

RECAREDO R. HERNANDO, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES (DEPARTMENT OF JUSTICE), RESPONDENTS.

G.R. No. L-40812. April 12, 1982

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision of the Workmen's Compensation Commission dated May 26, 1975 in RO4-WC Case No. 136779 entitled "Arsenia Hernando (deceased), substituted by her husband Recaredo Hernando, Claimant, versus Republic of the Philippines (Department of Justice), Respondent", allowing only the amount of P2,913.41 out of the P28,301.57 claimed as reimbursement of medical expenses incurred in connection with the illness of Municipal Judge Arsenia Sauco-Hernando.[1]

The late Arsenia Sauco-Hernando was formerly a municipal judge of San Rafael, Bulacan with an annual salary of P10,800.00. She was found suffering from endometriosis, myoma, uterus cancer, on October 7, 1972 during her employment as municipal judge. After being operated on for complete hysterectomy and appendectomy at the Makati Medical Center, she subsequently filed a Notice of Injury or Sickness and Claim for Compensation on November 25, 1972 with Regional Office No. 4 of the Department of Labor at Manila. An award by the Acting Chief Referee and Chief of Section dated March 21, 1973 was rendered in her favor granting disability benefits in the amount of P6,000.00 as compensation for permanent and total disability, pursuant to Sections 14 and 15 of Act No. 3438, as amended, with a reservation as to the final disposition of the claim pertaining to the reimbursement of medical expenses. Acting on a motion for reconsideration filed by the Office of the Solicitor General on April 5, 1975, the respondent, Workmen's Compensation Commission, rendered a decision on August 29, 1973 affirming in all respects said award of March 21, 1973.

On May 16, 1973, claimant Arsenia Sauco-Hernando died without receiving any payment on the award. Her husband, Recaredo Hernando, now petitioner, substituted her and was subsequently paid on December 10, 1973 the amount of P6,000.00.

Recaredo R. Hernando filed a letter of demand on April 7, 1975 with the respondent Commission for reimbursement of medical expenses in the amount of P28,301.57. Through its Medical Rating Officer, the respondent Commission evaluated as to its propriety and reasonableness the evidence on the reimbursement of medical expenses. In its decision dated May 26, 1975, the respondent Workmen's Compensation Commission allowed only the amount of P2,913.41 out of the P28,301.57 claimed for reimbursement of medical expenses on the basis of the report of the Chief of the Evaluation Division dated May 13, 1975. Hence, the petitioner filed this petition for review.[2]

The petitioner assigns the following errors:

"First Assignment of Error

RESPONDENT-APPELLEE THE WORKMEN'S COMPENSATION COMMISSION ERRED IN HOLDING THAT 'AFTER THE COMMUTATION OF THE COMPENSATION ON THE BASIS OF TOTAL AND PERMANENT DISABILITY OF THE EMPLOYEE CONCERNED, THE OBLIGATION OF THE EMPLOYER UNDER THE LAW TO PROVIDE HIM OR HER WITH SUCH MEDICAL, SURGICAL AND HOSPITAL SERVICES AND SUPPLIES CEASES.'

Second Assignment of Error

RESPONDENT-APPELLEE THE WORKMEN'S COMPENSATION COMMISSION ERRED IN HOLDING THAT 'IT WAS THEREFORE ERROR FOR THE CHIEF OF THE WORKMEN'S COMPENSATION UNIT OF REGIONAL OFFICE NO. 4, MANILA, WHO RENDERED THE AWARD TO HAVE STATED IN HIS AWARD OF MARCH 21, 1973 THAT CLAIMANT IS ENTITLED TO MEDICAL, SURGICAL AND HOSPITAL SERVICES AND SUPPLIES AS THE NATURE OF HER DISABILITY AND THE PROCESS OF HER RECOVERY MAY REQUIRE AND THAT WHICH WILL PROMOTE HER EARLY RESTORATION TO THE MAXIMUM LEVEL OF HER PHYSICAL CAPACITY.'

Third Assignment of Error

RESPONDENT-APPELLEE THE WORKMEN'S COMPENSATION COMMISSION ERRED IN HOLDING THAT 'THE ONLY AMOUNT OF MEDICAL EXPENSES THAT SHOULD BE ALLOWED AND APPROVED IS P2,913.41.' AND IN ALLOWING AND APPROVING ONLY P2,913.41 OF THE TOTAL CLAIM OF P28,301.57 FOR MEDICAL BENEFITS."[3]

The Workmen's Compensation Commission allowed only the amount of P2,913.41 as reimbursement of medical expenses because:

"It should be noted that claimant was adjudged totally and permanently disabled for labor in the award of March 21, 1973 and was awarded therein the maximum compensation of P6,000.00 to be paid her in one lump sum. In fact, as she died on May 16, 1973 without having been paid the amount awarded to her, her husband, who substituted for her, was paid said sum of P6,000.00 on December 10, 1973.

