

GREGORIO ANDES, SR., PETITIONER, VS. REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), HON. BLAS F. OPLE, SECRETARY OF THE DEPT. OF LABOR, AND ERNESTO H. CRUZ, CHIEF OF TH...

G.R. No. L-47135. March 31, 1981

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition to review the Order of the Secretary, now Minister, of Labor in Case No. R06-WCU No. 473, entitled "Gregorio Andes, Sr., Claimant vs. Republic of the Philippines (Bureau of Public Schools), Respondent", denying the claim for reimbursement of additional medical expenses.¹

The petitioner, Gregorio Andes, Sr., was an employee of the Bureau of Public Schools, Sorsogon Division. He sustained an injury on a PAL plane while on his way from Manila to Sorsogon on an official business for the respondent Bureau of Public Schools.

Gregorio Andes, Sr. filed a claim with the Region-al Office No. VI, Workmen's Compensation Unit, in Naga City, which was docketed as Case No. R06-WCU-473. The claim was not controverted by the Bureau of Public Schools. The Acting Referee of Regional Office No. VI granted an award dated February 4, 1972, the dis-positive portion which reads:

"WHEREFORE, AWARD is hereby rendered in favor of the claimant Gregorio C. Andes and against the respondent, ordering the latter:

1. To pay claimant, Gregorio Andes, thru this Office, the sum of P6,000.00 as compensation pursuant to Section 18 of the law;
2. To pay claimant, thru this Office, the sum of P14,194.95 as reimbursement of medical expenses incurred after his release from Manila Doctor's Hospital on July 15, 1966, pursuant to Section 13 of the law. Said expenses are all covered by receipts;
3. To extend to claimant further medical services until his illness is medi-cally pronounced cured by competent medical authority pursuant to Section 13 of the same law;
4. To pay claimant's counsel, Atty. Pedro B. Carranza, thru this Office, the sum of P300.00 as attorney's fee, pursuant to Section 31 of the law;
5. To pay the Workmen's Compensation Fund, thru this Office, the sum of P61.00 as administrative fee, pursuant to Section 55 of the law.

"SO ORDERED." [2]

The decision became final and executory, no appeal having been taken by the respondent. The amounts adjudicated were paid except Item No. 3 which reads:

"To extend to claimant further medical services until his illness is medically pronounced cured by competent medical authority pursuant to Section 13 of the same law x x x."

The petitioner filed a claim to recover the medical expenses incurred from 1972 to December 31, 1975 in the amount of P19,818.00. The then Secretary of Labor denied the claim for reimbursement because:

"As we have time and again ruled, a finding of permanent total disability is inconsistent with a grant of further medical services. For once an injury or disability is declared to be permanent and total in nature, as in this case, the need for further medical treatment ceases to exist because no amount of subsequent medication could restore the injured to his maximum level of physical capacity."³

The award in favor of the petitioner by the Acting Referee of Regional Office No. VI, Naga City is admittedly final and executory. Hence no part thereof may be modified even by the Secretary, now Minister of Labor.

In *Carreon vs. Workmen's Compensation Commission*,⁴ this Court said:

"In *Vitug vs. Republic*, (L-44890, Feb. 28, 1977), we once again reaffirmed our ruling in *Ramos vs. Republic*, 69 SCRA 576 (Feb. 27, 1976), that '(the) basic rule of finality of judgments is applicable indiscriminately to one and all and regardless of whether respondent employer be a public or private employer, since the rule is grounded on fundamental considerations of public policy and sound practice that at risk of occasional error, the judgment of courts and award of quasi-judicial agencies must become final at some definite dated fixed by law.'"

All that should be determined is whether or not the expenses were actually incurred by reason of the injury he sustained on board the PAL plane while travelling on official business for the Bureau of Public Schools. Apparently there was no dispute because the amounts incurred for medical expenses are supported by proper receipts.

The contention that the petitioner is no longer entitled to be reimbursed of his medical expenses because his physician has declared him to be totally and permanently disabled has no merit: The petitioner has a right to seek further improvement of his physical condition. He also has the right to receive medical treatment to alleviate the pain resulting from the injuries.

WHEREFORE, the Order of the Secretary of Labor dated April 27, 1977 is hereby set aside and the Bureau of Public Schools is ordered to pay the petitioner the amount of P19,818.00 representing medical expenses he incurred from 1972 to December 31, 1975 supported by proper receipts at a proper hearing to be held for the purpose.

SO ORDERED.

Makasiar, Guerrero, and De Castro, JJ., concur.

Teehankee, J., (Chairman), concurs in the result in line with his separate opinion in *Mariano Basa vs. WCC*, L-43098, March 30, 1981 in relation to his dissent in *Biscarra vs. RP*, 95 SCRA 248.

Melencio-Herrera, J., voted to affirm the decision of the Secretary of Labor denying the claim for reimbursement for further medical expenses of P19,818.00 after petitioner had received full compensation of P6,000.00 for permanent total disability, and P14,194.95 as reimbursement for medical expenses. The grant of lifelong medical expenses was never the intentment of the Workmen's Compensation Act after compensation for permanent total disability and reimbursement for medical expenses have been received by a claimant, as further elaborated in my dissent in *Biscarra vs. Rep. Of the Phils. (Bu. of Forestry) & WCC*, 95 SCRA 248 (1980).

1 Rollo, p. 12.

[2] Exhibit “A”, Rollo, p. 9.

3 Rollo, p. 12.

4 77 SCRA 297, 300.

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