

**BRUNO B. PACOLI, REPRESENTING AUREA PACOLI CAGURING
(DECEASED), PETITIONER, VS. REPUBLIC OF THE PHILIPPINES
(BUREAU OF PUBLIC SCHOOLS), RESPONDENT.**

G.R. No. L-44625. July 30, 1979

Ponente: MAKASIAR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cb4ba4477183/>

MAKASIAR, J.:

This is a petition for certiorari filed by Bruno Pacoli as grandfather of the minor children of deceased Aurea Pacoli Caguring, for review of the decision of the Workmen's Compensation Commission in R09-WC-Case No. 13924, reversing the outright award of WCC Regional Office No. 9.

The deceased Aurea Pacoli Caguring had her first assignment as public school teacher at Barrio Mancares, Tarangnan, School District, Tarangnan, Samar, on August 27, 1962. From Catbalogan, Samar, where the deceased was residing, to her station at Barrio Mancares, she had to negotiate the distance by small motorized bancas, for no land transportation plies between these two places.

Sometime on June 5, 1969, when the deceased was travelling from Catbalogan to her station at Barrio Mancares, the motor banca she was riding capsized because of big waves. From that tragedy the deceased developed a phobia -- fear of sea travel. From then on, she was compelled to hike on foot from Catbalogan to Barrio Mancares, a distance of 18 mountainous kilometers every weekend. These long hikes sapped her strength little by little. At her request, she was transferred on July 1, 1971 from her station at Barrio Mancares to Barrio Bahay, Tarangnan, Samar.

While teaching in her new station at Barrio Bahay, Tarangnan, Samar, the deceased had to go home to Catbalogan, Samar every Friday and return the following Monday. As a result of such strenuous travels from Catbalogan, Samar to her station, she became thinner and thinner everyday until she finally succumbed to pulmonary tuberculosis on May 23, 1974.

On August 16, 1974 the claimant filed his claim for compensation in behalf of the minor children of the late Aurea Pacoli Caguring with Unit of Regional Office No. 9 Workmen's Compensation Office, Tacloban City.

On October 19, 1974, the claim was heard at the Office of the Bureau of Labor, Catbalogan, Samar where the Assistant Provincial Fiscal of Samar, Justo M. Sultan appeared in behalf of the Solicitor General. On August 7, 1975 an award was issued in favor of the claimant ordering respondent Republic of the Philippines to pay:

- (1) P5,400.00 as compensation;
- (2) P260.00 as attorney's fee, pursuant to Section 31 of the Act; and
- (3) P53.00 as fee pursuant to the provisions of Section 55 of the Act.

Upon motion for reconsideration filed by respondent the Workmen's Compensation Commission en banc rendered the following decision:

"On August 7, 1975 an award was issued by Acting Referee ALFONSO E. PAA of Regional Office No. 9, Tacloban City, granting claimants death compensation benefits in the amount of P5,200.00 for the death of Aurea Caguring, who, during her lifetime was employed with the Bureau of Public Schools and assigned in the Division of Samar.

"Assailing the award, respondent filed its Motion to Set Aside the same and contended that the Regional Office did not acquire jurisdiction over the respondent for the reason that the Office of the Solicitor General was not furnished with a copy of the Notice and Claim for Compensation. Respondent further contended that the Hearing Officer of the Regional Office committed fatal procedural error in issuing the present Award without first serving the Office of the Solicitor General with a copy of the Notice and Claim for Compensation in this case (*Celia Ligan vs. Republic*, RO-X, WCC, Case No. 10823, April 4, 1973). Hence, this review.

"An examination of the records shows that claimant filed this claim with the Unit of Regional Office No. 9, Tacloban City, on August 16, 1974. On August 30, 1974, a letter of transmittal with the Notice and Claim for Compensation was prepared addressed to the Office of the Solicitor General. No copy was transmitted to the Bureau of Public Schools. Clear from the records, there is no proof that the Office of the Solicitor General ever received the copy of the Notice and Claim. Despite lack of proper joinder of issues, the Acting Chief of Unit set the case for hearing on October 19, 1974, at the Samar Labor Office, Catbalogan, Samar. Apparently, notices of hearing were sent to the Office of the Solicitor General and the Division Superintendent of Schools. Similarly, there is no proof of service that respondent has been sufficiently notified of such hearing. Nevertheless, the referee proceeded with the reception of evidence for the claimant ex-parte and issued an Award. The Award was prematurely issued. Failure, therefore, of the Regional Office to transmit copy of the Notice and Claim for Compensation to the Office of the Solicitor General has not vested the Hearing Unit with jurisdiction over this case. There was, therefore, no justification for the hearing officer in conducting an ex-parte reception of claimant's evidence, without first assuring himself that a copy of the Notice and Claim for Compensation was transmitted and received by the Office of the Solicitor General and that subsequent notices of hearing have been received by the respondent. Obviously, the Hearing Officer proceeded with the ex-parte reception of claimant's evidence in violation of procedural process and devoid of jurisdiction.