Having thus been permanently and totally incapacitated for work on March 21, 1973 in the award, in consonance with the finding and report on the same date of the Compensation Rating Medical Officer of said Office, who examined and rated the disability of claimant, said claimant was no longer entitled to medical, surgical and hospital services and supplies from said date at the expense of her employer. Hence, any expense she might have incurred for her treatment and medication as a pallative thereafter must have to be personally borne by her or her family. Stated otherwise, after the commutation of the compensation on the basis of total and permanent disability of the employee concerned, the obligation of the employer under the law to provide him or her with such medical, surgical and hospital services and supplies ceases. Such is our consistent rulings on this point.

It was therefore an error for the Chief of the Workmen's Compensation Unit of Regional Office No. 4, Manila, who rendered the award to have stated in his award of March 21, 1973 that claimant is entitled to medical, surgical and hospital services and supplies as the nature of her disability and the process of her recovery may require and that which will promote her early restoration to the maximum level of her physical capacity. For totally and permanently disabled, she could no longer recover her physical capacity before she suffered from her permanently disabling sickness. Hence, what she could only recover as reimbursement is the amount spent for her treatment from the time she started to have her disabling sickness (date when she stopped working due to it) up to the time she was declared or pronounced medically and legally to be totally and permanently disabled for labor."[4]

The foregoing ruling of the respondent Workmen's Compensation Commission is erroneous. The Workmen's Compensation Act, as amended, does not distinguish between medical expenses incurred before and after

disability has been declared. As held in *Cebu Portland Cement Company vs. Workmen's Compensation Commission*,^[5] the law, in imposing on the employer the obligation to provide medical attendance to an injured or sick employee, unlike those provisions relating to compensation for disability, does not provide a maximum either in the amount to be paid or the time period within which such right may be availed of by the employee. The implication is that such medical expenses as may be necessary until the work-connected injury or sickness ceases, may be charged against the employer.

In *Manansala vs. Republic*,^[6] this Court held:

"The basic issue tendered for resolution is whether the Commission acted with grave abuse of discretion in denying the claim of the petitioner for reimbursement of medical expenses in the sum of P6,285.50.

We hold that the Commission erred in denying outright the questioned claim. Four circumstances, in combination, point to the gravity of the Commission's error. First. The Commission itself found and so held that the petitioner is entitled not only to disability benefits but as well to reimbursement of medical expenses. Such being the case, the least it should have done, in the exercise of its broad statutory powers, was to accord the petitioner full opportunity to adduce proof of his medical expenses. Second. The case at bar involves a non-controverted, admittedly valid disability claim. Third. The medical certificates issued to the petitioner by the two doctors who attended to him each contains a specification of medical expenses. Fourth. The Bureau of Soils and the Office of the Solicitor General expressed complete agreement with the reasonableness of the petitioner's medical expenses, as evidenced by the following indorsement dated June 7, 1971 of Assistant Solicitor General Dominador L. Quiroz:

'Respectfully forwarded to the Chief, Workmen's Compensation Section, Regional Office No. 4, Department of Labor, Manila, the within papers relative to the claim for compensation filed by Mr. Juan Lopez Manansala, Driver, Bureau of Soils, with the information that this Office is not controverting the said claim for compensation, it appearing from the Employer's Report that the claimant was injured in regular occupation (Item 17) and that the employer is not controverting the said claim for compensation (Item 8). The claim for reimbursement of medical expenses in the amount of P6,285.50 is also not being contested by this Office in view of the preceding indorsement of the Acting Director of Soils that the same is fair and reasonable.'

It bears emphasis that the Workmen's Compensation Act was 'designed to give relief to the workman x x x and secure him and his dependents against becoming the object of charity by giving him a reasonable compensation,' and that pursuant to these objectives the Act must be liberally construed in favor of the workman and his dependents."

In the present case, the claim is uncontroverted. Indeed, in the decision of the respondent Workmen's Compensation Commission dated August 29, 1973, the award of the Acting Chief Referee of Regional Office No. 4 of the Department of Labor was affirmed in all respects.

Under the established facts, the petitioner is entitled to reimbursement of medical expenses incurred by the deceased-claimant, Municipal Judge Arsenia Hernando, in the full amount of P28,301.57 provided that the said medical expenses are supported by proper receipts.

WHEREFORE, the decision appealed from is hereby modified in that the respondent, Republic of the Philippines (Department of Justice), is ordered to pay the petitioner the amount of Twenty Eight Thousand Three Hundred One and 57/100 Pesos (P28,301.57), if supported by proper receipts, as reimbursement of medical expenses.

SO ORDERED.

Makasiar, Guerrero, and Plana, JJ., concur. Teehankee, Acting C.J., and Melencio-Herrera, J., in the result.

[1] Annex "A", Rollo, pp. 13-15.

[2] Brief for Respondents-Appellees, pp. 2-3, Rollo, p. 91.

[3] Brief for Petitioner-Appellant, p. 11, pp. 14-15 and p. 28, Rollo, p. 75.

[4] Annex "A", Rollo, pp. 14-15.

[5] 10 SCRA 420, 425.

[6] 57 SCRA 233-234.

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