

**ROSARIO VDA. DE SUANES, PETITIONER, VS. THE
WORKMEN'S COMPENSATION COMMISSION AND THE
REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC HIGHWAYS),
RESPONDENTS.**

G.R. No. L-42808. January 31, 1989

Ponente: FELICIANO, J.

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FELICIANO, J.:

The petitioner asks the Court to review and set aside the decision dated 31 December 1975 of the Workmen's Compensation Commission (WCC) R04-WC Case No. 163691, entitled "Rosario Vda. de Suanes, claimant versus Republic of the Philippines (Bureau of Public Highways), respondent."

Artemio A. Suanes was a government employee for most of his life. From 1933 to 1945, he served as a market collector of the Municipal Government of the Municipality of Rosario, Batangas. He served as a Municipal Councilor in Rosario, Batangas from 1956 to 1959. From 2 January 1964 until 30 June 1970, Artemio was a construction capataz of the Bureau of Public Highways (BPH), Batangas Provincial Office. His Service Record^[1] further shows that thereafter, from 1 July 1970 up to the time of his death on 21 June 1973, Artemio Suanes was a construction capataz in the Office of the Provincial Engineer, Batangas Province. The certificate of death issued by Dr. Salvacion Altamira of the Magsino General Hospital in Lipa City, Batangas, attributed Artemio's demise to "Cardio-respiratory Arrest due to Cerebrovascular Accident."^[2]

On 5 March 1975, petitioner, as surviving spouse of Artemio Suanes, filed with Regional Office No. IV of the Workmen's Compensation Unit (WCU), Department of Labor, a claim for compensation under the applicable provisions of the Workmen's Compensation Act (Act No. 3428, as amended). In this claim, the decedent's illness was described as "Internal Hemorrhage due to Hypertension."^[3] Petitioner's claim was referred by the WCU to the BPH which, however, controverted the claim of petitioner. In a letter dated 26 June 1975, BPH asserted that there was "[l]ack of causative relation of the illness alleged in [petitioner's] claim with the nature of the decedent's employment" and that petitioner had failed to comply with the requirements of Section 24, Act No. 3428, as amended, regarding the giving of notice and subsequent filing of claim.

BPH, further, asked the WCU Regional Office to dismiss petitioner's claim upon the ground that that claim had been filed against the wrong party, Artemio's employer at the time of his death being the Provincial Engineer's Office of the Provincial Government of Batangas, rather than the BPH.

In an Order dated 29 August 1975, the Referee of the WCU dismissed petitioner's claim "for lack of interest," "claimant having failed to appear for the scheduled hearing despite notice."^[4] Petitioner moved,^[5] on 24 September 1975, to set aside the order of dismissal, denying that she had lost interest in the prosecution of her claim and asserting that she had left her old address at No. 73-J Panay Ave., Quezon City having moved to a new address at 2829 Felix Huertas St., Sta. Cruz, Manila, and that she had left her new forwarding address at her old residence but that apparently no one had received the WCU notice of hearing or that no one at the old address had

informed the process server of the claimant's new address.

The respondent Commission denied petitioner's Motion to Set Aside the Order of Dismissal upon the ground that that Motion had not been accompanied by an affidavit of merits setting forth the facts constituting fraud, accident, mistake or excusable negligence as required under the Rules of the Commission.[6]

Hence, the present Petition, which was filed on 15 March 1976.

Petitioner claims that respondent Commission erred in denying her Motion to Set Aside the Order of Dismissal, since there was no law which required an affidavit of merits to be attached to her Motion, and that she had a valid claim for death benefits considering that at the time of her husband's death, he was a permanent employee of the BPH and considering further that the compensable nature of his death had not been effectively controverted by the BPH. The BPH upon the other hand, took the position that an affidavit of merits was an indispensable requirement for setting aside the order of dismissal and that, in any case, there was no employer-employee relationship between Artemio Suanes and the BPH at the time of the former's death since he was then employed by the Office of the Provincial Engineer of Batangas Province.

