

**REPUBLIC OF THE PHILIPPINES, (PHILIPPINE NAVY), PETITIONER,
VS. WORKMEN'S COMPENSATION COMMISSION AND JOSE
EROLIN, RESPONDENTS.***G.R. No. L-26763. December 26, 1969*

Ponente: CONCEPCION, C.J.

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Petition for review on certiorari of a decision of the Chairman of the Workmen's Compensation Commission, as affirmed by the Commission en banc.

Jose Erolin - hereinafter referred to as respondent - was employed as a dockman-rigger of the Philippine Navy, in its ship repair yard at the Cavite Naval Base, from January 16, 1952 to May 18, 1962. Working five days a week at P5.95 a day - sometimes on night shift, from 5:00 p.m. to 8:00 a.m. - he used to carry dam-aged parts of vessels, chain blocks and equipment from the ships to trucks, over distances ranging from 30 to 150 meters, as well as to unload effects of similar nature from trucks to the shop, deliver cables from the latter to ships, remove therefrom damaged life boats to be repaired and thereafter returned thereto, and take re-placements from the shop. While at work, sometime in March, 1962, he began coughing and had a hemoptysis (vomited blood). An X-ray examination, made on May 18, 1962, revealed that he was afflicted with tuberculosis, minimal, bi-lateral, in view of which, Dr. Isaac, the Philippine Navy physician, advised Erolin to stop working. He did so and had himself treated thereafter by Dr. Jose L. Bucoy.

His claim for compensation, filed on July 18, 1962, was not controverted, although written notice of his illness had been given to the ship repair officer on May 18, 1962. Months later, the Navy - hereinafter referred to as petitioner - tried to controvert said claim through a communication dated October 30, 1962. After appropriate proceedings, a hearing officer of Regional Office No. 4 - hereinafter referred to as the referee - rendered a decision, dated April 3, 1963, dismissing the claim upon the ground that respondent's illness is not compensable, because of his alleged failure to establish its causal connection with his employment. On April 17, 1963, re-spondent filed a petition praying, for the reasons therein given, that the referee "render a report to the Workmen's Compensation Commission." This petition was denied by the referee, in an order dated April 18, 1963, for the reason that respondent had not filed, either a petition for review, or a motion for reconsideration of said decision. A petition for reconsideration of this order, filed on April 30, 1963, was denied by the referee on the same date. On July 15, 1963, respondent filed a request for elevation of the case" to the Workmen's Compensation Commission, which was forthwith denied, upon the theory that the aforementioned decision was already final and executory. Respondent having, on January 25, 1965, filed a similar petition, directly with the Commission, on February 4, 1965, the latter ordered said Regional Office to forward thereto the entire record of the case. Thereafter, or on April 21, 1965, the Chairman of the Commission directed both parties, with their respective physicians, to appear before the Evaluation Division of the Commission, for a joint physical examination of respondent. Subsequently, or on June 8, 1965, said Chairman of the Commission rendered a decision reversing that of the referee and ordering the petitioner:

"1. To pay claimant, thru the Commission, the sum of TWO THOUSAND EIGHT HUNDRED TWENTY FIVE PESOS and 40/100 (60% of P29.75 from May 18, 1962 to June 2, 1965 or P2,825.40) as compensation and a weekly compensation of P17.85 from June 3, 1965 until his illness is pronounced arrested or cured by competent authority, but the total compensation should not exceed the amount of P4,000 maximum allowable by law under Section 14 of the Act;

"2. To reimburse the claimant the sum of P168.00 for medical expenses he incurred and to provide him with whatever medical assistance he needs until his illness is pronounced arrested or cured by competent authority under Section 3 of the Act; and

"3. To pay to the Workmen's Compensation Fund the sum of P34.00 (plus P5.00 cost of the review) as fees under Section 55 of the Act. "

A motion, filed by petitioner, for the reconsideration of this decision, was denied in a resolution of the Commission en banc, dated June 29, 1965.

