

MARCIANO LAMCO, PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND ALVARO J. BARRETO ENTERPRISES, RESPONDENTS.

G.R. No. L-43575. July 31, 1978

Ponente: GUERRERO, J.

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GUERRERO, J.:

Petition for review of the Decision of the respondent Workmen's Compensation Commission dated January 22, 1976 dismissing petitioner's claim for disability benefits previously allowed by Acting Referee Gregorio C. Calasan of Regional Office No. 4, Manila, in his Decision of October 28, 1975.

Petitioner Marciano Lamco was employed by respondent firm Alvaro J. Barreto Enterprises on April 16, 1974 as its furniture designer-production supervisor with a monthly salary of P800.00. Working six (6) days a week, he took charge of designing the furniture, of supervising the purchase of the correct raw materials, of making and keeping the inventory of said purchases and of other supplies, with the over-all task of achieving good production of quality-controlled finished products.

On December 5, 1974, petitioner suffered a stroke and was rushed to the Jose Reyes Memorial Hospital for emergency treatment. Later, he was transferred to the University of Santo Tomas Hospital where he was confined from December 7, 1974 to January 25, 1975. The attached Physician's Report shows the following diagnosis: "Cerebral Infarction, Right;" with the following General Remarks: "Sudden onset of left hemiparesis (paralysis) with slight slurring of speech, without loss of consciousness, without seizure on December 5, 1974. Found out to be hypertensive and treated as such and underwent physiotherapy."

When recovered, petitioner sought to resume working with the respondent firm but was refused on the ground that the pressure of his work and position might induce a recurrence of his illness.

On March 7, 1975, petitioner filed his claim for compensation benefits against respondent firm before the Workmen's Compensation Section, Regional Office No. 4 in Manila. In an Employer's Report filed on May 13, 1975, respondent firm denied liability on the claim, alleging lack of employer-employee relationship at the time petitioner suffered his stroke on December 5, 1974. It was insisted that petitioner resigned from his work effective November 9, 1974 pursuant to his letter of resignation dated October 30, 1974.

In a decision dated October 28, 1975, the Acting Referee allowed petitioner's claim for compensation but denied reimbursement of medical expenses, petitioner not having shown any receipt nor proof therefor. The dispositive portion thereof states:

"WHEREFORE, decision is hereby rendered in favor of the claimant and respondent is directed to pay:

1. To the claimant, thru this Office, the sum of SIX THOUSAND (P6,000.00) PESOS as compensation pursuant to Sections 14 and 15 of the Act;
2. To Atty. Pedro Rivera, counsel for claimant, the sum of THREE HUNDRED (P300.00) PESOS as attorney's fee pursuant to Section 31 of the Act; and
3. To this Office, the sum of SIXTY-ONE (P61.00) PESOS as decision (SIC) fee pursuant to Section 55 of the Act."

Respondent firm's motion for reconsideration having been denied, the case was elevated to the respondent Commission for review. On January 22, 1976, the Commission rendered the appealed decision, the dispositive portion of which states:

"ACCORDINGLY, the decision rendered on October 28, 1975 is hereby REVERSED and the claim is dismissed for lack of employer-employee relationship."

On April 23, 1976 or two days after the expiration of the extension of time granted to petitioner within which he may file his petition for review, petitioner filed before this Court the present petition, lacking however the proper verification for not being subscribed and sworn to before a notary public. By resolution dated July 16, 1976, the Court proceeded to treat the petition as a special civil action.

Initially presented for resolution is the jurisdictional issue of whether the petitioner Marciano Lamco has properly perfected his appeal to this Court, not having filed any notice of appeal with the Commission, nor a properly verified petition for review before the expiration of the extension of time granted by the Court for the filing thereof.

