

CONSOLACION F. RELENTE, PETITIONER, VS. REPUBLIC OF THE PHILIPINES (BUREAU OF PUBLIC SCHOOLS), WORKMEN'S COMPENSATION COMMISSION AND/OR THE SECRETARY OF LABOR, DEPARTMENT OF L...

G.R. No. L-47691. August 05, 1981

Ponente: AQUINO, J.

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AQUINO, J.:

Consolacion F. Relente appealed from the decision of the Workmen's Compensation Commission which set aside the award to her of eight thousand two hundred pesos as compensation for permanent total disability for labor and as reimbursement of medical expenses and dismissed for lack of merit her claim for compensation (ZLO WCC Case No. 446).

For thirty-nine years and seven months or until March 27, 1975 Consolacion F. Relente, 60 years old, married and a resident of 24 Canda Street, EBB, Olongapo City, was a public school teacher in that city. She was paid P11.90 as daily wage during her last years of service.

On March 18, 1975, Mrs. Relente filed with the Zambales Workmen's Compensation Unit a notice of injury or sickness and claim for compensation. She complained of "bouts of moderate to severe dizziness, head-ache and pain at the back of (her) neck" due to overfatigue in undertaking her teaching job.

She noticed her ailment as early as January, 1971. She was treated by Doctor Eduardo P. Ladao, a government physician, in his private clinic. She spent P2,610.00 for that treatment. She did not file any claim for compensation in 1971 but she orally notified the authorities of the Bureau of Public Schools in Olongapo City about her ailment.

In support of her claim for compensation, Mrs. Relente submitted (a) the report of Doctor Ladao wherein her ailment was diagnosed as "essential hypertension"; (b) the certification of Doctor Irene Ines Ladao stating that Mrs. Relente had been under her care since July, 1972 for "chronic hypertensive vascular disease" and (c) the certification of the proprietor of Arc Pharmacy in Olongapo City to the effect that for the past seven years, Mrs. Relente had been buying medicine for hypertension at no less than one hundred pesos a year.

Mrs. Relente's case (ZLO WCC Case No. 446) was referred by the Workmen's Compensation Unit in Olongapo City to the Director of Public Schools.

On June 25, 1975, the Bureau of Public Schools, through its acting administrative officer, manifested its "tentative controversion" of the claim on the ground that the papers submitted by Mrs. Relente failed to show that the claim fell "within the purview of the compensatory provision of the Workmen's Compensation Act". Mrs. Relente's case was thereby endorsed to the city superintendent of schools of Olongapo City for appropriate action.

The Office of the Solicitor General, which had been duly notified of the case, also referred it to the Director of

Public Schools and at the same time in its letter to the Chief of the Workmen's Compensation Unit at Olongapo City requested that official to "register" its controversion of the claim but without specifying the ground therefor.

On November 14, 1975, the Olongapo City Workmen's Compensation Unit awarded to Mrs. Relente the disability compensation already mentioned plus reimbursement of her medical expenses. It was assumed that the Bureau of Public Schools "failed to controvert" the claim and, therefore, it was deemed "to have waived, renounced and forfeited" what-ever defenses it might have against that claim.

The Office of the Solicitor General and the Department of Education and Culture were notified of that award on November 24, 1975 (Record, p. 20). The Solicitor General did not file any motion for reconsideration or petition for review of that award within the fifteen-day reglementary period from notice of that award.

Then, almost three months later or on February 16, 1976, the Workmen's Compensation Commission received the Solicitor General's petition for relief from judgment dated December 10, 1975, asking that the records of the case be elevated to the Commission. The record does not show when the Solicitor General mailed to the Commission a copy of that petition but the Zambales unit received it on February 5, 1976 (Record, p. 23).

In that petition, Assistant Solicitor General Alicia V. Sempio-Diy alleged that she failed to file a timely motion for reconsideration of that award due to the volume and pressure of work in her office. She argued that Mrs. Relente failed to back up her claim with substantial evidence considering that her illness, essential hypertension, is "not an illness per se but merely a symptom which is not a disability by its nature".

The Commission, two days from its receipt of that petition or on February 18, 1976, rendered the decision already mentioned, setting aside the award and dismissing Mrs. Relente's claim.

The Commission observed that Mrs. Relente filed her claim on March 18, 1975 or several days before she actually stopped working on March 27, 1975. It concluded that "the cause of stoppage was retirement from the service because the period she stopped working was already fixed at the time she filed the claim which was sometime before the date she was to stop from work" and that she was qua-lified to retire due to "old age" as she was already sixty years old.

It also noted that Mrs. Relente failed to present her service record and neither was there sufficient proof to form a reasonable conclusion that she became disabled by reason of an illness during the period of her employment.

Mrs. Relente received a copy of that decision on January 17, 1978 or two years after its rendition. Two days later, she notified the Secretary of Labor that she was appealing to this Court. She filed the instant petition for review on certiorari on January 26, 1978.

