

JUAN ORILLANEDA, PETITIONER, VS. THE WORKMEN'S COMPENSATION COMMISSION AND THE REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC WORKS), RESPONDENTS.

G.R. No. L-42946. July 26, 1978

Ponente: MUÑOZ PALMA, J.

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MUÑOZ PALMA, J.:

Petitioner herein, Juan Orillaneda, was formerly employed as senior storekeeper, Division of Ports & Harbors, Bureau of Public Works. In the course of his employment, he contracted "diabetes with secondary hypertension, nephritis" which caused his temporary total disability from labor from January 1, 1973 to March 21, 1973, inclusive, and permanent partial disability of 50% N.S.D., for which he was awarded by Regional Office No. 4, Department of Labor, disability compensation benefits on March 22, 1973, amounting to P5,243.02, under Sections 14 and 18 of the Workmen's Compensation Act.[1] Orillaneda accordingly retired from the service.

Petitioner herein subsequently filed a claim for reimbursement of medical expenses amounting to P8,248.99, claiming that this amount was spent at the time that he was hospitalized in the San Juan de Dios Hospital for medicines bought by him as a result of his ailment. He submitted before the Commission: (1) a statement of account of Dr. F. S. Guerrero of the San Juan de Dios Hospital dated April 25, 1975, for P2,000.00 for professional services rendered (Exh. "G", p. 31, WCC records), and (2) a summary of the amounts spent during the corresponding years as follows:

1965 P 51.80

1972 114.42

1973 648.17

1974 1,370.27

1975 3,970.40

_42.55__

6,157.61

91.38

Grand Total P6,248.99 (Exh. "H", p. 30, WCC records)

The foregoing claim for reimbursement was denied by the hearing officer on October 2, 1975, on the ground that there were no receipts to substantiate the alleged medical expenses.[2] A motion for reconsideration was filed but the same was denied in an order of the Commission en banc of January 28, 1976.

Hence, this petition before the Court seeking a review of the denial of petitioner's claim for reimbursement of medical expenses.

Petitioner submits that:

"The only issue involved in this appeal is, whether or not petitioner, who has been awarded compensation benefits for temporary total disability from January 1, 1973 to March 21, 1973, and permanent partial disability of 50% N.S.D., is entitled to reimbursement for his medical and hospital expenses incurred by reason of his illness that caused such disability." (p. 5, rollo)

To sustain his claim, petitioner invokes Section 13 of the Workmen's Compensation Act which 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.

"The word 'services' used herein shall include medical, surgical, dental, hospital and nursing attendance and treatment as well as the proper fitting and training in the use of appliances and the necessary training for purposes of rehabilitation; 'appliances' shall include crutches, artificial members and other devices of the same kind, and the replacements or repairs of such artificial members or such devices unless the replacement or repair is made necessary by the lack of proper care by the employee; and 'supplies' shall include medicines, as well as medical, surgical and dental supplies.

"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"

Judging from the facts as alleged in the petition, the herein claimant avers that the medical expenses he seeks to recover are for the treatment of pneumonitis or pneumonia which he incurred while overseeing the construction of the Manila Bay seawall many years ago and since then he had a chronic cough and he also became afflicted with bronchiectasis which was the direct result of the pneumonitis contracted by him in line of duty with the Bureau of Public Works.[3]

In other words, the medical and hospital expenses covered by Exhibits "G" & "H" totalling P8,248.99 were for medical services and supplies obtained by claimant for his pneumonitis and bronchiectasis and not for his "diabetes with hypertension and nephritis."

In the comment on this Petition, filed for and in behalf of the respondents by the Office of the Solicitor General, several points of law are being raised to contest the claim for reimbursement. For purposes of this petition, it is sufficient to treat one single issue, to wit:

May petitioner be granted his claim for medical expenses for an ailment other than that which caused his disability and separation from the government service? This to Us is the pivotal point to be resolved.

We are constrained to rule against petitioner-claimant.

Section 13 of the Workmen's Compensation Act covers a situation wherein the disabled employee or worker requires medical services in the process of recovery and to restore to the maximum level his physical capacity, from the ailment which caused his disability. Said section does not apply to medical expenses incurred after separation from work for an ailment separate and distinct from the one which caused his disability.

