

**MARIA V. VILLEGAS, PETITIONER, VS. WORKMEN'S
COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES
(BUREAU OF PUBLIC SCHOOLS), RESPONDENTS.**

G.R. No. L-43258. September 30, 1977

Ponente: MARTIN, J.

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MARTIN, J.:

This is a petition to review[1] the decision of the Workmen's Compensation Commission denying death compensation benefits and the reimbursement of medical expenses awarded to petitioner by the Hearing Referee of the Workmen's Compensation Unit of Tacloban City.

Petitioner Maria V. Villegas is the widow of the deceased Vicente Villegas who was employed as the Division Superintendent of Public Schools for Eastern Samar at the time of his death. He had served the Bureau of Public Schools for more than thirty years. Prior to his assignment at Eastern Samar, he was the Division Superintendent for the province of Leyte. His position required him to travel extensively to visit remote barrios to better supervise the public schools within his jurisdiction.

In 1967 he suffered bodily weakness and general debility but in spite of this he continued working until in February 21, 1970 while supervising the construction of the Boy Scouts of the Philippine Jamboree Camp at Guian, Samar, he had a severe attack of vomiting accompanied by loose bowel movement. In spite of his ailment he did not quit his job as chairman of the construction of the Boy Scouts Jamboree Camp Site because he wanted to see the work completed.

On March 24, 1970, Villegas went to the Bethany Hospital at Tacloban City for medical treatment, Dr. Lamberto Eugenio found him to be suffering from "Adenocarcinoma of the Rectum, diabetes mellitus and hypertension." He was advised to go to Manila for treatment by the specialists. After his discharge from the Bethany Hospital, he filed a formal sick leave of absence informing the Bureau of Public Schools about his illness.

On May 14, 1970, he retired from the service. After his retirement he went to the V. Luna Hospital at Quezon City where he was subjected to a series of biopsy examination. The result of the examination confirmed the findings of the Bethany Hospital. He was subsequently transferred to the Manila Medical Center for operation. While recuperating from the operation he developed complications which led to Uremia. He died on November 19, 1970. The certificate of death indicated that he died from "Uremia metastatic carcinoma of the rectum." Petitioner, the widow of the deceased filed a claim with the Workmen's Compensation Unit of the Department of Labor of Tacloban City for death compensation benefits and for the reimbursement of medical expenses.

On May 24, 1975, a decision was rendered by the Hearing Officer awarding to petitioner the amounts of P4,680.00 as compensation benefits under Section 8 (a)[2] of Act 3428, P200.00 burial expenses and P9,468.30 as medical expenses, plus P234.00 as attorney's fee and P47.00 as administrative fee. The Assistant Provincial Fiscal representing respondent Republic endorsed favorably the decision of the Hearing Referee to the Solicitor General admitting in said endorsement the compensability of the claim.

On a motion for reconsideration filed by petitioner, the Hearing Officer on June 26, 1975 issued an amended decision increasing the reimbursement of the medical expenses from P9,463.30 to P20,771.10. On July 11, 1975, respondent Republic filed a motion for reconsideration of the amended decision alleging that the amount of P20,771.10 as reimbursement of medical expenses was not passed upon by the Medical Rating Officer for proper evaluation as to its reasonableness. On September 29, 1975, the Hearing Referee issued an order explaining that said amount was based upon documentary evidence presented in the form of receipts, vouchers and bills properly evaluated by the Regional Medical Officer. On October 24, 1975, respondent Republic requested a re-evaluation by the Evaluation Division of the Workmen's Compensation Commission of the award regarding the amount of medical expenses on the ground that it appears excessive. Aware however of the running of the period to file a motion for reconsideration of the September 29, 1975 order of the Hearing Referee, the Solicitor General's Office filed concurrently with the Workmen's Compensation Unit of Tacloban City, a motion for extension of time to file a motion for reconsideration. The request for re-evaluation was however returned by the Evaluation Division on the ground that it cannot pass upon the reasonableness of the claim for reimbursement unless the case is first appealed to the Workmen's Compensation Commission for only then can it acquire jurisdiction over the case, and likewise commented that respondent should have filed a motion for reconsideration within the reglementary period.

On November 7, 1975, respondent Republic filed a motion to suspend the running of the extended period to file a motion for reconsideration and ask that it be granted another extension of time. On December 15, 1975, the Solicitor General's office filed a petition to elevate the records of the case in accordance with Section 4. Rule 15[3] of the Rules of the Workmen's Compensation Commission contending that the award as to reimbursement of medical expenses is excessive. Accordingly, the Acting Referee elevated the records of the case to the Workmen's Compensation Commission. On February 27, 1976, the Workmen's Compensation Commission after having reviewed the records of the case rendered a decision reversing the award made by the Hearing Referee by ruling that the illness of the deceased Vicente Villegas was non-compensable and that therefore petitioner was not entitled to reimbursement of medical expenses at all.

Hence, this petition for review alleging that the respondent Workmen's Compensation Commission gravely abused its discretion when it exceeded its authority in deciding the issue on compensability which was not even raised in the petition for review and where the decision of the Hearing Officer has already become final and conclusive; and when it denied the claim in complete disregard of the statutory presumption of compensability and of the established jurisprudence, particularly in cancer cases.