It appears that, for the period from May 18, 1962 to June 2, 1965, respondent was later paid the sum of P2,825.40, and that, thereafter, up to September 5, 1966, he was paid the weekly compensation provided in said decision of June 8, 1965, which, added to the said sum of P2,825.40, made a grand total of P4,000.00. The re-cords do not show that the P168.00 originally awarded to respondent for medical expenses had been reimbursed to him.

On February 25, 1966, respondent filed a motion alleging that he was still suffering from his aforementioned illness, as shown by an X-ray plate, taken on November 2, 1965, and attached to the motion, and "that after the filing of his claim for compensation in 1962 up to October 15, 1965, he had incurred professional and medical expenses for the treatment" of said illness in the total sum of P1,248.90, itemized as follows: (a) "for professional fees of Dr. Jose L. Bucoy," P225.00; (b) "for medication by Dr. Bucoy," P512.00; and (c) "for drugs and medicines bought in drug stores," P511.90. Respondent submitted, in support of the motion, his affidavit and that of Dr. Bucoy, as well as itemized receipts of the pharmacist who allegedly sold the aforementioned drugs and medicines, and prayed that petitioner be ordered to reimburse to him said sum of P1,248.90. Despite the opposition thereto, filed by petitioner on March 10, 1966, the Chairman of the Commission granted said motion, in an order of May 26, 1966, which was upheld in a resolution of the Commission en banc, dated October 6, 1966. Thereupon, or on October 28, 1966, petitioner gave notice of its intention to appeal by certiorari to the Supreme Court. Hence, the petition herein, in which it is urged that said order and resolution, dated, respectively, May 26 and October 6, 1966, have been issued with grave abuse of discretion because: (1) the Commission had no original jurisdiction to entertain respondent's motion of February 25, 1966; (2) such motion was granted without a formal hearing, despite petitioner's opposition thereto; and (3) respondent had failed to give the notice required in Section 13 of the Workmen's Compensation Act, as amended.

Petitioner maintains that the WCC has no more than appellate jurisdiction to decide claims under the Workmen's Compensation Act, the original jurisdiction over such claims being vested in Regional Offices, and that respondent's motion for reimbursement of medical expenses, dated February 25, 1966, is within the original jurisdiction of a Regional Office, and could not be validly entertained and decided by the Commission itself, except on appeal from a decision of that office, which does not exist, the motion having been filed directly with the Commission.

This pretense is untenable. The power to hear and decide claims for compensation under the Workmen's Compensation Act^[1] is, pursuant to Section 46 thereof, under the "exclusive jurisdiction" of the WCC, subject to appeal to the Supreme Court. The hearing officers in Regional Offices of the Commission are mere "referees" thereof. Although section 48 of said Act, as amended by R.A. No. 4119, approved on June 20, 1964, provides that referees "shall assume original jurisdiction over all workmen's compensation cases in the regional offices where

they are assigned," such original jurisdiction does not exclude that of the Commission, for Section 49 of the same Act explicitly states that hearings under the provisions thereof "may be held before the Commissioner or any of the referees." Indeed, the same section expressly authorizes the Commissioner to "receive" evidence, a power inconsistent with the exclusively "appellate" character of the jurisdiction of the Commission and that of its members, as postulated by petitioner herein. What is more, said section provides that, in the exercise of the power to review decisions or orders of a referee, the Commissioner may, in his discretion, "take or order the taking of additional testimony." At any rate, respondent's motion of February 25, 1966, par-took merely of the nature of a petition for the implementation of the decision, of June 8, 1965, of the Chairman of the Commission, as affirmed by the Commission en banc, which both have the power to entertain and grant.

