

**PHILIPPINE COTTON DEVELOPMENT CORPORATION, PETITIONER,
VS. THE HON. WORKMEN'S COMPENSATION COMMISSION, ET
AL., RESPONDENTS.***G.R. No. L-16871. May 19, 1961*

Ponente: BAUTISTA ANGELO, J.

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Rodrigo Sison was employed by the Philippine Cotton Development Corporation as tool-keeper with a daily wage of P2.50. On November 14, 1957, while inside his office, he spat blood and was given medical attention in the clinic of Dr. Royeca at Lagao, General Santos, Cotabato. He stayed there for six days and then reported for work but instead of being readmitted he was paid his salary corresponding to the days he worked before his confinement. He was also given a pass to return to his home in Lingayen, Pangasinan, where he again submitted himself for treatment to Dr. Gerardo Sison. As apparently his sickness continued he filed a claim for compensation with Regional Office No. 1 stationed at Dagupan City against the company. Notified of the claim the company controverted it alleging that the sickness of claimant was not directly or indirectly caused or the result of his employment as tool-keeper and asked that it be dismissed.

The hearing of the case was originally set on March 17, 1959 at Dagupan City, but upon receipt of notice thereof the company, thru counsel, filed a motion for postponement wherein it asked for the transfer of the hearing to Dadiangas, General Santos, Cotabato, alleging that considering the distance of the place of investigation from the residence of the company and its witnesses it would be very expensive and inconvenient for them to have the hearing in Dagupan City, and alleging further that since it is in Dadiangas where claimant allegedly contracted his illness the hearing should be held in the latter place for the convenience of the parties against whom the claim has been filed.

The hearing officer granted the motion to postpone but denied the motion to transfer the place of hearing, whereupon, the company, thru counsel, filed a motion to dismiss on the ground that the cause of claimant's illness was not caused directly or indirectly by the nature of his employment, attaching thereto the affidavits of persons who knew the circumstances surrounding the sickness of claimant. The hearing officer denied the motion and again set the case for hearing on May 12, 1959 also at Dagupan City.

On May 8, 1959, the company filed a motion for reconsideration of the order denying its motion to dismiss, which motion was denied on May 15, 1959, three days after the hearing ex-parte was held on May 12, 1959.

Upon receipt of the order denying its motion for reconsideration, the company filed a motion on June 9, 1959 asking the hearing officer to conduct the hearing by interrogatories under the pertinent provisions of the Rules of Court. However, this request was likewise denied. In the meantime, the hearing officer rendered decision on June 15, 1959 ordering the company to pay claimant the sum of P1,180.80, plus the sum of P510.00 as reimbursement for the medical expenses he had incurred.

After receipt of this decision, the company, within the reglementary period, gave notice of appeal to the

Workmen's Compensation Commission raising as issues the following: in giving due course to the claim; in not granting the motion of the company to transfer the place of hearing to Dadiangas, General Santos, Cotabato, where both employer and employee resided during the period of his employment; in denying the motion to dismiss and in not giving credit to the affidavits submitted in support thereof; in proceeding with the hearing without the presence of the representative of the company; and in holding the company liable to pay the claim despite the fact that claimant's illness was not caused by the nature of his employment.

Acting on the appeal, Associate Commissioner Cesareo Perez rendered decision affirming that of the hearing officer with slight modifications. On November 14, 1959, the company filed a motion for reconsideration, and on March 1, 1960, the Commission sitting en banc affirmed the decision of Commissioner Perez by a vote of two to one. The company interposed the present petition for review.

The main theme of petitioner is that the Workmen's Compensation Commission erred in not granting its motion to transfer the case for hearing to Dadiangas, General Santos, Cotabato, where both employee and employer were residing during the period of employment of the former and in allowing instead that the hearing officer conduct the hearing in Dagupan City for such would work a grave inconvenience to, and would entail great expense on the part of, petitioner and its witnesses who were then residing in the place of their employment. It is contended that the residence of claimant for purposes of the Workmen's Compensation Law should be taken to mean his place of abode during his period of employment and not any other place he may choose to the prejudice of the employer.

There is no merit in this contention. Section 1, Rule 16, of the Rules of the Workmen's Compensation Commission 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 resides, at the option of the claimant."

As It will be noted, a claim for compensation may be filed and heard In the regional office of any of the following places: where the accident occurs; where the claimant, or any of them, if more, resides, or where the respondent, or any of them, if more, resides, at the option of the claimant. These provisions are clear. They provide for different places where a claim for compensation may be filed for it may happen that the claimant may have a residence different from where he is employed. It may also happen that the accident may occur in a place different from where the residence of claimant, or the place of his employment, is. In any of these cases, the rule gives the choice to the claimant. Evidently, the purpose of the rule is to foster the convenience of the claimant considering that he is the aggrieved party. It is true that if these provisions are carried out to the letter may work inconvenience or some pecuniary disadvantage to the employer, but this situation must have already been taken into account by the Commissioners when the rules governing the hearing of claims had been adopted. And, undoubtedly, the question that was paramount in the minds of the Commissioners when they adopted said rules was the convenience and welfare of the laborer. We have nothing against this purpose since it is in keeping with the spirit of the law.

Petitioner also contends that the hearing officer committed a grave abuse of discretion in proceeding with the hearing of the case ex-parte, or without the presence of a representative of petitioner. This contention is also untenable for the record shows that the hearing has been postponed several times precisely at the request of petitioner. Thus, the hearing was originally set for March 17, 1959, and it was postponed to April 13, 1959 because of a motion filed by petitioner. Then, petitioner filed a motion to dismiss alleging that claimant's illness was not caused by the nature of his employment, and after denying said motion, the hearing officer again set the hearing for May 12, 1959. And when this date came, and no one appeared for petitioner, the hearing officer heard the case ex-parte, and thereafter rendered his decision. It is true that this decision was rendered after the hearing

officer had received the motion of petitioner to reconsider his order denying the motion for dismissal, but this is of no moment for the hearing officer acted thereon after having reached the conclusion that said motion had no merit. In the circumstances, we find that the hearing officer has not committed any abuse of discretion as claimed because he merely acted having in view his duty to act and dispose of the claim with the least possible delay. He merely acted in accordance with the spirit of the law.

We have taken notice of the strong dissent put up by Commissioner Nieves Baens del Rosario predicated on the necessity of giving a party his day in court in every case or proceeding invoking the following passage from Larson's book on Workmen's Compensation Law: "there is a point beyond which the sweeping-aside of 'technicalities' cannot go, since evidentiary and procedural rules usually have an irreducible hard core of necessary function which cannot be dispensed with in any orderly investigation of the merits of the case", considering the summary nature of the determination of a compensation case. While there is a point in this opinion of Commissioner Del Rosario we are however persuaded not to toe the line considering that the petition for holding the hearing through interrogatories was filed by herein petitioner quite late. It came after the hearing officer had already rendered his decision on the merits. This Court would not have hesitated in giving petitioner an opportunity to be heard had it filed its petition on time, but it did not choose to do so. As the situation now stands we have no other alternative than to uphold the majority opinion.

Wherefore, the decision appealed from is affirmed, with costs against petitioner.

Bengzon, C.J., Padilla, Labrador, Concepcion, Reyes, J.B.L., Paredes, Dizon, De Leon, and Natividad, JJ., concur.

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