

FRANKLIN BAKER COMPANY OF THE PHILIPPINES, PETITIONER, VS. FLORENCIO DIAMANTE AND WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.

G.R. No. L-29349. November 21, 1979

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition for review of the order of the Workmen's Compensation Commission in RO5-WC Case No. 140 entitled "Florencio Diamante, Claimant, versus, Franklin Baker Company of the Philippines, Respondent" dated July 16, 1968, granting the motion of private respondent Flo-rencio Diamante for reimbursement of medical expenses in the amount of P1,275.00.[1]

The facts, as stated by the petitioner in its brief, are:

"Respondent-claimant was employed as sheller the Shelling Department of herein petitioner. Having contracted the disease of pulmonary tuberculosis, respondent-claimant originally filed a compensation claim before the Regional Office No. 5 in San Pablo City which was docketed as RO5-WC Case No. 140.

In due time hearing was made and a favorable decision was rendered awarding benefits to the claimant. After exhausting an appeal to the Commission en banc which affirmed the Referee's decision, petitioner herein satisfied the decision and paid the claimant his corresponding weekly compensation benefits for 208 weeks which period terminated on September 4, 1963. A report to this effect was made by herein petitioner on September 13, 1963 (mentioned in the dissenting opinion of Commissioner Sotto, Annex 'G' to Petition also page 4, Decision, Franklin Baker Company vs. Diamante, et al., G.R. No. L-22206, October 31, 1967).

After the satisfaction of the decision in the original claim, respondent-claimant then filed a Petition for Extension of Period of Compensation on October 8, 1963, alleging, among other things, that the 'claimant is still under treatment by the respondent company physician.' This later became the subject of a Petition for Review before the Honorable Court (G.R. No. L-22206) and later decided in claimant's favor. Pending determination of the aforesaid Petition for Extension of Period of Compensation, respondent-claimant filed on November 8, 1963, his Motion for Re-imbursement (Annexes 'A' and 'A-1' to the Petition). After the dismissal of this Motion for Reimbursement by the then Commissioner Cesareo Perez (Annex 'B', Petition) respondent-claimant filed his Motion for Reconsideration (Annex 'C', Petition) to which herein petitioner filed an opposition averring that the decision has long become final and has made no mention of medical expenses and that at most, it was a forgotten evidence which was not a proper ground to reopen the case. (Annex 'D', Petition)

In a resolution dated July 16, 1968, respondent Commission en banc granted claimant's Motion for Reimbursement (Annexes 'E' and 'F', Petition), thus prompting petitioner herein to file the instant Petition for Review with this Honorable Supreme Court." [2]

The petitioner assigns the following errors:

"I

"THAT THE HONORABLE WORKMEN'S COMPENSATION COMMISSION ERRED IN GRANTING RESPONDENT CLAIMANT'S MOTION FOR REIMBURSEMENT AFTER THE CASE HAS LONG BEEN DECIDED, TERMINATED AND JUDGMENT THEREON SATISFIED; AND

II

"THAT THE RESPONDENT WORKMEN'S COMPENSATION COMMISSION ERRED IN SUMMARILY GRANTING RESPONDENT-CLAIMANT'S MOTION FOR REIMBURSEMENT WITHOUT THE BENEFIT OF A HEARING."[3]

The contention that the Workmen's Compensation Commission had no more authority to grant claimant's motion for reimbursement of medical expenses because the main case had already long been decided and terminated has no merit.

The instant case is not a claim for disability compensation but is merely a claim for reimbursement of medical expenses which is only a corollary to the decision of the second claim declaring that the illness of the private respondent, Florencio Diamante, was still work-connected and, therefore, compensable.

