

AGRIPINA ARZADON, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), RESPONDENTS.

G.R. No. L-42404. December 08, 1976

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Petition for review on certiorari of the decision of the Workmen's Compensation Commission, reversing the letter-award dated May 27, 1975 of the Acting Chief of the Workmen's Compensation Unit, Labor Regional Office No. 1, Dagupan City. By resolution of April 30, 1976 this COURT treated this petition as a special civil action, and both parties were required to submit their respective memoranda.

On March 12, 1975, petitioner, by herself, filed a Workmen's Compensation claim (Annex A) against respondent Republic of the Philippines (Bureau of Public Schools), with the Department of Labor, Regional Office No. 1, Dagupan City. On March 16, she filed a physician's report of sickness (Annex B) duly signed by her attending physician, Dr. Abraham Gorospe, who diagnosed her illness as "PTB, moderately advanced".

On March 26, the Acting Chief of the Workmen's Compensation Section, Labor Regional Office No. 1, Dagupan City, sent by registered mail a copy of the notice and claim and the physician's report to the respondent, through the Office of the Solicitor General, Manila, requiring respondent to "reply within ten (10) days from receipt". On May 27, after failure of respondent to reply to the claim of petitioner, the Acting Chief of Regional Office No. 1, rendered a letter-award of P6,000.00 in favor of petitioner. On June 17, the Office of the Solicitor General filed a motion to set aside award and/or to elevate the case to the Workmen's Compensation Commission. On June 24, 1975, the motion was denied by the Regional Office, which forwarded the case records to the Workmen's Compensation Commission.

On December 26, 1975, the Workmen's Compensation Commission rendered a decision reversing the letter-award, pertinent portion of which decision reads:

"The records of the case disclose that the claimant was employed by the respondent as a public school teacher with a salary of P403.70 and that on September 24, 1974 at the age of 62 she stopped working allegedly due to pulmonary tuberculosis.

"After a careful perusal of the records of the case, we find merit in the respondent's contention that it was not really furnished with a copy of the notice and claim for compensation. However, considering that this Commission has set a deadline for disposing all pending compensation cases before the end of this year, we shall proceed to review the instant case on the merit based on the evidence submitted.

"A careful review of the evidence submitted by the herein claimant supports the conclusion that the Letter Award must be reversed. As can be gleaned from the records of the case, the Physician's Report presented by the herein claimant to justify her claim for compensation was not verified so that the entries therein can be presumed correct or accurate under Section 44 of the Act as amended. Considering the seriousness of the

illness alleged there must be a chest x-ray examination presented, which is the customary mode in determining the existence of pulmonary tuberculosis. But in the instant case, there is no such sincere and faithful prosecution of the claim" (pp. 23-24, rec.).

The decision of the Workmen's Compensation Commission should be set aside.

Petitioner submitted her claim for compensation before the Department of Labor Regional Office No. 1. Her claim was admitted, as well as her evidence consisting of the physician's report of sickness. In this report, her attending physician found her to be suffering from "PTB, moderately advanced", and that "[P]atient was confined several times in the hospital because of fever, cough and hemoptysis". Though her claim for compensation is not verified, this technical or procedural defect in the form of claim should not militate against her claim, as demanded by a liberal construction of the Workmen's Compensation Act as a social legislation in favor of the working men. Indeed, respondent failed to reply within ten (10) days from receipt of petitioner's claim, in spite of the fact that the Department of Labor, Regional Office No. 1, mailed by registered mail to said respondent, through the Office of the Solicitor General, Manila, the notice of claim as well as the physician's report. If the Regional Office concerned transmitted the same to the Office of the Solicitor General, and not to the respondent directly, petitioner should not be prejudiced thereby. For, it is the Commission, and not the petitioner, which is charged with the duty of transmitting the claim to the employer (Sec. 4, Rule 6, Rules of the WCC). And, in any event, respondent having failed to controvert claimant's claim, this failure constitutes waiver of all its defenses not otherwise jurisdictional.

Withal, there is substantial evidence to support the claim of petitioner. The physician's report of sickness proved that during the petitioner's employment as a classroom teacher of respondent, Bureau of Public Schools, in Badoc, Ilocos Norte, she was hospitalized for several times due to fever, cough and hemoptysis caused by tuberculosis. She stopped working on September 24, 1974 at the age of 62, and after a total government service of 42-1/2 years, due to pulmonary tuberculosis. Considering her duties as a classroom teacher, which include regular classroom activities, actual demonstration, preparation of lesson plan during nighttime and standing during class hours, so weakened her body resistance that she became pre-disposed to pulmonary tuberculosis, the usual ailment of school teachers, who are underpaid but over-worked. And, in the absence of any evidence to the contrary, Section 44(1) of the Workmen's Compensation Act (Act No. 3428, as amended) directs that it shall be presumed that the claim comes within the purview of the law.

WHEREFORE, THE DECISION OF RESPONDENT WORKMEN'S COMPENSATION COMMISSION IS HEREBY SET ASIDE, AND THE RESPONDENT BUREAU OF PUBLIC SCHOOLS IS HEREBY ORDERED TO PAY:

1. THE CLAIMANT –

- (a) THE SUM OF SIX THOUSAND (P6,000.00) PESOS AS DISABILITY COMPENSATION; AND
- (b) THE AMOUNT OF SIX HUNDRED PESOS (P600.00) AS ATTORNEY'S FEES; AND

2. THE AMOUNT OF SIXTY-ONE (P61.00) PESOS AS ADMINISTRATIVE FEE.

SO ORDERED.

Teehankee, (Chairman), Muñoz Palma, Concepcion, Jr., and Martin, JJ., concur.

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