First, with respect to petitioner's failure to file a notice of appeal with the Commission before filing this Petition for Review, the Court, in *Vargas v. Philippine American Embroideries, Inc.* (34 SCRA 680), has ruled that the filing of the notice of appeal is no longer compulsory, for the following reasons, namely: (a) The previous provision of the old Rules of Court (Rule 44) to the effect that the filing of the notice of appeal is a condition precedent to the perfection of the appeal, is now eliminated in the new Rules of Court (Rule 43); (b) The notice serves no other purpose than to inform the Commission that the losing party desires to contest its ruling in the proper appellate court; the adverse private party litigant is not entitled to the notice, hence, insofar as the real parties in interest are concerned, the notice of appeal is something they can totally ignore; and (c) The further provision in the Rules of Court that a copy of the petition for certiorari shall be served upon the Commission and upon the adverse party, and the proof of service attached to the original of the petition for the Supreme Court, renders the notice of appeal a superfluity.

Second, the petitioner's failure to file a properly verified petition is not such a fatal defect which would affect the Court's jurisdiction to take cognizance of such petition. The Rules of Court itself (Rule 1, Sec. 2) prescribes a general directive that the rules of court be liberally construed or interpreted in order to promote their objective and to assist the parties in obtaining just, speedy and inexpensive determination of their cases. In other words, these rules should not be interpreted to "sacrifice substantial rights of a litigant in the sophisticated altar of technicalities with impairment of the sacred principles of justice." [1] Thus, in *Quimpo v. Dela Victoria* (46 SCRA 139), the Court held that the requirement regarding proper verification is not jurisdictional, but merely formal, citing the

case of *Villasanta v. Bautista*, 36 SCRA 160, where the Court therein stated that absence of verification is not fatally defective in meritorious cases.

Neither is petitioner's failure to file the petition within the extended time granted by the Court a jurisdictional defect which will ipso facto cause the petition's dismissal. Rule 11, section 7 allows the filing of a pleading after the time fixed by these rules depending on the court's discretion. Thus, it is within the ambit of the Court's authority to act on the petition despite its being filed out of time, especially so where good reasons for the delay had been interposed by petitioner.

Considering this to be a workmen's compensation case, it is the Court's considered view that there is reason not to insist on strict observance of the provisions of the Rules. Appropriately applicable are the words of Chief Justice Moran, "Rules of pleadings are intended to secure a method by which the issues may be properly laid before the court. When these issues are already clear before the court, the deficiency in the observance of the rules should not be given undue importance. What is important is that the case be decided upon the merits and that it should not be allowed to go off on procedural points." (Moran, *Comments on the Rules of Court*, Vol. I, pp. 300-301, 1970 ed., citing *Co Tiamco v. Diaz, et al.*, 75 Phil. 672).

On the merits of the case, petitioner seeks the reversal of the Commission's decision on two grounds: (1) it erred in its finding of lack of employer-employee relationship since his resignation was not accepted by the respondent firm as he continued working therein until the time of his stroke on December 5, 1974; and (2) that the dismissal of his claim is without basis in fact and in law.

The Court finds the petition meritorious.

That petitioner's letter of resignation was not acted upon and that he continued working with respondent firm until December 5, 1974 is amply substantiated by documentary evidences: (1) "Annex B", xerox copy of the Social Security and Medicare Contributions Payment Return filed by "Employer A. J. Barreto Enterprises" for the "period covering half of April, 1974 up to the whole month of November 1974;" (2) "Annex C", xerox copy of the Sickness Notification SSS form, Part III of which was to be filled in by the employer, duly accomplished by Alvaro Barreto as Company Executive; (3) "Annex D", xerox copy of an SSS voucher made payable to A. J. Barreto Enterprises reimbursing him the amount of P360.00 advanced by such firm in payment of sickness benefits accruing to employee Marciano Lamco, Jr. for his compensable confinement from "12-07-74 to 01-05-75" (December 7, 1974 to January 5, 1975).

The sole basis upon which the controversion was anchored having been rebutted by petitioner's documentary evidences, We now resolve the compensability of the claim, proceeding on this established fact: that petitioner's stroke due to hypertension supervened in the course of employment.

