

## **BATANGAS LAGUNA TAYABAS BUS COMPANY, INC., PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND TOMAS PEREZ, RESPONDENTS.**

*G.R. No. L-26363. July 31, 1975*

Ponente: MAKALINTAL, J.

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### **MAKALINTAL, J.:**

In a previous case[1] involving the same parties now before this Court, We affirmed the decision dated December 6, 1961 of the respondent commission ordering the transportation company to pay P4,000.00 in lump sum as compensation[2] to the respondent Tomas Perez and to provide the latter with "medical, surgical and hospital services and supplies as the nature of his illness may require until said ailment is arrested or cured, pursuant to Section 13 of the Act."

Thereafter the respondent claimant filed with the respondent Commission a motion dated December 3, 1964 seeking to recover from the transportation company the amount of P4,760.00 he allegedly spent from October 1, 1960 to December 1, 1964 for his medical and hospital services and supplies as required by the nature of his illness, to the reimbursement of which according to him he was entitled under the aforequoted decision. A supplementary motion for reimbursement of the amount of P480.00 as medical expenses incurred from December 1, 1964 to March, 1965 was subsequently filed.

The transportation company filed its opposition on the ground that it had likewise complied with that portion of the decision in question when its counsel sent a letter dated November 18, 1964 to the respondent Commission requesting the issuance of an order directing the respondent claimant "to report to the Buenafe Clinic for medical check-up or, if necessary, confinement and treatment."

On March 6, 1966 the respondent Commission, through Chairman N. Baens del Rosario, issued an order requiring the transportation company "to reimburse claimant Tomas Perez the sum of THREE THOUSAND TWO HUNDRED FORTY PESOS (P3,240), as medical expenses x x x" incurred from October 1960 to March 1965.

In due time the transportation company moved to reconsider, but the motion was denied by the respondent Commission in its resolution dated June 27, 1966. Hence, this petition for review.

The principal argument against the order awarding reimbursement to the respondent claimant for his alleged medical expenses is that it is a modification of the second part of the dispositive portion of the decision in G. R.No. L-19522 directing the petitioner company to provide the respondent claimant with medical, surgical and hospital services and supplies as hereinbefore quoted. It further insists that it "took the necessary steps with a view to complying with the aforesaid portion of the decision" when its counsel sent a letter dated November 18, 1964 to the respondent Commission, which letter is hereunder quoted in part:

"In connection with the furnishing of medical, surgical and hospital services required of our client by the decision, we request that an order be issued directing Tomas Perez to report to the Buenafe Clinic in Batangas,

Batangas for medical check-up or, if necessary, confinement and treatment. The Buenafe Clinic has complete facilities, services and supplies necessary for the purpose and our client has made arrangement with Dr. Pablo A. Buenafe, director of the said clinic, for the medical examination and/or confinement and treatment of Tomas Perez."

The petitioner company assails the failure of the respondent Commission to take any action on its request. It would have the respondent Commission issue an order to enable the respondent claimant to receive the medical, surgical and hospital services and supplies which the petitioner company was offering to furnish through the facilities of the Buenafe Clinic.

We do not find for the petitioner company.

The law in point is Section 13 of the Workmen's Compensation Act, which partly provides:

"Sec. 13. Services, appliances and supplies. — immediately after an employee has suffered an injury or contracted sickness and during the subsequent period of disability, the employer or insurance carrier shall provide the employee with such services, appliances and supplies as the nature of his disability and the process of his recovery may require; and that which will promote his early restoration to the maximum level of his physical capacity.

"xxx xxx xxx

In case the employer or insurance carrier cannot furnish the aforementioned services, appliances and supplies promptly, the injured or sick employee may acquire the same at the expense of the employer or insurance carrier.

"xxx xxx xxx"

The case of the respondent claimant falls under the third paragraph of the above-quoted provision.

A reading of our decision in G. R. No. L-19522 shows that the petitioner company contested the compensability of the respondent claimant's illness and refused to give the latter medical and hospital services and supplies. Indeed, it was only after our decision in said case became final and was to be executed that the petitioner company manifested willingness to provide the respondent claimant with the necessary medical services and supplies. The petitioner company does not dispute the fact that during the period between the promulgation of G. R. No. L-19522 on August 31, 1964 and the rendition of the decision of the hearing officer on October 28, 1960 the respondent claimant underwent medical treatment. Under Section 13 aforequoted, he was entitled to the services and supplies immediately after he contracted his sickness and during the subsequent period of disability, and not from the day the petitioner company made its offer to give the same on November 18, 1964. This is a claim for reimbursement of expenses for past medical services and supplies already received and consumed and not for future treatment.

PREMISES CONSIDERED, the order and resolution of the respondent commission are hereby affirmed.

Castro, Makasiar, Esguerra, Muñoz Palma, and Martin, JJ., concur.

Teehankee, J., is on official leave.

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[1] Batangas Transportation Company vs. Tomas Perez and the WCC, G.R. No. L-19522, promulgated on August 31, 1964 11 SCRA 793. The present petitioner is the merger of Batangas Transportation Company and Laguna Tayabas Bus Company.

[2] This portion of the decision was complied with to the satisfaction of

the respondent claimant.

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