

B. F. GOODRICH PHILIPPINES, INC., PETITIONER, VS. EMILIO ACEBEDO, WORKMEN'S COMPENSATION COMMISSION, RESPONDENTS.*G.R. No. L-29551. March 25, 1970*

Ponente: FERNANDO, J.

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Petitioner B. F. Goodrich Philippines, Inc. in this appeal by certiorari, seeks the reversal of an award of respondent Workmen's Compensation Commission in favor of respondent Emilio Acebedo for partial permanent disability. The plea for the setting aside of the above decision is sought to be justified by the alleged refusal of respondent Commission to be bound by an opinion of its Evaluation Division to the effect that inguinal hernia "after repair by surgery" does not call for the imposition of such a liability. It would thus impute to respondent Commission a grave abuse of discretion. Implicit in such a contention is the view that respondent Commission must perforce yield unquestioning obedience to whatever medical opinion may thus be arrived at, even if not brought to the attention of the claimant, upon pain of its determination being stigmatized as arbitrary and improvident. That is not and has never been the law. That is to disregard the standard consistently and uninterruptedly followed by us as to when a decision of respondent Commission may justifiably be assailed as subject to the condemnation that the broad discretion conferred on it had been gravely abused. Petitioner is not entitled to the reversal of the award sought. We sustain respondent Commission.

The decision of August 2, 1968 of respondent Commission, now sought to be reversed, sets forth the facts thus: "An examination of the records of the case reveals that claimant Emilio Acebedo, a calendar operator of the respondent B. F. Goodrich Philippines, Inc., with an average weekly wage (including overtime pay) of P115.90 filed with the Regional Office No. 4, Manila (Sub-Regional Office, Quezon City), a claim for compensation against the latter on May 9, 1967, for disability for labor due to recurrent left inguinal hernia sustained while actually in the performance of his duty; that because respondent in its Employer's Report of Accident or Sickness submitted to the sub-regional office on May 29, 1967 has not only indicated its intention not to controvert the right of the claimant under Section 14 of the Act but also stated that it has already paid the latter the sum of P715.26, although it made known its intention of contesting any award of compensation under Section 17 of the same Act, the Chief of Section issued on August 16, 1967 a letter-computation awarding disability benefits in the total amount of P5,699.78 in favor of claimant Emilio Acebedo; and that respondent in its letter dated August 28, 1967 (which in effect may be considered a petition for review) vigorously assailed said award on the ground that according to the opinion of the Chief of Evaluation Division of the Bureau of Workmen's Compensation inguinal hernia 'after repair by surgery should not be considered as partial permanent disability under the Workmen's Compensation Act.'"[1]

As to the precise and specific issue of the partial permanent disability, respondent Commission relied on its previous ruling in *Opalalic v. B. F. Goodrich Philippines, Inc.*, [2] the facts of which, according to the decision now under review, are similar. Thus: "'Without the least minimizing the medical [significance] of the opinion

rendered by the Evaluation Division, we say that such an opinion may not be taken in consideration where, the adverse party, the claimant in the case, was not given the opportunity to object to its admission. More so, where on its admission depends primarily a decision of reversal. (Magalona vs. WCC and NASSCO, L-21849, December 11, 1967.)"[3] The appealed decision added further: "Moreover, it does not appear in the case at bar that Opalalic's inguinal hernia was ever repaired or corrected by operation. Neither does it appear that such operation had proved successful to the point of having any future recurrence thereof. For this reason, we find the much invoked medical opinion to have no application at all." "[4]

It is easy to understand, therefore, why the decision did go against petitioner. Nor can the conclusion reached by respondent Commission be repudiated unless "on a clear showing of failure to consider the evidence on record, or failure to consider fundamental and patent logical relationships in the evidence, amounting to a clear travesty of justice or grave abuse of discretion." [5] What was said by us in Basaysay v. Workmen's Compensation Commission, through the present Chief Justice, bears repeating: "The task of ascertaining the credibility and weight of conflicting evidence, is, however, beyond the province of our authority in appeals by certiorari." [6] Even if the possibility that the Commission's conclusions were erroneous could not be ruled out, still, to borrow the language of Justice Dizon in Philippine Rabbit Bus Lines, Inc. v. Workmen's Compensation Commission, "such errors would constitute mere errors of judgment but do not involve any grave abuse of discretion on its part." [7]

Deference to the above doctrinal pronouncements calls for the affirmance of the award of respondent Commission. Petitioner, however, would stress that the cited decision, Magalona v. Workmen's Compensation Commission, [8] to the effect that the adverse party should be given an opportunity to object to an admissibility of the opinion of the Evaluation Division of respondent Commission has been overruled by the later case of Vda. de Layag v. Republic. [9] Petitioner is in error. The doctrine announced in the Magalona case, which is in accordance with the fundamental requirement of due process insofar as the right of a party to a fair hearing is concerned, is not rendered obsolete at all unless the cardinal requirement of fairness in administrative proceedings so explicitly stressed in Ang Tibay v. Court [10] and reiterated time and time again, [11] is a thing of the past. This Court, no court for that matter, cannot sanction such a deviation from the norm that justice dictates.