Nine years later, on 29 February 1985, this Court issued a Resolution which, after reciting very briefly the facts described above, went on to state that:

"A perusal of the copies of the Statement of Service Record in the government of the late Artemio A. Suanes and of the Information for Membership Insurance in the Government Service Insurance System shows that said Artemio A. Suanes was employed as construction capataz of the Provincial Engineer's Office of Batangas and not an employee of respondent Bureau of Public Highways, particularly the Office of the Highways District Engineer in Batangas.

ACCORDINGLY, the Court resolved to consider the Provincial Engineer of Batangas as IMPLEADED party respondent, to direct the Clerk of Court to FURNISH him with a copy of the Petition for Review and to REQUIRE him to file a comment thereon within ten (10) days from receipt. x x x." (Underscoring supplied)

We consider first the procedural issue of whether or not petitioner's Motion to Set Aside the Order of Dismissal issued by the WCC Referee was properly denied simply upon the ground that it had not been accompanied by an affidavit of merits.

We believe that this issue has to be resolved in favor of the petitioner. Section 3 of Rule 22 of the Rules of the respondent Commission provides as follows:

"Sec. 3. Time for Filing Petition; Contents and Verification. -- The petition under Section 1 hereof must be verified, filed within thirty (30) days after the petitioner learns of the decision, award, or order or other proceedings sought to be set aside and not more than three (3) months after such decision or award was entered or such proceedings were taken, and must be accompanied with (sic) affidavits showing the fraud, accident, mistake or excusable negligence relied upon and the facts constituting the petitioner's good and substantial cause of action or defense, as the case may be.

x x x x x x x x."

(Underscoring supplied)

There is no dispute that petitioner did not attach an affidavit of merits to her Motion to Set Aside the Order of Dismissal. It scarcely needs to be pointed out, however, that the basic purpose of such a requirement was to enable the Commission to evaluate the merits of the Motion or Petition to set aside the dismissal order. Petitioner did clearly allege in her Motion the grounds she relied upon for setting aside the order dismissing her claim for failure to attend the scheduled hearing: (a) she had failed to attend the scheduled hearing because the notice of

said hearing was sent to her old address and not to her new forwarding address and hence was not received by her; and (b) her husband was a permanent employee of the BPH whose death was compensable under the Workmen's Compensation Act. To our mind, the allegations in petitioner's Motion constituted substantial compliance with the requirements of Section 3 of Rule 22 of the Commission's Rules. That petitioner's Motion was not a sworn motion is not a fatal defect in the circumstances of this case. There is no suggestion in the record that petitioner had not in fact changed her address or that she had not left her forwarding address at her old residence. If the Commission felt that an affidavit of merit was absolutely indispensable to enable it to resolve petitioner's Motion, then the Commission should have required petitioner to supplement her Motion with an affidavit of merit or to simply verify her Motion, instead of dismissing that Motion out of hand. We believe that there is here an appropriate occasion for invoking the principle that rules should not be so interpreted as to "sacrifice substantial rights in the sophisticated altar of technicalities with [consequent] impairment of [the] sacred principle of justice,"[7] a principle which is embodied in the Rules of the Commission itself. Section 1 of Rule 10 of the Commission provides as follows:

"Rule 10. -- General Rule to Govern Proceedings

Section 1. The hearing, investigation and determination of any question or controversy in workmen's compensation cases shall be without regard to technicalities, legal forms and technical rules on evidence. Substantial evidence shall be sufficient to support a decision, order or award."

The next issue to be resolved relates to the legal consequences if any, of the fact that petitioner's claim had been originally filed against "the Republic of the Philippines (Bureau of Public Highways)" and not against the Office of the Provincial Engineer of Batangas Province, the employer of Artemio Suanes at the time of his death.

Once more, we believe that this issue should be resolved in favor of petitioner, in line with the principle which enjoins a liberal rather than a technical view of pleading and procedure in Workmen's Compensation cases. It is true that the petitioner's original claim (on a mimeographed form of the Workmen's Compensation Commission) named the BPH as the decedent's employer. However, in her Motion to Set Aside Order of Dismissal, petitioner designated the Republic of the Philippines as the respondent, while parenthetically referring to the Bureau of Public Highways, as part of the caption which the Commission itself had adopted in R04-WC Case No. 163691. It is appropriate to recall that the "Republic of the Philippines" or "Government of the Republic of the Philippines" is a comprehensive term which has been defined in Section 2 of the Revised Administrative Code, in the following manner:

"x x x x x x x x

'The Government of the Republic of the Philippines' is a term which refers to the corporate governmental entity through which the functions of government are exercised throughout the Philippines, including, save as the contrary appears from the context, the various arms through which political authority is made effective in the Philippines, whether pertaining to the central Government or the provincial or municipal branches or other form of local government.

x x x x x x x x."