As regards the absence of a formal hearing on said motion, it should be noted that respondent had a hemoptysis while at work in March, 1962, and that upon X-ray examination, conducted in petitioner's hospital, on May 18, 1962, he was found to have tuberculosis. Thus, on the date last mentioned, petitioner had notice of said illness. Yet, it did not file, within fourteen (14) days from said date, or not later than June 1, 1962, the requisite notice of its intention to contro-vert respondent's claim for compensation therefor.[2] Neither had petitioner sought a reinstatement of its right to controvert said claim. Hence, the same was, in legal contemplation, uncontroverted, and, neither a formal hearing thereon, nor "a formal award," was neces-sary for respondent's right to collect the amounts due to him.[3] In-asmuch as the subject-matter of respondent's motion of February 25, 1966, was but an incident of said claim and merely sought an imple-mentation of the decision thereon rendered on June 8, 1965, as af-firmed by the Commission en banc, on June 29, 1965, such defenses as petitioner might have had, predicated upon respondent's failure to give the notice required in section 13 of the Workmen's Compen-sation Act, as amended by R.A. No. 4119,4 are likewise deemed waived. In other words, petitioner is barred from questioning the validity and reasonableness of the reimbursement sought by respon-dent in his motion of February 25, 1966,5 and a formal hearing thereon, with notice to petitioner herein, was unnecessary. More-over, the Commission found that the amount claimed in said motion is reasonable, and, considering the period of time involved, as well as other factors relevant thereto, We fully agree with such finding.

We note, however, that the expenses for medical services, as well as drugs and medicines, referred to in the motion, cover the period from July 18, 1962, to October 15, 1965, most of which is within the period of time embraced by the decision, dated June 8, 1965, which ordered petitioner herein, inter alia to reimburse respondent "the sum of P168.00 for medical expenses he incurred and to provide him with whatever medical assistance he needs until his illness is pronounced arrested or cured by competent authority." This award, which is already final, has settled de-finitely such right of reimbursement as respondent had with re-spect to medical services rendered and drugs or medicines sup-plied to him up to June 8, 1965. In other words, respondent is entitled to recover nothing from petitioner herein, in addition to the P168.00 awarded, in the decision of June 8, 1965, for medical expenses, except such expenses as may have been incurred for medical services rendered and medicines consumed subsequently thereto.

WHEREFORE, this case is hereby remanded to the Workmen's Compensation Commission for a determination of the amount due to respondent herein for said medical services ren-dered and drugs or medicines used in the treatment of his illness after June 8, 1965, and the issuance of the corresponding order directing the payment of said amount.

IT IS SO ORDERED.

Reyes, Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando, and Teehankee, JJ., concur.
Barredo, J., did not take part.

[1] Act No. 3428.

[2] See Section 45 of Act No. 3428, as amended.

[3] National Development Co. v. WCC, G.R. No. L-19863, April 29, 1964; SMB v. Joves, G.R. No. L-24258, June 26, 1968; Surigao Consolidated Mining Co. v. WCC, G.R. No. L-26077, May 27, 1968; Rebar Buildings Inc. v. WCC, G.R. No. L-27486, Apr. 30, 1968; NDC v. WCC, G.R. No. L-20504, Mar. 31, 1965; MRR v. Chavez, G.R. No. L-20103, Sept. 30, 1964; A.D. Santos v. Vas-quez, G.R. No. L-23586, Mar. 20, 1968; MRR v. WCC, G.R. No. L-21504, Sept. 15, 1967; MRR v. Rivera, G.R. No. L-23021, May 29, 1968; Rio Y Co. v. WCC, G.R. No. L-21467, Aug. 30, 1967.

4 Requiring notice to the employer and the Commission within twenty (20) days following the first treatment and, there-after, within the same period, following every treatment.

5 MRR v. WCC, G.R. No. L-18264, May 26, 1964; NDC v. WCC, G.R. No. L-21724, April 27, 1967; Republic v. WCC, G.R. No. L-22650, April 28, 1967; Magalona v. WCC, G.R. No. L-21849, Dec. 11, 1967; Luzon Steve-doring Corp. v. WCC, G.R. No. L-27588, April 28, 1969.

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