In Case No. 140, the decision of Associate Commissioner Sanchez dated December 19, 1962 which required the petitioner company to provide the private respondent such necessary medical services until his ailment of PTB was arrested or cured as a corollary to its declaration that the ailment was compensable, was sustained by the Workmen's Compensation Commission en banc in a resolution dated January 15, 1963.[4]

After the decision in Case No. 140 had become final and executory and after the petitioner had paid the private respondent his weekly compensation for a period of 208 weeks, the Workmen's Compensation Commission, sitting en banc, upon petition of the private respondent Diamante for extension of the period of compensation, issued an order dated November 6, 1963 extending the period of compensation of the claimant beyond 208 weeks provided the amount of compensation should not exceed the amount of P4,000.00. This resolution of the Workmen's Compensation Commission was affirmed by the Supreme Court in its decision promulgated on October 31, 1967 in G.R. No. L-22206 because:

"This Court, in a previous case, held that where the employer has paid compensation in accordance with the decision of the Workmen's Compensation Commission, the compensability of the case is no longer open to question and there is no more necessity for a formal hearing. With more reason should it be when the employer itself as in the present case, has provided claimant with further medical assistance, incontrovertibly evidencing claimant's further incapacity for work - a circumstance that certainly justified an extension of the period of compensation.

The law is clear. Under Section 18 of the Workmen's Compensation Act, as amended, the Workmen's Compensation Commission is authorized to reopen a case in order to grant an extension of the period of compensation, provided the total amount awarded as compensation does not exceed four thousand pesos. The pertinent portion of Section 18 of the Workmen's Compensation Act, as amended, upon which the Workmen's Compensation relied in granting the extension of the period of compensation, reads:

'x x x Provided, however, That after the payment had been made for the period specified by the Act in each case, the Workmen's Compensation Commissioner may from time to time cause the examination of the condition of the disabled laborer, with a view to extending, if necessary, the period of compensation which shall not, however, exceed the said amount of four thousand pesos.'

Therefore, the Commission en banc in issuing its order dated November 6, 1963, without any formal hearing,

could not be considered as having acted with grave abuse of discretion or without due process of law.

The award of compensation which has been satisfied may still be reopened on petition for extension of the period of compensation; and, a period for payment of compensation that has already expired may further be extended, provided the total compensation awarded does not exceed four thousand pesos as provided for in section 18 of the Workmen's Compensation Act, although the extension goes beyond the 208 weeks provided for in Section 14 of the same Act."[5]

It is to be noted that the motion for reimbursement was filed on November 19, 1963 while the appeal before this Court was pending. In granting the motion of claimant for reimbursement of medical expenses, the Commission was only implementing its decision in Case No. 140 which directed the petitioner to furnish the private respondent the necessary medical services.

The record shows that the petitioner was furnished a copy of the motion for reimbursement.[6] Attached to said motion was the receipt of the Brion Clinic for the amount of P1,275.00 representing the cost of medicine and medical fees.[7]

It also appears that the petitioner was furnished a copy of the motion for reconsideration dated January 3, 1966 filed by the private respondent.[8]

Indeed, the petitioner filed its opposition dated January 12, 1966 to the motion for reconsideration.[9]

It is thus seen that the petitioner was given all the opportunity to question the receipt of the Brion Clinic which was attached to the motion for reimbursement.

In a similar case,[10] the Supreme Court said:

"In a previous case 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 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 aforementioned 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 afore-said 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.

x x x x x x x x

'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.

x x x x x x x x

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."

In view of the foregoing, the Workmen's Compensation Commission did not commit the errors assigned in the brief of the petitioner.

WHEREFORE, the petition is DISMISSED and the order sought to be reviewed is hereby AFFIRMED.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Guerrero, De Castro, and Melencio-Herrera, JJ., concur.

- [1] Annex "F", Rollo, pp. 27-28.
- [2] Brief for the Petitioner, pp. 2-4, Rollo, p. 89.
- [3] Idem., pp. 1-2, Rollo, p. 89.
- [4] Brief for the Respondent, p. 4, Rollo, p. 97.
- [5] Franklin Baker Co. of the Phil. vs. Diamante, 21 SCRA 687, 692-693.
- [6] Annex "A", Rollo, p. 17.
- [7] Annex "A-1", Rollo, p. 18.
- [8] Annex "C", Rollo, pp. 22-23.
- [9] Annex "D", Rollo, pp. 24-25.
- [10] Batangas-Laguna-Tayabas Bus Co., vs. Workmen's Compensation Commission, 65 SCRA 689-593.

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