(Underscoring supplied)

Thus, the BPH, which is an instrumentality of the Central or National Government and the Office of the Provincial Engineer of Batangas, an office under the supervision of the Chief Executive Officer (the Governor) of the Province of Batangas, are both governmental offices and both are embraced in the term "Republic of the Philippines," for purposes of the Workmen's Compensation Act. The funds of the BPH and the funds of the Office

of the Provincial Engineer of Batangas, are equally government funds.

It must be recalled that the benefits of the Workmen's Compensation Act are extended not only to employees in the private sector but also to all officials and employees of both the national government and of provincial, municipal and other local governments. Section 3 of Act No. 3812, as amended, provides:

"Section 3. Applicable to Government. -- This Act shall also be applicable to all officials, employees and laborers in the service of the National Government and its political subdivisions and instrumentalities: Provided, however, that officials, laborers and employees insured with the Government Service Insurance System, and their dependents when entitled to the benefits of the said insurance system shall, in addition to the same, be entitled to the benefits granted by this Act." (Underscoring supplied)

The BPH was quite aware of the fact that Artemio Suanes, previously an employee of the BPH, was, just before his death, an employee of the Office of the Provincial Engineer of Batangas Province. The BPH conveyed this fact to the respondent Commission, when it (BPH) notified the Commission through the Office of the Solicitor General of the filing of the claim against the BPH. In a "third indorsement, August 6, 1975" to the WCU, the BPH said:

"Respectfully returned thru the Honorable Solicitor General, Department of Justice, Manila, to the Chief, Workmen's Compensation Section, Department of Labor, Regional Office No. IV, Manila, the within papers relative to the claim for compensation in R04-WC Case No. 16391, filed by Mrs. ROSARIO VDA. DE SUANES, widow of ARTEMIO SUANES, alleged to be a former Construction Capataz under the Office of the Highway District Engineer, Batangas City, inviting attention to the 2nd Indorsement dated July 25, 1975 of the District Engineer of Batangas City informing that the decedent was an employee of the Batangas Provincial Engineer's Office at the time of his death.

It is informed that officials and employees of the Provincial Engineer's Office are not under the administrative jurisdiction of this Department but under the Executive Head of the Province to which they are assigned.

In view thereof, it is requested that steps be taken to dismiss the case against the Republic of the Philippines (BPH) for lack of employee-employer relationship.

x x x x x x x x."

(Underscoring supplied)

Since both the BPH and the WCU are presumed to know the law -- in this case, the Workmen's Compensation statute including Section 3 thereof -- one or the other office or the Office of the Solicitor General, should have notified the Office of the Provincial Engineer of Batangas Province of the filing of the claim by petitioner and referred such claim to that office. Instead, the BPH simply asked for the dismissal of the case against the BPH "for lack of employee-employer relationship" and, worse, neglected to inform petitioner of the asserted lack of an employer-employee relationship between the decedent and the BPH and where the claim should have been filed. In fact, petitioner's claim was denied by the Referee, as already noted, not on the ground of lack of an employer-employee relationship between the BPH and Artemio Suanes but rather because of petitioner's failure to attend a scheduled hearing and her failure to attach to her Motion to Set Aside Order of Dismissal an affidavit of merits. Both the respondent Commission and the WCU Referee failed to inform petitioner of her error in designating the specific employer of her deceased husband, and in effect waited for this Court to issue its Resolution of 29 February 1985 considering the Provincial Engineer of Batangas as having been impleaded as a party respondent.

In view of the foregoing circumstances and considering particularly that no prejudice was sustained by the Office of the Provincial Engineer of Batangas Province by the misdirecting of petitioner's claim, we hold that the Office

of the Provincial Engineer of Batangas Province may be held liable on petitioner's claim.