Hence, had petitioner herein during his period of disability required hospitalization or medicines for the treatment of his diabetes with hypertension and nephritis, he would be entitled to reimbursement for expenses incurred in relation thereto. But where petitioner, under Sec. 13, seeks reimbursement for expenses incurred for treatment of pneumonitis which allegedly occurred in the course of employment but which admittedly did not disable him from work, and for bronchiectasis which appeared after his separation from the Bureau of Public Works, We rule that his claim does not come within the letter, the spirit and intent of Sec. 13 of the Workmen's Compensation Act. Pneumonitis and bronchiectasis are diseases of the lungs while nephritis is a disease of the kidney which may result in diabetes with hypertension or an abnormally high arterial blood pressure.[3-a]

Undoubtedly, the Workmen's Compensation Law is a humane piece of legislation designed to give greater protection and security to the working man, and whenever possible, the same is to be liberally construed in his favor. Nevertheless, in carrying out its judicial task of interpreting and applying the law, this Court cannot convert the Workmen's Compensation Act into a health insurance measure so as to compensate the worker for ailments sustained in the course of or after termination of service without disability. Under the Workmen's Compensation Law, it is the disability caused by a work-connected or work-aggravated illness or injury which is compensated, and for that reason Sec. 13 of the law makes it the obligation of the employer to provide the employee or worker even after the termination of the employer-employee relationship with such medical services as are needed for his recovery and/or physical rehabilitation from the ailment which caused the disability.

In a number of cases this Court applied Sec. 13 of the Workmen's Compensation Act and upheld the right of the workman who suffered a work-connected or work-aggravated injury or illness to receive medical, surgical and/or hospital services during the subsequent period of his disability so as to restore fully or even partially his physical health, but in those cases the medical services were for the sickness which caused the disability.

Thus, to mention a few: in *La Mallorca-Pambusco vs. Isip, et al.*, 1961, where the driver-claimant contracted tuberculosis, this Court sustained an order of the Workmen's Compensation Commission which directed the employer to pay all the reasonable expenses incurred for the medical care and hospitalization of the employee for treatment of his tuberculosis even after he had been paid the disability compensation.[4]

In *Cebu Portland Cement Co. vs. WCC, et al.*, 1964, the employee was sick of pulmonary tuberculosis and the employer was ordered to pay the employee disability compensation plus medical expenses which award became final and was fully satisfied by the company. Subsequently, the employee filed another claim stating that he was still under treatment for the same ailment and had availed himself of medical services and incurred expenses amounting to P3,831.46. This claim was granted by the Commission and the employer company appealed to this Court. Speaking through Justice Jesus Barrera, the Court affirmed the award holding inter alia that under Sec. 13 of the Workmen's Compensation Law the employer has the obligation to provide medical attendance to an injured or sick employee as the nature of the injury or sickness may require until the work-connected injury ceases, and that Sec. 13 does not provide for any limit to such expenses.[5]

In *National Development Company vs. Ayson & WCC*, 1967, which is invoked by petitioner herein, the

employee Ayson was discharged from the National Development Company for total disability due to pulmonary tuberculosis. She filed a claim for compensation for total disability. The Commission granted her disability compensation under Sec. 14 plus medical expenses under Sec. 13. The award was sustained by this Court on the ground that there was no proof that the employee's disability had ceased after her discharge, and that therefore she was entitled to further medical treatment for tuberculosis under Sec. 13.[6]

Again, in *Flores vs. WCC, et al.*, 1976, this Court through Justice Ruperto Martin held that the fact that the employer-employee relationship between the respondent and the petitioner had ceased does not exempt the employer from its obligation to provide medical attendance, hospital services and supplies to the employee for the same subsists until the latter's work-connected illness, pulmonary tuberculosis, is finally arrested.[7]

Of significance is *Alatco Transportation, Inc. vs. WCC, et al.*, 1971, where the employee became disabled for labor due to pulmonary tuberculosis. The Workmen's Compensation Commission, aside from granting disability compensation, further ordered the employer company to provide the claimant with medical services, appliances, etc. during the entire period of the employee's disability pursuant to Sec. 13 of the Workmen's Compensation Act. Subsequently, the employee died of "parenchymatous nephritis", a cause distinct and different from the illness subject of the claim for disability compensation. The Court, speaking through then Justice, now Chief Justice, Fred Ruiz Castro, held that the employee was entitled to be reimbursed for the expenses incurred for medical attendance and hospital services advanced by him in connection with his pulmonary tuberculosis, and accordingly, the Court remanded the case to the Commission for determination of such expenses from the time the company ceased to extend medical services to the employee after separation, that is from October 1, 1964, until the final arrest of the employee's pulmonary tuberculosis or until the time of his death on June 28, 1969. The Court stressed that "(T)his obligation of the employer relating to medical attendance lasts until arrest of the illness subject of compensation." [8]

PREMISES CONSIDERED, We find this Petition for Review without merit and We affirm the order of respondent Commission denying petitioner Orillaneda's instant claim for reimbursement of medical expenses.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Fernandez, and Guerrero, JJ., concur.

[1] p. 29, WCC records

[2] p. 25, *ibid.*

[3] pp. 4 & 5 of the petition for review

[3-a] Schmidt's Attorneys' Dictionary of Medicine, pp. 134, 542, 630.

[4] 3 SCRA 241. See also *Itogon-Suyoc Mines, Inc. vs. Fruto Dulay, et al.*, 1963, 9 SCRA 199.

[5] 10 SCRA 420.

[6] 20 SCRA 192.

[7] 71 SCRA 633.

[8] 42 SCRA 391, 398, 399.

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