

DELFIN GARCIA, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND SAN JUAN DE DIOS HOSPITAL, INC., RESPONDENTS.

G.R. No. L-31159. May 30, 1972

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

In this appeal from an adverse decision of the Workmen's Compensation Commission, the Court reiterates the established legal principle that laws operate prospectively and have no retroactive effect unless it is otherwise clearly provided therein.

Petitioner-claimant's claim for disability benefits under the Workmen's Compensation Act, as amended, as filed by him on July 11, 1963 against respondent San Juan de Dios Hospital, Inc. with the chief of the Workmen's Compensation Unit of the defunct sub-regional office No. 4 in Pasay City, was first dismissed on March 27, 1967.

Petitioner duly appealed to respondent commission substantially on the ground that the chief of unit "erred in not holding that the PTB illness which he contracted while employed by the respondent is compensable."

Respondent commission, through associate commissioner Priscilla Argonza Medina, after due hearing, handed down its decision of August 20, 1969 affirming the chief of unit's adverse decision.

From the factual background as recounted in respondent commission's decision, "(I)t appears that the claimant was employed by the respondent hospital as kitchen helper from 1955 to 1963 after presumably passing a pre-employment medical checkup. His duties as such, were to cook and prepare for the foreigners (sic) and wash the dishes used by the patients at night, from 1:00 to 9:00 p. m., everyday and received a monthly salary of P140.00. Sometime in January, 1963, the claimant was found, upon physical examination, to be afflicted with tuberculosis in its minimal stage, and for which, he was separated from the service in March of the same year. On July 11, 1963 he filed a claim for disability benefit under the Workmen's Compensation Act, as amended, against the respondent with the aforementioned sub-regional office. The case was heard, and in the memorandum filed by the respondent, it prayed for the dismissal of the claim on the ground, among others, that, being a charitable institution, it is not covered by the Act."

Respondent commission disowned its chief of unit's ground for dismissing the claim that "(T)here is no proof whatever that his working environment was insanitary, or that his work was so demanding by its very nature causing fatigue, or that there were unusual working hours as to cause so much bodily strain, nor that he was exposed to abrupt changes in temperature as to predispose him to tuberculosis." It expressly held in its decision that the dismissal of the claim (is) in order "not because the conditions of his work could not, as opined by the Chief of Unit, cause nor induce the growth or development of the disease of tuberculosis, but simply because the respondent was not a covered employer at the time his cause of action accrued in 1963. For under the Workmen's Compensation Act, as amended by RA No. 772, the law then applicable, a charitable institution, under which category according to the Supreme Court[1] the respondent hospital falls, is not subject to its operation. Of course,

it would have been different if the claimant's disability had taken place on or after June 20, 1964, the date of effectivity of RA 4119, because under this amendatory law all religious, charitable, and educational institutions are now covered by the Workmen's Compensation Act." [2]

Respondent commission per its en banc resolution of October 6, 1969 denied petitioner-claimant's motion for reconsideration of its decision of August 20, 1969, stressing that "(W)e rejected the claim, in our said decision, not because it was filed, as insisted by the claimant, before June 20, 1964 (as if it would entertained if it were filed thereafter) but because his cause of action accrued before said date or, specifically in 1963, at the time when hospitals were not still covered by the law. The date of the filing of the claim is distinct and separate from the date his right, if any, to file the claim, arises. It is the latter, for coverage purposes, that is controlling and not the former." [3]

In this appeal, petitioner admits in his brief that he "started with the hospital on November 11, 1955 and worked therein until January 2, 1963, when he was found positive for PTB." [4] He further states therein that "the medical certificates of the respondent hospital show that the ailment of claimant started on January 2, 1963. On January 13, 1967 the petitioner was found to have completely recovered, as shown in the medical certificate of the Philippine Tuberculosis Society" and claims, therefore, that "the employer's obligation to pay compensation lasted from January 2, 1963 to January 13, 1967." [5]

