

**MARIA C. OLINO, PETITIONER, VS. WORKMEN'S
COMPENSATION COMMISSION AND THE REPUBLIC OF THE
PHILIPPINES, DEPARTMENT OF EDUCATION AND CULTURE,
(BUREAU OF PUBLIC SCHOOLS), RESPONDE...**

G.R. No. L-43044. August 31, 1978

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision of the Workmen's Compensation Commission in RO9-WCC Case No. 14592 entitled "Maria C. Olino, Claimant, versus Republic of the Philippines, Department of Education and Culture (Bureau of Public Schools), Respondents" setting aside the decision of the Hearing Officer of Regional Office No. 9 at Tacloban City and dismissing the claim for lack of merit.[1]

The claimant, now petitioner, Maria C. Olino, was employed by the Department of Education and Culture as a public school teacher in Cabacungan Elementary School, Dulag, Leyte, for 44 years receiving an annual salary of P3,792.00. As early as 1963, she felt having a diminished eyesight and eventually a cataract extraction was performed. Dr. Rodolfo Serrano, Municipal Health Officer of Dulag, Leyte, treated the claimant for bilateral cataract for both eyes. According to said physician, the causes of the ailment were (1) lack of vitamins; (2) eye infection; and (3) excessive use of the eyes like reading under insufficient light. The occupation of the claimant as teacher could have aggravated her ailment. She was advised by Dr. Rodolfo Serrano to retire from the government service as her continued ailment could result in the complete loss of her eyesight. On January 2, 1974, Maria C. Olino retired from the service.

The claimant filed in March 1975 a claim for compensation with Regional Office No. 9, Department of Labor, Tacloban City, for an ailment which allegedly was contracted in the course of her employment as classroom teacher at Cabacungan Elementary School, Cabacungan, Dulag, Leyte. The Solicitor General failed to file a timely controversion of the claim despite the transmittal to said Office of a copy of the same. A hearing on the merits of the case was conducted to determine compensability of the claim.

The claimant presented Dr. Rodolfo Serrano, Municipal Health Officer of Dulag, Leyte, who testified that he treated the claimant for bilateral cataract on both eyes; that the causes of said ailment were (1) lack of vitamins, (2) eye infection, and (3) excessive use of the eyes; and that he advised the claimant to retire from the government service as her continued ailment could result in the complete loss of her eyesight.

The claimant declared that she was assigned at Cabacungan Elementary School, Cabacungan, Dulag, Leyte, as classroom teacher thereat; that in said barrio, there was no electricity and gas lamp was used at night in the preparation of her lesson plans; that in reading and writing, her eyes were actually strained and this condition existed for a period of ten (10) years up to the time that she retired under the disability retirement plan; that when she joined the Bureau of Public Schools, her eyes were perfectly normal; and that because of her ailment, she incurred medical expenses amounting to no less than P2,000.00.[2]

The Bureau of Public Schools did not present any evidence.

The claimant was referred to the Compensation Medical Rating Officer, Dr. Ester Abuyabor, who submitted the following findings:

"This case was referred to an eye specialist. The following are the findings:

- Visual acuity - O.U. Hazy vision with eyeglasses - O.U. 20/25 Jaeger #2
- Fundoscopy: Both media clear, anterior segments of both eyes are normal.
- Visual fields: no apparent sign of contraction of the visual fields;

Diagnosis: Aphakia, post-cataract

extraction, bilateral.

Other parts of the body normal

DATE OF ACCIDENT: Jan. 2, 1974

NATURE OF INJURY: Bilateral Cataract

Temporary Partial Disability: Jan. 2, 1974 to May 14, 1975

Permanent Partial Disability: 53% loss of vision of right eye by computation.

Permanent Total Disability: 53% loss of vision of left eye by computation."^[3]

The Hearing Officer found that the ailment of the claimant could have been aggravated by the nature of her employment as classroom teacher of the Bureau of Public Schools and held that the claim was compensable. He ordered the Department of Education and Culture (Bureau of Public Schools) to pay:

"1. To the claimant the amount of SIX THOUSAND PESOS (Maximum) (P6,000.00) as compensation

benefits pursuant to Sections 14 and 17 of the Act, as amended ($60\% \text{ of } 72.92 = 43.75 \times 71 \frac{1}{7} = \text{P}3,112.50$ and $50\% \text{ of } 72.92 = 36.46 \times 106 = \text{P}3,864.76$ or a total sum of $\text{P}6,977.26$).

2. To Atty. Leon Tumandao of Dulag, Leyte, the amount of THREE HUNDRED PESOS (P300.00) as attorney's fee pursuant to Section 31 of the Act.

3. To this Office the amount of SIXTY ONE PESOS (P61.00) as administrative fee pursuant to Section 55 of the Act.

Payment of compensation benefits should be coursed thru this Office in consonance with the policy of the Commission, however, the check or money order should be drawn in claimant's favor."^[4]

It appears that on September 1, 1975, the Office of the Solicitor General received a copy of the decision of the Hearing Officer. It was only on December 4, 1975 that the Solicitor General filed a petition to elevate the records for relief from judgment to the Workmen's Compensation Commission. On January 9, 1976, the Workmen's Compensation Commission rendered a decision setting aside the decision rendered by the Hearing Officer, Fernando T. Collantes.^[5]

The petitioner raises the following questions:

"1. WHETHER THE WORKMEN'S COMPENSATION COMMISSION HAS JURISDICTION TO ENTERTAIN THE PETITION TO ELEVATE THE RECORDS OF THE CASE AT BAR FOR RELIEF FROM JUDGMENT FILED BY THE RESPONDENT REPUBLIC OF THE PHILIPPINES, DEPARTMENT OF EDUCATION AND CULTURE, (Bureau of Public Schools) NINETY-FOUR (94) DAYS FROM RECEIPT OF A COPY OF THE DECISION IT SEEKS TO SET ASIDE?

