

FRANCISCO MOTORS CORPORATION, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND PABLITO LAPINA, RESPONDENTS.

G.R. No. L-42350. March 31, 1980

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision of the Work-men's Compensation Commission in RO4-WC Case No. 158149 entitled "Pablito Lapina, Claimant, versus, Francisco Motors Corporation, Respondent" affirming the decision of the Acting Chief Referee and Chief of Section of Regional Office No. 4, Workmen's Compensation Section, Manila, which awarded to the claimant the sum of P6,000.00 as disability compensation and ordered Francisco Motors Corporation to pay P61.00 as administrative fee.[1]

On August 20, 1974, Pablito Lapina filed a Notice of Injury or Sickness and Claim for Compensation with Regional Office No. 4 of the Department of Labor, Manila, asking for disability benefits by reason of an illness of Anemia, cancer of the blood, which he allegedly contracted in the course of employment with the Francisco Motors Corporation on January 8, 1968.

On August 26, 1974, Francisco Motors Corporation filed a controversion of the claim. It was alleged that the employer had no knowledge of the accident or sickness and that said alleged sickness did not arise in the course of employment.

After hearing, the Acting Chief Referee and Chief of Section of Regional Office No. 4 awarded to Pablito Lapina the amount of P6,000.00 as maximum disability compensation under the Workmen's, Compensation Act. The employer appealed to the Workmen's Compensation Commission which affirmed the decision of Regional Office No. 4.[2]

The petitioner, Francisco Motors Corporation, assails the decision of the Workmen's Compensation Commission on the ground that although said petitioner had seasonably controverted the claim, it was not given a chance to present its defenses. The petitioner alleged that the private respondent, Pablito Lapina, had also filed a claim for disability compensation against Ford Philippines, Inc. on August 20, 1974 based on an illness of Anemia, Paroxysmal nocturnal hemoglobiuremia allegedly contracted on January 16, 1970, and that the Acting Chief Referee and Chief of Section of Regional Office No. 4, and the Workmen's Compensation Commission, had also awarded to said claimant the maximum amount of P6,000.00 as disability benefit.

On the basis of the evidence adduced ex-parte by Pablito Lapina, the Workmen's Compensation Commission found that the claimant was employed by Francisco Motors Corporation as mechanic with a daily wage of P16.00 working six (6) days a week; that on January 8, 1968, the claimant contracted anemia and cancer of the blood, which he acquired in the course of employment causing his disability for labor; that his sickness was known by respondent on April 1, 1968; that the claim was filed on August 20, 1974; that a copy of the claim was furnished the respondent; and that the Employer's Report of Accident or Sickness and the controversion for

compensation was filed on August 26, 1974.[3]

The Acting Chief Referee and Chief of Section of Regional Office No. 4 and the Workmen's Compensation Commission both held that the claimant's right to compensation was not controverted on time as required by law. This finding is based on the statement in the Notice of Injury or Sickness and Claim for Compensation that the notice of the sickness was given on April 1, 1968 by the claimant orally to the manager of Francisco Motors Corporation.

There is reason to doubt the truth of the allegations of the claimant that he orally gave notice of his illness to the manager of Francisco Motors Corporation on April 1, 1968 and that the illness kept said claimant from working and that he was not able to return to work.

It appears of record that on the same date, August 20, 1974, when Pablito Lapina filed the claim against Francisco Motors Corporation, he also filed a claim for disability compensation against Ford Philippines, Inc. based on an illness of anemia, paroxysmal nocturnal hemoglobiuremia which was allegedly contracted on January 16, 1970, and that said illness kept him from working and he had not returned to work.[4]

The Acting Chief Referee and Chief of Section of Regional Office No. 4 awarded to Pablito Lapina the amount of P6,000.00 as maximum disability benefit.[5] The award was affirmed by the Workmen's Compensation Commission.[6]

There is no doubt that the Pablito Lapina who filed the Notice of Claim against Ford Philippines, Inc. on August 20, 1974 is the same Pablito Lapina who filed the Notice of Claim against Francisco Motors Corporation on the same date. The two claims were prepared with the assistance of one Dave Mendoza. The signatures on both claims of Pablito Lapina are the same.

The record shows that the Regional Office No. 4 and the Workmen's Compensation Commission awarded the maximum disability benefits to Pablito Lapina in both cases filed against Francisco Motors Corporation and against Ford Philippines, Inc.. The Acting Chief Referee and Chief of Section, Ernesto S. Cruz, who rendered the decisions in both cases, could not have been unaware of the fact that he was granting the same person maximum disability benefits based on incompatible claims. In the Notice of Injury or Sickness and Claim for Compensation filed against Francisco Motors Corporation, the claimant alleged that he contracted the illness of anemia, cancer of the blood, on January 8, 1968 and his illness kept him from working and he was not able to return to work. And yet in his Notice of Claim against Ford Philippines, Inc., the same claimant alleged that he contracted anemia, paroxysmal nocturnal hemoglobiuremia in the course of employment on January 16, 1970 and that he could no longer report to work on account of said illness.

It is not explained how Pablito Lapina could have obtained employment as a mechanic with Ford Philippines, Inc. if it were true that he was disabled for work on January 8, 1968 by reason of the illness he contracted in the course of employment with the Francisco Motors Corporation.

Obviously the private respondent, Pablito Lapina, cannot recover twice for the same ailment. The Notice of Claim he filed against Ford Philippines, Inc. indubitably shows that he could not have contracted the illness on January 8, 1968 in the course of employment with Francisco Motors Corporation.

WHEREFORE, the decision of the Workmen's Compensation Commission appealed from is hereby set aside and the petitioner is held not liable for any disability claim of private respondent, Pablito Lapina. Let copies hereof be furnished the Ministers of Justice and of Labor for the filing of appropriate administrative and criminal action against the persons responsible for the double claim here-in involved.

SO ORDERED.

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

[1] Annex "D", Rollo, p. 20.

[2] Annex "G", Rollo, pp. 25-26.

[3] Rollo, p. 25.

[4] Annex "J", Rollo, p. 30.

[5] Annex "K", Rollo, p. 31.

[6] Annex "L", Rollo, pp. 32-33.

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