ruled that for claimant's "disability covering the period from 1952 to July 13, 1964 (roughly 12 years or three times as much as the maximum period of 4 years the law has prescribed), claimant Sortijas is entitled to the maximum compensation of P4,000," and since this amount was already paid to claimant by the employer on June 25, 1966, this original disability had been fully compensated; that claimant's "second disability resulting from the reactivation of the disease accrued on July 25, 1964, hence, the law applicable is the Workmen's Compensation Act, as amended by R.A. 4119 which provides for a maximum compensation of P6,000."

The issue raised on appeal before respondent Workmen's Compensation Commission was the proper amount of disability compensation due to claimant Sortijas from employer Honiron (whether a maximum of P4,000 as provided by the Workmen's Compensation Act before its amendment by R.A. 4119, which took effect on June 20, 1964, or P6,000 as maximum, after the amendment). We cannot see any error or abuse of discretion committed by respondent Workmen's Compensation Commission when it discovered by itself that there were two compensable

disabilities under the Workmen's Compensation Act involved in this case. These are the first disability from 1952 to July 14, 1964, wherein the claimant was entitled to a maximum of P4,000 compensation (already paid to him) before the Workmen's Compensation Act was amended by R.A. 4119 on June 20, 1964, and the second disability resulting from reactivation of the disease accrued on July 25, 1964, when RA 4119 was already in full force and effect which allows a maximum of P6,000 compensation. Respondent Workmen's Compensation Commission's basis for its finding of facts, only applied the Workmen's Compensation Act, as amended, in determining the legal and proper disability compensation due the claimant, and when it did so, as it is its duty to do so, it merely followed its role as a quasi-judicial body in adjudicating claims brought before it in accordance with the applicable provisions of existing laws. The existence of the two disabilities, both compensable, were not noticed by both claimant and employer, or even if the latter noticed, it, the employer kept silent about it. Then respondent Workmen's Compensation Commission discovered *motu proprio* that two disabilities existed, both of which were compensable, it did not commit any abuse of discretion when it interpreted and applied the provision of the Workmen's Compensation Act in granting a correct amount of compensation to claimant just because claimant did not foresee that he was entitled to claim on two disabilities. For Us to require strict compliance with the rules of procedure and rule that quasi-judicial bodies must confine their consideration of the case strictly within what is included within the pleadings of the parties would be to defeat a noble purpose in the application of social legislation which is to alleviate the sufferings of those who have less in the material things of life. Adherence to strict technicalities in applying procedural rules are only intended to produce an orderly presentation of the issues involved in a litigation and should not be resorted to in order to defeat or suppress the substantial rights of the litigants. The relief given by respondent Workmen's Compensation Commission to claimant might not have been expressly sought by the claimant; it might not have been even foreseen by both parties, but said relief is in accordance with law and the facts, and We rule that to give it is not an abuse but rather an exercise of sound discretion.

II

On the question of whether or not there existed a second disability compensable under the law based on the undisputed facts of this case. We cannot deviate from the findings of facts clearly appearing in the decision of respondent Workmen's Compensation Commission, as concurred in by both parties in their respective briefs, that two compensable disabilities happened to claimant Sortijas, He was afflicted with tuberculosis in 1952 and had been disabled for work. For that disability he was entitled to disability compensation under the Workmen's Compensation Act, before it was amended by R.A. 4119, setting a maximum of P4,000 compensation and he received that amount. When he was apparently cured, Sortijas began working again with the petitioner's consent from July 14, 1964, until July 24, 1964, when his ailment recurred, forcing him to be separated from the service.

To Our mind, when petitioner reemployed claimant on July 14, 1964, it. did so realizing the risk of possible liability it might incur for disability compensation in favor of claimant because petitioner had knowledge that claimant as their employee was disabled because of his previous disease of tuberculosis incurred while he was working with his employer, that even if claimant appeared to have recovered from his previous disease there was the risk that said disease might recur. If notwithstanding said knowledge of the risk involved in the re-employment of claimant, the petitioner nevertheless re-employed him, then petitioner must be ready to bear the burden of a possible liability for disability compensation upon the happening of second disability.

We fully concur with the view of the respondent Workmen's Compensation Commission that "for every illness contracted and for every recurrence thereof, a corresponding cause of action accrues in favor of the injured or sick employee" and "by this is meant that a recurrence, or even a mere reactivation in some cases, of an illness gives rise to a cause of action distinct and separate from the cause of action brought about by the illness as originally

contracted."

Stated otherwise, if the employer who has already become liable to the employee for disability compensation by reason of some disability incurred in the performance of his job in accordance with the provisions of the Workmen's Compensation Act, reemploys the same employee then he accepts the risk that he shall again be liable for disability compensation in favor of the same employee should he be disabled again for a cause considered compensable under the same.

There is no doubt that the law applicable for purposes of determination of the maximum amount of compensation for the disability must be that which is enforced at the time the cause of action accrues, and as in this case the second disability occurred on July 24, 1964, when R.A. 4119 amending the Workmen's Compensation Act allowing a maximum of P6,000 compensation was already in full force and effect since June 20, 1964, it logically follows that respondent Workmen's Compensation Commission did not commit any error when it allowed a maximum of P6,000 compensation to the claimant for the second disability.

WHEREFORE, the decision dated February 29, 1968, of respondent Workmen's Compensation Commission is affirmed, with costs against petitioner.

SO ORDERED.

Castro (Chairman), Teehankee, Makasiar, Muñoz Palma, and Martin, JJ., concur.

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.