2. WHETHER, IN THE ABSENCE OF SUBSTANTIAL EVIDENCE TO THE CONTRARY, THE EVIDENCE PRESENTED BY CLAIMANT DURING THE HEARING, SUFFICIENTLY ESTABLISH HER CLAIM? and,

3. WHETHER CATARACT CONTRACTED BY CLAIMANT DURING HER EMPLOYMENT AS PUBLIC SCHOOL TEACHER AND AGGRAVATED BY HER DUTIES AS SUCH, IS COMPENSABLE?"^[6]

The Solicitor General does not deny that the petition to elevate records from relief from judgment was filed ninety-four (94) days from receipt by his Office of the decision of the Hearing Officer. It is contended, however, that the Hearing Officer had no jurisdiction to hear the claim for compensation because at the time the claim for compensation was filed on March 25, 1975 the claimant was already retired since June 2, 1974. Hence, the Hearing Officer's decision being null and void, it could not have attained finality.^[7]

The contention of the Solicitor General has no merit. The claim of Maria C. Olino for compensation was filed within one (1) year after she had retired. In *National Development Company vs. Roberta Rongavilla, et al.*,^[8] this Court held:

"The fact, that the claim for compensation was filed before the Workmen's Compensation Commission almost nine years after disability had commenced, is not a bar to the action of the employee to recover compensation. The liability of the employer to pay compensation under the Workmen's Compensation Act is an obligation created by law, and under paragraph (2) of Article 1144 of the Civil Code of the Philippines the action to enforce this obligation can be brought within ten years from the time the right of action accrues (Pan-Philippine Corporation vs. Workmen's Compensation Commission, 101 Phil. 66; Luzon Stevedoring Co., Inc. vs. Cesareo de Leon, et al., G. R. No. L9521, November 28, 1959; Manila Railroad Company vs. Daniel Perez and Workmen's Compensation Commission, supra)"

The Solicitor General admits that the petition for relief was filed 94 days after said office learned of the decision of the Hearing Officer. Said petition for relief was filed out of time. Rule 22 of the Revised (1973) Rules of the Commission provides that a petition for relief granted to an aggrieved party who by fraud, accident, mistake or excusable negligence has been unjustly deprived of a hearing therein or has been prevented from taking an appeal must be filed within thirty (30) days after the petitioner learns of the decision sought to be set aside and not more than three (3) months after such decision or award was entered, with the petition to be supported by an affidavit of merit and of the ground relied upon for setting aside the decision. Failure to file the petition for relief within the period fixed is fatal.[9]

Granting, arguendo, that the decision of the Hearing Officer has not become final, this appeal is meritorious. It is a fact that the illness of the petitioner supervened during her employment in the Bureau of Public Schools. As a teacher, she had to read and write her lesson plans. Obviously, the claimant's work as a teacher aggravated her illness. Precisely, the claimant had to retire on advise of her doctor that if she did not retire her continued ailment would result in the complete loss of her eyesight.

The Compensation Medical Rating Officer, Dr. Ester Abuyabor, diagnosed that the claimant's illness is bilateral cataract, with temporary total disability from January 2, 1974 to May 14, 1975; permanent partial disability, 53% loss of vision of right eye - by computation; and permanent total disability, 53% loss of vision of left eye - by computation.

Section 44 of the Workmen's Compensation Act establishes a presumption of compensability although disputable by substantial evidence. The illness having supervened during the period of the claimant's employment, the burden was on her employer, the Bureau of Public Schools, to demonstrate by substantial evidence the absence of work connection.[10] Moreover, in the light of our constitutional provision enjoining the State to afford protection to labor, the presumption should receive a broader interpretation so as to advance the beneficent purpose of the Act to protect workmen and their families, resolving all doubts in their favor.[11]

The petitioner declared without contradiction that she incurred medical expenses in the amount of P2,000.00. This amount should be refunded to her, if with receipts.

The claimant is not relying on mere presumption of compensability. She adduced competent evidence that her illness was aggravated by her work as public school teacher.

The respondent, Workmen's Compensation Commission, erred when it reversed the decision of the Hearing Officer rendered in favor of the petitioner, Maria C. Olino, granting her Disability benefits by reason of her ailment.

WHEREFORE, the decision of the Workmen's Compensation Commission is hereby set aside and the respondent, Department of Education and Culture (Bureau of Public Schools), is hereby ordered:

1) To pay the petitioner the amount of Six Thousand Pesos (P6,000.00) as compensation benefits and the sum of Two Thousand Pesos (P2,000.00) as reimbursement for medical expenses; supported by proper receipts;

2) To pay the counsel of petitioner the amount of Six Hundred Pesos (P600.00) as attorney's fees; and

3) To pay to the successor of the Workmen's Compensation Commission the amount of Sixty One Pesos (P61.00) as administrative fee.

SO ORDERED.

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

[1] Annex "C", Rollo, pp. 22-23.

[2] Annex "A", Rollo, pp. 15-16.

[3] Ibid., Rollo, p. 17.

[4] Rollo, p. 18.

[5] Rollo p. 29.

[6] Petition, pp. 3-4, Rollo, pp. 5-6.

[7] Comment, Rollo, pp. 30-31.

[8] 20 SCRA 1172, 1181.

[9] Luzon Stevedoring Corp. vs. Reyes, 71 SCRA, 655, 661-662.

[10] Vargas vs. Philippine American Embroideries, Inc. et al., L-23762, 34 SCRA 680.

[11] Bureau of Public Works vs. Workmen's Compensation Commission, et al., L-8994, 104 Phil. 1062.

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