The respondent Provincial Engineer of Batangas Province, in his Comment dated 8 April 1985, asserts that petitioner's claim against his office has already prescribed. The ordinary rule is that the statutory right to compensation under the Workmen's Compensation Act prescribes in ten (10) years^[8] counted from the time of accrual of the claim, in this case from the time of the death of Artemio Suanes. Artemio Suanes died, as noted earlier, on 21 June 1973; the court impleaded the Office of the Provincial Engineer of Batangas Province on 29 February 1985, i.e., about twelve (12) years later. We do not, however, believe that petitioner's claim may be so cavalierly defeated, given the circumstances of this case. In the first place, petitioner's original claim was filed, again as already noted, on 5 March 1975. While this original claim designated the wrong employer, we believe that, given the insistent demands of substantial justice in this case, such original claim should be regarded, as we hereby so regard it, as having effectively tolled the running of the prescriptive period. We note that the petitioner lost no time in filing her Petition for Review with this Court on 15 March 1976 when her claim was denied by the respondent Commission on 13 December 1975. This Court was able formally to rectify the erroneous designation of the respondent BPH only after almost nine (9) years from filing of the Petition for Review. Under the principle of *nunc pro tunc*, we do not believe that this failure to act earlier on the part of the Court itself may be allowed to prejudice the petitioner. The defense of prescription must, therefore, be rejected.

Turning, finally, to the merits of petitioner's claim, there is no dispute about the fact that Artemio's ailment supervened in the course of his employment either with the BPH or the Office of the Batangas Provincial Engineer. It is well settled that, under the Workmen's Compensation Act,^[9] petitioner is accordingly relieved of the burden of proving causation between the illness and the employment in view of the legal presumption that said illness arose out of the decedent's employment.^[10] The burden of proving non--compensability of the cause of death is shifted to the employer. Respondent Batangas Provincial Engineer has failed to discharge this burden. Indeed, none of the respondents even attempted to present any evidence to rebut the presumption of compensability; all of them chose to rely upon the formal defenses discussed above. But those defenses do not constitute evidence to overthrow the statutory presumption. In legal effect, no evidence was introduced by the respondents to offset that legal presumption. The Court, therefore, is left with no alternative but to rule in favor of petitioner's claim.^[11]

WHEREFORE, the Decision dated 31 December 1975 of respondent Workmen's Compensation Commission is hereby REVERSED. The Petitioner is hereby AWARDED the P1,500.00 claimed as reimbursement for the doctors, medical and hospital bills incurred in connection with the decedent's last illness, in addition to any other applicable death benefits under Act No. 3428, as amended. No pronouncement as to costs.

SO ORDERED.

Fernan, C.J., (Chairman), Bidin, and Cortes, JJ., concur. Gutierrez, Jr., J., no part.

[1] Rollo, p. 15.

[2] Rollo, p. 18.

[3] Rollo, p. 16.

[4] Rollo, p. 17.

[5] Rollo, pp. 18-19.

[6] Rollo, p. 21.

[7] *Lamco v. Workmen's Compensation Commission*, 84 SCRA 401 (1978); *Case v. Jugo*, 77 Phil. 517 (1946); and *Alonzo v. Villamor*, 16 Phil 315. (1910).

[8] Article 1144 [2], Civil Code. See: *Galanida v. Employees' Compensation Commission*, 154 SCRA 232 (1987); *Leonardo v. Workmen's Compensation Commission*, 88 SCRA 58 (1979); *Superior Concrete Products v. Workmen's Compensation Commission*, 82 SCRA 270 (1978); *Balanga v. Workmen's Compensation Commission*, 83 SCRA 721 (1978); *Espiritu v. Workmen's Compensation Commission*, 84 SCRA 636 (1978); and *Viray v. Workmen's Compensation Commission*, 86 SCRA 68 (1978).

[9] *Casumpang v. Employees' Compensation Commission*, 150 SCRA 21 (1987); *Tortal v. Workmen's Compensation Commission*, 124 SCRA 211 (1983).

[10] *Buyco v. Secretary of Labor*, 145 SCRA 361 (1986); *Abcede v. Workmen's Compensation Commission*, 138 SCRA 53 (1985).

[11] *Aribon v. Workmen's Compensation Commission*, 139 SCRA 492 (1985).

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