Mrs. Relente avers in her petition that the award of November 14, 1975 could no longer be set aside because it had become final and executory when the petition to elevate the records for relief from judgment was filed and, there-fore, the Commission had no jurisdiction to review it.

We hold that under the facts of this case the Com-mission could no longer set aside the final and executory award in favor of Mrs. Relente.

Section 1, Rule 19 of the Rules of the Commission (69 O.G. 1440) provides that "a party who is not satisfied with the decision or order on the merit of the Hearing Officer or Referee may within fifteen (15) days from receipt of notice thereof file with the Hearing Officer or Referee having con-trol of the case a petition for review or motion for the reconsideration of said decision or order".

That rule is based on section 48 of the Workmen's Compensation Act which provides that the decisions, orders and resolutions of referees in the regional offices "shall become final fifteen days from receipt thereof by the

parties, unless appealed to the Commission within said period".

In this case, the Department of Education and Culture and the Solicitor General's Office were notified of the award on November 24, 1975. Within the fifteen-day reglementary period expiring on December 9, 1975, the Solicitor General could file a motion for reconsideration or a petition for review. Since he failed to do so, the award became final and executory. The Commission had no appellate jurisdiction to review it (*Ramos vs. Republic*, L-41949, February 27, 1976, 69 SCRA 576; *Robles vs. Workmen's Compensation Commission*, L-43187, November 29, 1977, 80 SCRA 466; *Villaflor vs. Republic*, L-45017, June 25, 1980, 98 SCRA 383).

The Solicitor General contends that his petition for relief from judgment was filed within the period prescribed in section 3, Rule 22 of the Rules of the Commission. That section provides that the petition should be received by the Commission "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".

Granting that said petition was timely filed on December 12, 1975 (which allegation in respondents' brief is not borne out by the record), still, it was not based on any valid ground. Section 1, Rule 22 of the Commission Rules provides that "when a decision, award, or order on the merit has been rendered or issued by the Chief of the Unit or Hearing Officer or Referee in a case, and the aggrieved party thereto by fraud, accident, mistake or excusable negligence has been unjustly deprived of a hearing therein or has been prevented from taking an appeal, he may file a petition with the Commission praying that the records be elevated to said Commission for review and the questioned decision, award or order be set aside".

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", must be attached to the petition (Sec. 3, Rule 22).

Respondent bureau did not comply with that requirement. All it did was to allege that "due to the volume and pressure of work" of the Solicitor assigned to the case, "the decision in question was not acted upon immediately or within the period required for filing a Motion for Reconsideration" (Record, pp. 22-23).

However, mere pressure of work is not a valid excuse for not filing a motion for reconsideration of a decision of a labor referee (*Ranada vs. Workmen's Compensation Commission*, L-43709, September 30, 1976, 73 SCRA 263; *Robles vs. Workmen's Compensation Commission*, supra; *Ligason vs. Workmen's Compensation Commission*, L-43691, September 30, 1978, 85 SCRA 459).

"Volume and pressure of work" is not the excusable negligence or mistake envisaged in Rule 22 of the Commission Rules because relief from judgment is an "exceptional and equitable remedy" (*Vitug vs. Republic*, L-44890, February 28, 1977, 75 SCRA 436).

There is no merit in the Commission's conclusion that there was insufficient evidence that Mrs. Relente's disability was caused by an illness contracted during the period she was employed by the Bureau of Public Schools. Doctor Ladao, in the physician's report of sickness or accident dated March 14, 1975, found that Mrs. Relente acquired her illness in "the course of her teaching profession". That report is evidence substantiating Mrs. Relente's claim for workmen's compensation (*Gacula vs. Republic*, L-45080, November 21, 1979, 94 SCRA 443, 449).

Moreover, whatever defenses the respondent bureau might have interposed were barred by its failure to validly controvert petitioner's claim. Although it manifested that it was controverting the claim, that manifestation or "registration" of controversion was not made in the proper form prescribed by the rules of the Commission. The

Assistant Solicitor General in his letter dated July 16, 1975, merely requested the Chief of the Workmen's Compensation Unit in Olongapo City to "register" his controversion of Mrs. Relente's claim without specifying the grounds thereof.

"A notice of controversion which does not specify in clear terms the grounds or reasons for controversion is defective and, even if filed seasonably, shall not have the effect of a valid controversion" (Sec. 2, Rule 10).

As there was no valid controversion, the Director of Public Schools waived the defense that Mrs. Relente's illness is not compensable because it is not work-connected nor work-aggravated (Despe vs. Workmen's Compensation Commission, L-42828, February 28, 1977, 75 SCRA 350).

WHEREFORE, the decision of the respondent Commission is hereby reversed and set aside. The 1975 award of the Zambales Workmen's Compensation Unit in favor of Consolacion F. Relente is affirmed. No costs.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Fernandez, and De Castro, JJ., concur.
Abad Santos, J., on leave.

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