"We find merit in the respondent's Motion to Set Aside the Award and that the Hearing Officer committed error in issuing the Award despite lack of jurisdiction.

"In the light of all the foregoing, the Award appealed from is hereby set aside and this case is hereby ordered dismissed" (pp. 7-8, WCC rec.).

Hence, this petition.

WE rule that respondent Commission acted arbitrarily and unreasonably in setting aside the August 7, 1975 Award of the Hearing Officer, which We find in order as it is supported by law and the controlling jurisprudence on work compensation cases.

I. It must be underscored that, as found by the Hearing Officer, the claimant's right to compensation was not controverted by the respondent employer. And as a matter of fact, until this very late stage, respondent employer has not complied with its mandatory duty under Sections 37 and 45 of the Workmen's Compensation Act, as amended, of filing with the Workmen's Compensation Commission a report or notice of the death of its employee (Aurea Pacoli Caguring) and of controverting the right to compensation either on or before the fourteenth day of disability or within ten days after it had knowledge of the death.

The aforesaid duty of controverting the right to compensation, it must be stressed, lies on the employer or the Heads of the Departments, Bureaus or Offices concerned (*Memo-Circular No. 210*, Office of the President [1968]; *Lizardo vs. WCC*, L-42995, March 14, 1979; *Francisco vs. WCC*, 83 SCRA 536 [1978]); not on their counsel (*Lizardo vs. WCC*, supra; *Francisco vs. WCC*, supra; and *Republic vs. WCC*, 45 SCRA 60[1972]).

Consequently, such duty arises immediately upon actual knowledge of the illness or death of the employee by the employer or its agents (*Republic vs. WCC*, 37 SCRA 619, 620, 624 [1971]), not from its counsel's knowledge or notice, even without any formal notice given by the claimant to the employer under Section 24 of the Workmen's Compensation Act, as amended; because Section 27 of the same Act dispenses with such formal notice where the employer, like herein respondent employer, had actual knowledge of the death or illness basis of the compensation claim (*Gallemit vs. Republic*, 75 SCRA 382, 383, 385, 386 [1977]; *Pangasinan Trans. Co., Inc. vs. WCC*, 8 SCRA 352, 355 [1963]; and *Luzon Stevedoring Co. vs. de Leon*, 106 Phil. 562, 565, 566 [1959]).

That respondent employer through its agents -- principal, supervisor and superintendent -- had actual knowledge of the death of Aurea Pacoli Caguring is manifested by its undisputed act of hiring a substitute teacher to take her place for the school year 1974-75 (p. 34, rec.). Moreover, the allegation of petitioner that the fact of death of Aurea Pacoli Caguring was immediately relayed to her immediate superiors in the office of the Division Superintendent of Schools, at Catbalogan, Samar (pp. 34, 60, rec.) was never disputed by respondent employer. As aforesaid, that knowledge was sufficient to charge respondent employer with its duty under Sections 37 and 45 of the Workmen's Compensation Act, as amended; failure of which results in the renunciation of its right to controvert the claim; as a consequence of which all its defenses are deemed barred and the compensability of the claim considered admitted by the employer.

II. Consequently, the defense of the respondent employer that no copy of the claim for compensation was ever furnished to the Solicitor General was barred. Hence, the respondent Commission was in clear error in entertaining and sustaining that defense.

III. Even on the merits of that defense, respondent employer's position, as sustained by the respondent Commission, cannot be maintained.

1. Both the Solicitor General and the respondent employer submitted to the jurisdiction of the Regional Office when they appeared at the initial hearing of the death compensation claim on October 19, 1974 before the Hearing Officer, with the Solicitor General represented by Assistant Provincial Fiscal Justo M. Sultan of Samar (pp. 21-22, WCC rec.; pp. 33, 34, 45, 61, 75-76, rollo) and respondent employer, by Atty. Hilario C. Carpina, District Supervisor of Catbalogan, Samar (*ibid*); and neither of them raised the issue of non-service of a copy of the claim for compensation to their respective offices. Verily, that omission then to raise or plead the issue (at that earliest opportunity) amounts to a waiver thereof; and consequently, the same can no longer be successfully invoked at any subsequent stage of the proceedings. Hence, the respondent Commission, in the exercise of its power to review the Award of the Hearing Officer of the Regional Office, gravely abused its discretion when it still entertained and favorably considered the said issue. Parenthetically, the aforesaid appearances negate, as the same is inconsistent with, the finding of the respondent Commission in its questioned order that the respondent employer and the Solicitor General were not served copies of the notice of hearing and its characterization of the hearing of October 19, 1974 as *ex parte*. In his memorandum, the Solicitor General admitted receipt of the notice of hearing (pp. 75-76, rollo) and that he authorized the abovenamed Fiscal to appear at that hearing by reason thereof (*ibid*). As a matter of fact, a stipulation of facts --? 1. Employer-Employee relationship admitted; 2. Filing within the reglementary period admitted --- was made by the parties in that October 19, 1974 hearing (see pp. 21-22, WCC rec.); and petitioner thereafter testified thereat and was cross-examined (*ibid*.)

