

PLYWOOD INDUSTRIES, INC., PETITIONER, VS. THE WORKMEN'S COMPENSATION COMMISSION AND ARSENIO MANAOAT, RESPONDENTS.

G. R. No. L-18165. May 30, 1962

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Petition for certiorari filed by the petitioner, Plywood Industries, Inc., praying for the reversal of the decision en banc of the Workmen's Compensation Commission affirming the decision of Labor Regional Office No. 1, Dagupan City, awarding the respondent Arsenio Manaoat compensation benefits pursuant to the Workmen's Compensation Act, as amended.

The records of this case disclose that Arsenio Manaoat was first employed by the Plywood Industries, Inc., in July, 1954 as splicer-receiver, upon passing a pre-employment physical and medical examination conducted by the company physician; that he was later on promoted to the position of splicer-operator; that he received a salary of P4.00 a day and worked 8 hours a day, 6 days a week; and that sometime in April and May, 1957, while in the employ of the petitioner company, he suffered back and chest pains accompanied by persistent coughing. He reported this matter to the company physician. When the pains and coughing did not subside despite medications' and treatment by the company physician, Manaoat underwent an X-ray examination, the result of which was referred to the Quezon Institute for interpretation. When the report from the Quezon Institute was received, the company physician started giving Manaoat medicines for tuberculosis and advised him to stop working; thereupon, Manaoat informed the manager of the fact of his illness, and the manager told Manaoat that he would be paid 60% of his weekly wages. After he ceased working, and feeling that he was not getting any better, he returned to his hometown at Lingayen, Pangasinan. Thereat, he sought the services of another physician who treated him continuously. On November 5, 1957, an X-ray check up revealed that both lungs were essentially negative of P.T.B. Despite such findings, however, the attending physician, who was not yet fully convinced that the illness was completely arrested, continued his treatment of Manaoat. On September 18, 1959, another check-up showed that Manaoat was suffering from active tuberculosis, probably due to claimant's inability to buy all the medicines prescribed by his attending physician.

Findings were also made to the effect that Manaoat's place of work at petitioner's factory was hot and dusty; and despite the fact that there was an "exhaust" to take care of the dust, there was still plenty of dust flying all over the place as the "exhaust" could not blow away all the dust.

Petitioner company questions the compensability of Manaoat's claim under the Workmen's Compensation Act, as amended, on the ground that it has not been shown whether the tuberculosis that he contracted was directly caused by his employment, or that it was aggravated by, or is the result of, the nature of such employment. We cannot agree to this defense. The findings of fact by the Workmen's Compensation Commission, which are based on Section 2 of Act 3428, contradict the claim of the company, and said findings are supported not only by

substantial evidence but also by the admissions of the petitioner company and its company physician contained in W.C.C. Forms Nos. 3 and 4 (Employer's Report of Accident or Sickness and Physician's Report of Sickness or Accident, Annexes "1", "1-A" and "2", Answer). These reports attest to the fact that Manaoat, while in the employ of the petitioner company, was suffering from "Kock's pulmonary, minimal, right", and that the cause of illness is "occupational".

It is noteworthy that the Company had manifested in its report (Annex "1", Answer) that it would not controvert the claim for compensation, and that it had already made voluntary payment of compensation in the amount of P70.00.

The second error assigned by the petitioner is the late filing of a notice of injury or sickness, as required by Sections 26 and 27 of Act 3428, as amended.

The aforesaid provisions require the filing of said notice as soon as possible after the injury or sickness was received or contracted, and the making of a claim for compensation made not later than two months after the date of the injury or sickness. But Section 26 dispenses with the foregoing time limits in case "medical * * * services and supplies have been furnished" and compensation payments have been made voluntarily by the employer; and it has been established here that the company physician treated Manaoat of tuberculosis, and that the employer admits having voluntarily paid P70.00 by way of compensation (Answer, Annex "1").

The petitioner assigns as last error the lack of jurisdiction of Labor Regional Office No. 1 to hear and decide the case at bar, relying on Section 1, Rule 16, of the Rules of the Workmen's Compensation Commission, which provides :

"Claim for compensation shall be filed and heard in the Regional Office where the accident occurred, or where the claimant or any of the claimants reside or where the respondent or any of the respondents reside, at the option of the claimant." (Italics supplied)

But petitioner company's line of argument refers to venue rather than jurisdiction, and is now being raised for the first time. Be that as it may, no error was made when the claim for compensation was heard in Regional Office No. 1, because the claimant is a resident of Lingayen, Pangasinan. Premises considered, the petition for certiorari is hereby denied, with costs against the petitioner company.

Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, and Dizon, JJ., concur.

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