

SOLEDAD R. RUIVIVAR, PETITIONER, VS. THE WORKMEN'S COMPENSATION COMMISSION, REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), RESPONDENTS.

G.R. No. L-43536. August 31, 1978

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the decision of the Workmen's Compensation Commission in R05-WC Case No. 129803 entitled "Soledad R. Ruivivar, Claimant, vs. Republic of the Philippines (Bureau of Public Schools), Respondent" which reversed and set aside the decision of Regional Office No. 5, Workmen's Compensation Unit at Legaspi City, and absolved the Republic of the Philippines (Bureau of Public Schools) from any liability under the Workmen's Compensation Act, as amended.[1]

The record shows that the claimant, Soledad R. Ruivivar, was formerly employed by the Bureau of Public Schools as a classroom teacher with the latest annual salary of P4,844.00 and assigned at the Division of Cavite; that on September 2, 1971, said claimant stopped working alleging that she was suffering from toxic goiter and rheumatoid thyroid heart; and that the claimant was disabled from labor from said date up to the present.[2]

Soledad R. Ruivivar filed a claim for disability compensation benefit with the Workmen's Compensation Unit in Regional Office No. 5 at Legaspi City. The Employer's Report was duly submitted where non-controversion was registered on the ground that claimant's illnesses were acquired in regular occupation. The same report admitted that claimant was a public school teacher of the Bureau of Public Schools for the last eighteen (18) years at a salary of P367.00 a month. The fact of sickness and disability were likewise admitted. According to Regional Office No. 5, the records failed to reveal any comment from the Office of the Solicitor General.

The Workmen's Compensation Committee Evaluation Report of the Bureau of Public Schools found that the claim is meritorious and recommended favorable action.

In view thereof, the Regional Office No. 5 declared the claimant entitled to disability benefit and ordered the Republic of the Philippines (Bureau of Public Schools) to pay claimant the amount of P6,000.00 as disability benefit and the amount of P3,063.23 as medical expense reimbursement, and to pay the Workmen's Compensation Unit No. 5 the sum of P61.00 as administrative fee.

In February 1976, the Bureau of Public Schools, through the Office of the Solicitor General, filed a Petition To Elevate Records For Relief From Judgment alleging that the Office of the Solicitor General received a copy of the decision of the Regional Office dated November 22, 1975, only on January 27, 1976. The Acting Referee of the Workmen's Compensation Unit, Regional Office No. 5 at Legaspi City, issued an order on March 2, 1976 denying the petition filed by the Bureau of Public Schools for lack of merit but directing that the entire records of the case be elevated to the Workmen's Compensation Commission for review.

The Solicitor General contends that the respondent being the Republic of the Philippines, service of the process

should be made upon the Solicitor General. Inasmuch as copy of the notice and claim for compensation was not furnished the Office of the Solicitor General, the Regional Office No. 5 did not acquire jurisdiction over the respondent. Hence the decision of said Regional Office is null and void and can never become final and executory.[3]

The respondent, Bureau of Public Schools, did not present any evidence to contradict the evidence adduced by the petitioner that her illness supervened during her employment with the Bureau of Public Schools. There is, therefore, a presumption of compensability and causal relation of her illness to her job.

The petitioner did not rely on the presumption alone. She adduced sufficient evidence to establish that her illness was either caused or aggravated by her work as public school teacher in the Bureau of Public Schools.

The contention of the Solicitor General that Regional Office No. 5 acquired no jurisdiction over the claim for disability benefits because the Office of the Solicitor General was not furnished a copy of the notice and claim for compensation has no merit. In *Dinero vs. Workmen's Compensation Commission, et al.*,^[4] this Court held:

"We find no merit in the Solicitor General's contention on behalf of respondent that failure of the records of the Solicitor General to show that copy of the Notice and Claim for Compensation was received by his office prior to the issuance of the Referee's dismissal order resulted in a failure of jurisdiction of respondent commission over the respondent State. Failure of the government agency concerned to comply with the cited Department of Labor's Manual of Standard Operations Procedure provision that 'claims against the Republic of the Philippines shall be transmitted to the Solicitor General in his capacity as counsel for the National Government and a copy thereof to the Bureau or office where the injured laborer was working x x x' cannot be the instrument of injustice against the claimant-employee nor override the statutory sanction for non-controversion in accordance with enshrined doctrinal jurisprudence."

The Workmen's Compensation Act is a social legislation designed to give relief to the working man who has been the victim of an illness in the pursuit of his employment and which should, by virtue thereof, be liberally construed to attain the purpose of which all doubts should be resolved in favor of the petitioner. For to do so would serve better the ends of social justice in this enlightened era of a compassionate society.^[5]

WHEREFORE, the decision of the Workmen's Compensation Commission is hereby set aside and the respondent, Republic of the Philippines (Bureau of Public Schools), is ordered:

- 1) To pay the claimant the amount of Six Thousand Pesos (P6,000.00) as disability benefit and the amount of Three Thousand Sixty Three and 23/100 Pesos (P3,063.23) as reimbursement for medical expenses, with proper receipts;
- 2) To pay counsel of the claimant the sum of Six Hundred Pesos (P600.00) as attorney's fees; and
- 3) To pay the successor of the Workmen's Compensation Commission the amount of Sixty-One Pesos (P61.00) as administrative fee.

SO ORDERED.

Teehankee, (Chairman), Muñoz Palma, and Guerrero, JJ., concur.

Makasiar, J., concurs in a separate opinion.

[1] Annex "D", Rollo, pp. 29-30.

[2] *Idem.*, Rollo, p. 29.

[3] Comment, Rollo, pp. 46-48.

[4] 70 SCRA, pp. 292, 296-297.

[5] *Concepcion T. Uy vs. Workmen's Compensation Commission, Bureau of Public Schools*, 64 SCRA, pp. 37, 47.

SEPARATE CONCURRING OPINION

MAKASIAR, J.:

I concur with the additional opinion that the respondent employer should likewise be directed to provide the claimant with such medical, surgical and hospital services as well as appliances and supplies as the nature of his disability and the progress of his recovery may require and which will promote his early restoration to the maximum level of his physical capacity. It is my consistent view that the provisions of Section 13 of the Workmen's Compensation Act, as amended, and Article 184 of the New Labor Code, as amended, confer such right on the disabled employee, whether his disability is temporary or permanent. This is in compliance with the social justice guarantee of both the 1935 and 1973 Constitutions and in obedience to the directive of Article 4 of the New Labor Code that "all doubts in the implementation and interpretation of the provisions of this Code, including its implementing rules and regulations, shall be resolved in favor of labor", which is a re-statement of existing jurisprudence as well as Article 1702 of the New Civil Code. To limit such right to a temporarily disabled employee would inflict gross injustice on those permanently disabled, who still need to be relieved from the pain, trauma, social ostracism or humiliation generated by such permanent disability.

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