2. The fact that no copy of the compensation claim was furnished to and received by the Solicitor General and the respondent employer before the initial hearing as required by GAO Circular No. 68, dated October 6, 1959, may not be taken against petitioner because the duty of transmitting a copy of the claim to them devolves not on the petitioner, but on the Workmen's Compensation Unit or Agency pursuant to Section 1 of Rule 8 of the 1973 Workmen's Compensation Rules and the Workmen's Compensation Circular (10), Series of 1973. WE have ruled

that such failure will not render the decision of the Regional Office Hearing Officer invalid for want of jurisdiction (*Pantoja vs. WCC*, L-43317, December 28, 1978; *Paraiso vs. Castelo-Sotto*, 85 SCRA 419 [1978]; *Francisco vs. WCC*, 83 SCRA 536, 539 [1978]; *Solite vs. WCC*, 75 SCRA 388 [1977]; *Gallemit vs. WCC*, 75 SCRA 382 [1977]; and *Dinaro vs. WCC*, 70 SCRA 292 [1976]). Certainly, that omission cannot be the instrument of injustice against the petitioner (*Dinaro vs. WCC*, *supra*, pp. 292-293, 296), who undoubtedly has no control over said agency or unit (*Pantoja vs. WCC*, *supra*; *Paraiso vs. Castelo-Sotto*, *supra*); nor override the statutory sanction for non-controversion, which has been consistently applied by Our doctrinal jurisprudence (*Dinaro vs. WCC*, *supra*).

IV. Finally, the records support petitioner's claim for compensation.

According to claimant (1st par., p. 26, rec.), due to the strenuous travels from Catbalogan, Samar, to the teaching station of Aurea Pacoli Caguring, the latter became thinner and thinner everyday until she finally succumbed to pulmonary tuberculosis despite her taking of all prescribed medical treatment.

The physician's Report of Sickness issued by Modesto Villareal, Jr., attending physician, of Catbalogan, Samar, shows that the illness of the late Aurea Caguring started as of December, 1972. She complained of dizziness accompanied by occasional nausea and vomiting, general body weakness and malaise. Although treated by injections and tablets, her condition showed no improvement. One year after, she complained of difficulty of urination. Sometimes she had occasional chills and fever, posterior lumbar pains radiating to the lower extremity. It shows that the deceased suffered a long lingering illness before she died.

With such condition of health of Aurea Caguring as of 1972, her continuous reporting for duty as a classroom teacher hiking 18 mountainous kilometers more or less every weekend from her residence to her teaching station, would certainly be very taxing for her body. As a result, she became thinner and thinner until she died on May 23, 1974.

In their memorandum, the Solicitor General claims that the deceased did not die of tuberculosis but of septicemia or blood poisoning. The death certificate of Aurea Caguring shows that the cause of her death is septicemia. The fact remains that when she entered the service in 1962, ten years before she complained of her first sickness, she was in good health.

In a line of cases, this Court has consistently ruled that once the illness supervened in the course of employment, a rebuttable presumption arises that such illness arose out of or was at least aggravated by such employment and that the burden to overthrow such presumption shifts to the employer. This the employer did not do, even in this late stage of the proceedings.

WHEREFORE, PREMISES CONSIDERED, THE JUDGMENT APPEALED FROM IS HEREBY REVERSED AND ANOTHER ONE IS ENTERED ORDERING RESPONDENT REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS:

- 1) TO PAY THE FOUR SURVIVING CHILDREN OF THE DECEASED AUREA PACOLI CAGURING, THROUGH THEIR GRANDFATHER, THE PETITIONER HEREIN, THE SUM OF FIVE THOUSAND FOUR HUNDRED [P5,400.00] PESOS AS DEATH COMPENSATION;
- 2) TO REIMBURSE THE AFORESAID CHILDREN MEDICAL AND HOSPITAL EXPENSES OF THE DECEASED DULY SUPPORTED BY PROPER RECEIPTS;
- 3) TO PAY ATTY. MATEO LEANDA FIVE HUNDRED FORTY [P540.00] PESOS AS ATTORNEY'S FEES; AND
- 4) TO PAY SIXTY-ONE [P61.00] PESOS AS ADMINISTRATIVE FEES.

SO ORDERED.

Teehankee, (Chairman), Fernandez, Guerrero, De Castro, and Melencio-Herrera, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.