We rule for petitioner. It was beyond the respondent Commission's power to decide questions of compensability of an illness which had become final and settled as compensable, not only because the order of the Hearing Referee in this regard has lapsed into finality[4] and because the employer no longer raised compensability as an issue[5] but also on the basis of the admission of the employer himself that the illness is compensable[6]

In fact this is the reason why the employer questioned merely the amount reimbursable and not whether petitioner deserves compensation. Moreover, even if we were to rule on the issue of compensability, the same would result in a decision in favor of petitioner for this Court has held before[7] that even if the cause of the illness is not medically known, once it is proven that the illness supervened in the course of the employment, the presumptions found in Section 44[8] of Act 3428 work in favor of the claimant. The burden is then shifted upon the employer to overcome these presumptions with substantial evidence.[9] But in the instant case, We find the employer, respondent Republic admitting the compensability of the illness, instead of rebutting said presumptions, in effect, admitting that the illness was work connected or work-aggravated. Petitioner did not have to rely on the absence of opposition, but has to present sufficient evidence to prove that the illness even if the cause was not medically

known, arose during and in the course of the employment and was work-aggravated and thus making the illness of the deceased compensable.

As to the amended decision of the Hearing Officer increasing the reimbursement for medical expenses from P9,463.30 to P20,771.00, We believe the increase does not seem to be warranted since the request for re-evaluation of the medical expenses by the Evaluation Division of the Workmen's Compensation Commission on the ground that the same is excessive was returned by said Evaluation Division on the flimsy ground that it cannot pass upon the reasonableness of the claim for reimbursement unless the case is first appealed to the Respondent Commission. We therefore rule that the original amount of P9,463.30 awarded by the Hearing Officer as reimbursement for medical expenses should stand.

IN VIEW OF THE FOREGOING, the decision of the Workmen's Compensation Commission is hereby reversed and set aside and the original award made by the Hearing Referee, reinstated, awarding to petitioner the amount of P4,680.00 as compensation benefits; P200.00 as burial expenses; P9,463.30 as medical expenses; P234.00 as attorney's fees and P47.00 as administrative fee. No pronouncement as to costs.

SO ORDERED.

Teehankee (Chairman), Makasiar, Muñoz Palma, Fernandez, and Guerrero, J.J., concur.

[1] Treated as a special civil action by resolution of this court dated July 7, 1976.

[2] SEC. 8. Death Benefit. — If the disease contracted or injury received by the employees as provided in section two hereof cause his death within two years from the date of such injury or sickness, the employer shall pay the compensation to the persons entitled thereto, and in case there shall be none, he shall pay to the person representing the deceased employee the burial expenses not to exceed two hundred pesos, and shall also pay to or for the following persons, in the order of priority and during the periods hereinafter set forth, a weekly compensation equivalent to the following percentages of the average weekly wages of the employees as determined in section nineteen of this Act:

(a) To the dependent widow or widower, in case there are no dependent children, forty-five per centum.

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[3] SECTION 4. Duties of Referee. — Upon receipt of a petition for review, the referee having control of the case shall immediately act upon the same. Should he decide to re-open the case and order a new trial, his decision is deemed vacated so that after the re-hearing or reception of new or additional evidence, he shall render a new decision or order. He may merely amend or modify his decision or order. The new or amended or modified decision or order, shall become final unless a petition for review is filed with the referee within fifteen days from receipt of a copy thereof by the aggrieved party.

In case the referee does not render a new decision or amend or modify the decision or order sought to be reviewed, he shall immediately issue an order denying the petition for review or motion for reconsideration and shall elevate within 10 days from denial of the entire case to the Commission for review.

[4] SECTION 1. When and With Whom Paid, — Any party in interest who is dissatisfied with the decision or order of the referee may within fifteen (15) days from receipt of notice file with the referee having control of the case a petition for the review or reconsideration of said decision or order.

[5] Ruelan v. Republic. G.R. No. 42323, April 30, 1976.

[6] See Annex "C". Rollo, p. 36. The decision of the Hearing Referee dated April 24, 1975 was endorsed by the Asst. Provincial Fiscal on May 20, 1975 after the lapse of more than 15 days.

[7] *Simon v. Republic*, G.R. No. 42510, June 30, 1976; *Talip v. WCC*, G.R. No. 42575, May 31, 1976; *Maria Cristina Fertilizer Corp. v. WCC*, 60 SCRA 228.

[8] SEC. 44. Presumption. — In any proceeding for the enforcement of the claim for compensation under this Act, it shall be presumed in the absence of substantial evidence to the contrary —

- That the claim comes within the provisions of this Act;
- That sufficient notice thereof was given;
- That the injury was not occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another;
- That the injury did not result solely from the intoxication of the injured employee while on duty; and
- That the contents of verified medical and surgical reports introduced in evidence by claimants for compensation are correct.

[9] *Santiago v. Reyes*, G.R. No. 131 15. Feb. 29. 1960; *Batangas Trans. Co. vs. Romero*, G.R. No. 7658. March 8. 1956.

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