

**NATIONAL HOUSING CORPORATION, PETITIONER, VS.  
WORKMEN'S COMPENSATION COMMISSION, AND PEDRO DE  
LA CRUZ, RESPONDENTS.**

*G.R. No. L-43453. January 31, 1985*

Ponente: GUTIERREZ, JR., J.

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**GUTIERREZ, JR., J.:**

This petition for review on certiorari asks us to annul the decision of the Workmen's Compensation Commission ordering herein petitioner to pay the private respondent P6,000.00 compensation benefits and the Workmen's Compensation Fund P66.00 as administrative and review fees.

The records are not clear as to when private respondent Pedro de la Cruz was first employed by the petitioner National Housing Corporation. A motion for reconsideration filed with the Workmen's Compensation Commission claims that de la Cruz acquired Hansen's disease in 1961 while working for the petitioner. He was a laborer with a daily wage of P8.00. In June, 1972, de la Cruz stopped working due to his illness of Hansen's disease. The medical report of the Social Security System's Medical Department indicates his having stopped working because of this disease. After being discharged from employment due to his ailment, the private respondent with the assistance of the petitioner's Personnel Office, applied for sickness and disability benefits with the Social Security System. He is confined in the Central Luzon Sanitarium at Tala, Caloocan City.

From the findings of the Workmen's Compensation Commission and as stated by the private respondent in his memorandum, herein petitioner, despite due notice, did not file an Employer's Report and a notice of controversion as required by law.

On September 29, 1975, the private respondent's claim was dismissed by the hearing referee for lack of evidence and on the ground that his ailment did not arise out of nor was it aggravated by the nature of his work.

On a motion for reconsideration, the case was elevated for review before the Commission.

The Commission rendered a decision, the dispositive portion of which reads:

"WHEREFORE, the findings of dis-missal on appeal, should be, as it is hereby REVERSED, and a new decision is entered ordering the respondent to pay:

"1. To the claimant, thru this Commission, the sum of P6,000.00 as compensation under Section 15 of the Act;

"2. To the Commission, the sum of P66.00 as administrative fee under Section 55 of the Act."

The above-quoted decision which was duly furnished the petitioner is now assailed in this petition as having been rendered in violation of the due process clause guaranteed by the Constitution.

Petitioner maintains that it had no prior knowledge or notice of the claim by private respondent, nor was it furnished a copy of any order, summons, decision or other court processes by the Regional Office 4 of the Department of Labor, Manila, in connection with the said claim. Petitioner, therefore, argues that the Regional

Office of the then Department of Labor and the Commission did not acquire jurisdiction over its person and assuming that they did, both offices failed to observe due process as petitioner was not given the opportunity to be heard.

On the other hand, the private respondent insists that the petitioner was well-aware of his illness considering that when he stopped working in 1972, it was the petitioner's Personnel Office which assisted him in filing for sickness and disability benefits with the Social Security System. Private respondent likewise stresses the fact that the findings of the Commission showed that the petitioner was duly notified of respondent's claim, but despite such notice, failed to file its notice of controversion as required by law.

We rule for the private respondent. As found by the Commission and as can be inferred from the records, the petitioner was duly notified or in the very least, had notice of the private respondent's claim, as it was its Personnel Office which assisted the respondent in applying for sickness and disability benefits. The respondent was forced to stop working when eruptions appeared on his ears, nose, forehead, and body. His fingers' deformity and contraction also became clear. Furthermore, the official reason for respondent's discharge from employment was precisely because he contracted Hansen's disease. Clearly, the petitioner had notice of such illness. It, therefore, should have filed a notice of controversion within the time prescribed by the Workmen's Compensation Act, as amended. Having failed to do so, it lost its right to challenge the respondent's claim. (See *Lavilla v. Sec. of Labor*, 122 SCRA 663)

In *Garcia v. Workmen's Compensation Commission*, (131 SCRA 530-531) we ruled:

"Furthermore, private respondent failed to file a notice to controvert the right to compensation on or before the fourteenth day of disability or death, or within ten days after it had knowledge thereof as required, as provided by Section 45 of the Workmen's Compensation Act. It is deemed to have thereby waived or renounced the right to controvert the claim (*Olbes v. WCC* and *Capinpin v. WCC*, 117 SCRA 887) and the claimant is entitled to an outright award. Such waiver renders moot any question that can be raised against the compensability of the claim, its reasonableness and validity of the claim. (*NDC v. Galamgam*, 38 SCRA 495; *General Textiles, Inc. v. Taay*, 42 SCRA 375)"

As stated by this Court in *Jesalva v. Workmen's Compensation Commission* (95 SCRA 597, 604) -

"Moreover, the records of the case reveal that respondent employer never complied with its obligations under Sections 37 and 45 of the Act of reporting to the Commission within fourteen days from occurrence of the injury or death of its employee or within ten (10) days from knowledge thereof; which non-compliance generates [a] the loss of the right to controvert the claim on jurisdictional grounds, and the employer cannot be subsequently heard to complain that the law was strictly construed against him (*Victory Shipping Lines, Inc. v. Workmens' Compensation Commission*, 106 Phil. 550 [1959]; [b] the renunciation of the right to controvert the claim, barring all defenses available without exception (*National Development Co. v. Workmen's Compensation Commission*, 10 SCRA 696 [1964], thereby constructively admitting that it is compensable; and [c] the waiver of the defense that the claim for compensation was not filed within the statutory period (*Vda. de Calado v. Workmen's Compensation Commission*, 10 SCRA 41) [1964].) Consequently, herein respondent employer is barred from raising any defense to defeat petitioner's claim."

Hansen's disease is compensable under the Workmen's Compensation Act, if the same is acquired and/or aggravated in the course of employment. In the case of *Batangas Laguna Tayabas Bus Co. v. Workmen's Compensation Commission* (99 SCRA 713) we ruled:

"The contention that the Workmen's Compensation Commission erred in considering Hansen's disease (leprosy) compensable is without merit.

"It appears from the evidence of the claimant that his illness is traceable to his employment. Dr. Amado

Ramos, a specialist on skin disease who diagnosed the illness of Leonardo Kalaw, testified that leprosy, like tuberculosis, is a system disease; that the specific cause is bacteria and the same can be acquired through body contact with a person harboring the germs; and that some of the participating factors leading to the development of the disease are the exposure to sudden changes of environment and temperature and the lessening of the body resistance of the person affected. (Rollo, p. 24)"

Before herein respondent was hired by the petitioner, he took the routinary medical examination. As he was subsequently accepted, it could be safely presumed that he was physically fit and able at the time he started working. It was during his employment that mocular eruptions appeared on his ears, nose, forehead and body, and that respondent's fingers became deformed.

Thus, it is clear that respondent acquired Hansen's disease during and due to his employment with the petitioner. This conclusion is further strengthened by the fact that as a laborer, respondent had to exert himself physically everyday thereby reducing his level of resist-ance to all types of germs and bacteria; and as petitioner's office was situated at Tala, Caloocan City, it is very possible that respondent had encountered or come into contact with people afflicted with the disease in the course of his employment.

WHEREFORE, the decision of the Workmen's Compensation Commission dated December 31, 1975 is AFFIRMED and the petitioner is ordered to pay:

1. To respondent Pedro de la Cruz, the sum of SIX THOUSAND (P6,000.00) PESOS as compensation under Section 15 of the Act;
2. SIX HUNDRED (P600.00) PESOS as attorney's fees; and
3. To the Ministry of Labor and Employment, the sum of SIXTY-SIX (P66.00) PESOS as administrative fee.

**SO ORDERED.**

Teehankee, Acting C.J., (Chairman), Melencio-Herrera, Plana, Relova, and De La Fuente, JJ., concur.  
Alampay, J., no part.

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