Petitioner takes exception to respondent commission's decision that respondent hospital was not a covered employer at the time his cause of action accrued in 1963, since charitable institutions under which category respondent hospital fell, [6] were not subject to the Workmen's Compensation Act's operation and coverage. The Act [7] was subsequently amended by Republic Act No. 4119 on June 20, 1964 to widen expressly its coverage to include, aside from industrial employees, all employees in commercial and agricultural establishments and in religious, charitable and educational institutions. [8] From respondent commission's statement that the adverse result of petitioner's claim "would have been different if the claimant's disability had taken place on or after June 20, 1964, the date of effectivity of RA 4119" which placed respondent hospital under coverage of the Act, petitioner claims that "the import of this reasoning is that the Commission would have jurisdiction to grant the claim if it was presented after June 20, 1964 but no such jurisdiction when the claim was, as it really was, presented prior to that date," and that "if the Commission finds the claimant not entitled to compensation because the filing was made before the inquired (sic) [9] time, such early presentation cannot be considered as depriving ipso facto the Commission of its power to consider favorably the claim."

Petitioner's contention is untenable.

The salutary provisions of the amendatory statute, Republic Act 4119, extending from its enactment on June 20, 1964 compulsory workmen's compensation coverage even to charitable institutions such as respondent hospital, could not be made to apply to his claim, because when at the time that his illness occurred on January 2, 1963, respondent hospital was still exempt from and not covered by the law. As found by respondent commission, more than a year was to lapse since his separation from respondent hospital's service in March 1963 before the amendatory statute. Republic Act No. 4119 placing charitable institutions such respondent hospital under the law's coverage was enacted.

As clarified in the commission's en banc resolution, petitioner's claim was rejected not because it was filed before June 20, 1964; even if it was filed after June 20, 1964, still it would have had to be rejected, because his cause of action accrued in January to March, 1963 at a time when hospitals were not covered and liable under the Workmen's Compensation Act, which was made to apply to such hospitals only more than a year later with the enactment on June 20, 1964 of Republic Act No. 4119.

Said amendatory statute could not be made to apply retroactively to petitioner's case, under the express injunction of Article 4 of the Civil code that "Laws shall have no retroactive effect, unless the contrary is provided."

ACCORDINGLY, the decision appealed from is hereby affirmed. No costs.

Reyes, J.B.L., Acting C.J., Makalintal, Zaldivar, Barredo, Makasiar, and Antonio, JJ., concur.

Castro and Fernando, JJ., did not take part.

Concepcion, C.J., on leave.

[1] Hospital de San Juan de Dios, Inc. vs. Pasay City, et al., G.R. No. L-19371, February 28, 1966. See also the case of UST Hospital Employees Assn. vs. UST Hospital, G.R. No. L-6988, May 24, 1952.

[2] Italics supplied.

[3] Idem.

[4] Rollo, p. 59.

[5] Rollo, p. 60.

[6] As recognized by this Court in Hospital de San Juan de Dios, Inc. vs. Pasay City, 16 SCRA 226 (Feb. 28, 1966).

[7] Act 3428 (effective June 10, 1928) as amended by Act 3812 (Dec. 8, 1930) and Rep. Act No. 772 (June 20, 1952).

[8] The explanatory note of H. Bill No. 1583, as enacted into R.A. No. 4119 stated that " * * to give true meaning to the constitutional mandate requiring government to afford protection to labor, particularly to industrial accident victims, the law must protect them from all injuries traceable to the employment, irrespective of whether or not the enterprise where they work is for gain, in accordance with the principles of workmen's compensation that (1) whoever receives profits must suffer the loss for the injuries of his workers, and (2) whoever creates risk must suffer the consequences of that risk. Coverage should, therefore, be based not only on the profit-making purpose of the enterprise, but also on the fact that such enterprise exposes its workers to risks of employment."

[9] Petitioner must mean required time.

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