The opinion in the Vda. de Layag decision is to be searched in vain for any such implication which petitioner was able to discern in it. It speaks for itself. Thus: "The issue posed by the parties is whether or not the cause of death was service connected. In returning a negative conclusion the Commission found that aside from his duties as chief-cook and the usual chores incidental thereto, such as marketing, preparing and setting the table, and serving during meals, the deceased performed no other work, let alone scrubbing the floor, cleaning and painting the boat, as petitioner alleges; and that the record of his illness does not reveal any causal relation with his job." [12] Then it went on to state that insofar as the particular ailment from which the employee died was concerned, the Commission took into account the research and study made by its senior medical officer. The objection that such medical study was not competent evidence because it was not formally offered and received with notice to the claimant was answered in the opinion this way: "The cause of death here is not disputed: thrombocytopenic purpura with cerebral hemorrhage and hypoplastic anemia. All that the Commission did was to go into the clinical causes of the disease as revealed by the studies made by its own medical officer. This the Commission could do to properly inform itself on the technical questions involved, pursuant to one of its Rules (Sec. 9), which provides that 'in the hearing, investigation and determination of any question or controversy and in the exercise of any duties or powers, the Hearing Officer or Commissioner shall act according to justice and equity and the substantial merits of the case, without regard to technicalities or legal forms, and shall not be bound by a technical rule of legal evidence but may inform himself of their merit in such manner as to attain the objectives of the law.'" [13]

What is immediately apparent is that in the Layag decision the Commission was sustained; it was not overruled. Moreover, why in this particular case the non-compliance with the requirement of notice to the claimant did not have the significance it would otherwise possess was solely due to the fact that what was material in such medical study was not the effect of the ailment which could be the basis for compensation but the "clinical causes" thereof, about which there could be no controversy thus obviating the need for notice to the claimant, otherwise essential. Viewed as it ought to be, then, it is readily apparent why the principle in the Magalona case was not found controlling. That is not the situation that this case presents.

Moreover, petitioner would ignore this express finding of facts set forth above. Thus: "Moreover, it does not appear in the case at bar that [Acebedo's] inguinal hernia was ever repaired or corrected by operation. Neither does it appear that such operation had proved successful to the point of having any future recurrence thereof. For this reason, we find the much invoked medical opinion to have no application at all." [14] Petitioner did not even aver that respondent Commission was not justified in so concluding. Such an omission is fatal to its plea independently of whether or not the Magalona doctrine has been overruled. [15]

It would be a departure, therefore, unjustified and unwarranted, for this Court not to manifest the same solicitude and concern for respondent Emilio Acebedo when invariably it has, accorded the Workmen's Compensation Act a liberal interpretation inescapable under the constitutional mandates of social justice and protection to labor. [16] Petitioner is not entitled to the reversal of the award sought.

WHEREFORE, the decision of the Workmen's Compensation Commission of August 2, 1968 as well as its resolution of September 4, 1968 denying the motion for reconsideration of the above decision, are affirmed. With costs against petitioner B. F. Goodrich Philippines, Inc.

Concepcion, C.J., Dizon, Zaldivar, Castro, Barredo, and Villamor, JJ., concur.

Reyes, J.B.L., and Teehankee, JJ., in the result.

Makalintal, J., did not take part.

[1] Decision, Annex A, Brief for the Petitioner, pp. 19-20.

[2] WC Case No. RO4-1985, July 11, 1968.

[3] Decision Annex A, Brief for the Petitioner, p. 21.

[4] Ibid.

[5] Batangas Transportation Company v. Rivera, L-14427, August 29, 1960.

[6] L-16438, November 29, 1961, 3 SCRA 530, 534.

[7] L-20614 and L-21517, May 25, 1964, 11 SCRA 60, 67. Cf. NASSCO v. Workmen's Compensation Commission, L-22628, January 31, 1967, 19 SCRA 254; Rio y Compania v. Workmen's Compensation Commission, L-21467, August 30, 1967, 20 SCRA 1196, and Caltex (Phil.) Inc. v. Castillo, L-24657, November 27, 1967, 21 SCRA 1071.

[8] L-21849, December 11, 1967, 21 SCRA 1199.

[9] L-23640, May 22, 1968, 23 SCRA 646.

[10] 69 Phil. 635 (1940).

[11] The latest case is Sanchez v. Preserver Shoe Company, L-26932, March 28, 1969, citing 27 other cases.

[12] Vda. de Layag v. Republic, L-23640, May 22, 1968, 23 SCRA 646, 648.

[13] Ibid., p. 649.

[14] Decision, Annex A, Brief for the Petitioner, p. 21.

[15] Cf. Victorias Milling Co. v. Workmen's Compensation Commission, L-25665, May 22, 1969, 28 SCRA 285, citing Batangas Transportation Company v. Rivera, L-14427, August 29, 1960, and Victorias Milling Company v. Workmen's Compensation Commission, L-25640, March 21, 1968, 22 SCRA 1215.

[16] Cf. Francisco v. Consing, 63 Phil. 354 (1936); Murillo v. Mendoza, 66 Phil. 689 (1938); Ramos v. Poblete, 73 Phil. 241 (1941); Caro v. Rilloraza, 102 Phil. 61 (1957); Liwanag v. Workmen's Compensation Com., 105 Phil. 741 (1959); De Leon v. Abbas, L-15394, April 29, 1961, 1 SCRA 1268; Bautista v. Murillo, L-13374, Jan. 31, 1962, 4 SCRA 175; Iloilo Dock and Engineering Co. v. Workmen's Compensation Com., L-17283, July 31, 1962, 5 SCRA 765; Agustin v. Workmen's Compensation Com., L-19957, Sept. 29, 1964, 12 SCRA 55; Industrial Textile Mfg. Co. v. Florzo, L-21969, Aug. 31, 1966, 17 SCRA 1104; Manila Pest Control Inc. v. Workmen's Compensation Com., L-27662, Oct. 29, 1968, 25 SCRA 700; Iloilo Dock and Engineering Co. v. Workmen's Compensation Com., L-26341, Nov. 27, 1968, 26 SCRA 102; Victorias Milling Co. v. Workmen's Compensation Com., L-25665, May 22, 1969, 28 SCRA 285; Operators, Inc. v. Cacatian, L-26173, Oct. 31, 1969, and La Mallorca v. Workmen's Compensation Com., L-29315, Nov. 28, 1969.

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