

ANASTACIA N. PARMISANO, PETITIONER, VS. THE WORKMEN'S COMPENSATION COMMISSION, AND REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), RESPONDENTS.

G.R. No. L-42873. January 22, 1980

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition for review of the decision of the Workmen's Compensation Commission in RO4-WC Case No. 95415 entitled "Anastacia N. Parmisano, Claimant, versus, Republic of the Philippines (Bureau of Public Schools), Respondent" reversing the decision of the Assistant Chief and Acting Referee of the Workmen's Compensation Section, Regional Office No. 4, Manila, which awarded P2,225.00 to the claimant as reimbursement for medical expenses.[1]

The claimant, Anastacia N. Parmisano, petitioner herein, was employed as a clerk of the Bureau of Public Schools in Manila; that on January 24, 1966, as a result of a motor vehicle accident in the course of her employment, she sustained a crushing injury with compound comminuted fracture which eventually resulted in an amputation of her right leg above the knee, for which she was given disability benefits in the award dated April 12, 1966 with a reservation for any claim for medical expenses; that a letter-request for reimbursement of medical expenses was filed and after due hearing, she was awarded on November 21, 1967 the total amount of P665.25; that on October 7, 1974, the petitioner filed another claim for reimbursement for expenses incurred in her rehabilitation which included the acquisition of an artificial leg and proper fitting and training in the use of said appliance in the total amount of P5,578.65; that the expenses claimed were not included in the prior claim for reimbursement of medical expenses; that on April 10, 1975, Assistant Chief and Acting Referee Ignacio V. Valera, Regional Office No. 4, Manila, rendered a decision reducing the claim to only P2,225.00, pursuant to the evaluation of the Medical Rating Officer, Dr. Edmund Calaycay; that on May 5, 1975, the respondent Bureau of Public Schools filed a motion for reconsideration which was denied for lack of merit by the Acting Referee; and that this case was elevated to the Workmen's Compensation Commission for review.[2]

In a decision dated December 11, 1975, the Workmen's Compensation Commission reversed the decision of the Acting Referee on the ground that: "The order of November 21, 1967 did not provide for further medical expenses because the permanent partial disability under Section 17 of Act 3428, as amended, had been already evaluated, for which she was awarded the maximum compensation of P6,000.00. Besides, there was no more express reservation in that order for the claimant to claim for additional medical expenses." [3]

Section 13 of the Workmen's Compensation Act, as amended, provides that "Immediately after an employee has suffered an injury or contracted sickness and during the subsequent period of disability, the employer shall provide the employee with such medical, surgical and hospital services and supplies as the nature of the injury may require." Medical, surgical and hospital services and supplies include the acquisition of crutches, artificial

members and other devices of the same kind as well as the proper fitting and training in the use of appliances and of rehabilitation.

The record shows that the expenses of P2,225.00 were incurred for rehabilitation of the claimant and included the purchase of an artificial leg.

It is a fact that as a result of the injury the petitioner sustained in the course of her employment with the Bureau of Public Schools, her right leg was amputated. She acquired an artificial leg. The supplies needed by the petitioner are the proper fitting and training for the purpose of rehabilitation which undoubtedly include the acquisition of the artificial leg.

WHEREFORE, the decision sought to be reviewed is hereby set aside and the respondent, Republic of the Philippines (Bureau of Public Schools), is ordered:

- 1) To pay the petitioner the amount of Two Thousand Two Hundred Twenty Five Pesos (P2,225.00) which she incurred in the purchase of an artificial leg and for her rehabilitation; and
- 2) To pay attorney's fees in the amount of Two Hundred Twenty Two Pesos (P222.00).

SO ORDERED.

Makasiar, Guerrero, and De Castro, JJ., concur.

Teehankee, (Chairman), J., concurs in the result.

Melencio-Herrera, J., took no part.

[1] Annex "J", Rollo, pp. 24-25.

[2] Ibid.

[3] Rollo, p. 25.

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