The physician's report states that petitioner's hypertension was "probably aggravated by the employment" as the "patient (was) under constant pressure and tension." This finding by the attending physician does not make petitioner's illness less compensable for the Court has been consistent in its rulings^[2] that in compensation cases where death or injury is shown to have supervened in the course of employment, the claimant need not establish that the cause of injury was directly brought about by the employment or directly aggravated by the nature of the employment. To do so would be to ignore the presumption of compensability clearly established in Section 43 (1) of the Workmen's Compensation Act (No. 3428) as amended by Republic Act 772. It is sufficient to show that the employment contributed, even in a small degree, to the development of the disease. It is not even necessary for a claimant to carry the burden of proof to establish his case to the point of demonstration. In fact, the Court has applied the presumption of compensability in a case^[3] where the cause of death supervening in the course of employment was unknown, rationalizing in this wise, thus:

"In other words, in the absence of proof that the injury or death supervening in the course of employment has arisen because of the nature of the same, the death or injury is, by law, compensable unless the employer clearly establishes that it was not caused or aggravated by such employment or work. Mere absence of evidence that the mishap was traceable to the employment does not suffice to reject the claim; there must be credible evidence that it was not so traceable."

We are also mindful of the fact that respondent firm failed to file its notice of controversion within the time prescribed by law. On this score alone, the respondent firm is deemed to have admitted the compensability of the claim, its reasonableness and validity, such failure amounting to a waiver of its right to controvert and a renunciation of all defenses.[4]

Considering the compensability of the claim, We are now faced with the issue of whether petitioner is entitled to only temporary total disability benefits or to the permanent total disability benefits awarded to him by the Acting Referee. Respondent firm insists before Us that petitioner is not permanently nor totally disabled for work as supported by the Physician's Report. He points out that in Item 24 "Has the injury caused the workman temporary total disability for labor, for what length of time?", the physician answered "Yes, for 41 days."; in Item 15 "After the period of temporary total disability, may the workman resume his former occupation right away?", the physician answered "Yes"; and lastly in Item 20 "Has the injury or sickness resulted in permanent total disability for labor?", the physician answered "not applicable."

On the other hand, petitioner maintains that the refusal of respondent firm to accept him when he presented himself for resumption of his work, is an implied admission of his permanent and total disability for work. Petitioner's position finds support in Our ruling in *Marcelino v. Seven-Up Bottling Company of the Philippines and WCC*, (47 SCRA 43), where under similar facts We found the petitioner therein totally and permanently disabled, thus -

"We believe that the Workmen's Compensation Commission is in error when it declared that the petitioner was not entitled to compensation for permanent total disability, simply because the petitioner had not suffered from paralysis or other fatal complication due to his ailment of hypertension. The Workmen's Compensation Commission has overlooked the vital circumstance that after his discharge from the hospital, the petitioner had on many occasions presented himself before the respondent Company and requested that he be allowed to return to work in the company, but everytime he presented himself he was refused admission to work upon the ground that his illness might recur. This simply shows that as far as respondent company was concerned the petitioner was incapacitated or disabled to perform any substantial amount of labor in the line of work where he was formerly engaged, or in any other kind of work which he could be assigned."

WHEREFORE, the decision of the respondent Commission dated January 22, 1976 is reversed, and judgment is hereby rendered reinstating the Acting Referee's decision dated October 28, 1975.

SO ORDERED.

Teehankee, (Chairman), Muñoz Palma, and Fernandez, JJ., concur.

Makasiar, J., concurs in a separate opinion.

[1] *Alonzo v. Villamor*, 16 Phil. 315 (1910); *Case v. Jugo*, 77 Phil. 517; *International Tobacco Co., Inc. v. Yatco*, 55 O.G. No. 5, p. 811.

[2] *Milagros F. Vda. de Forteza v. WCC*, 22 SCRA 282; *Leticia B. Belmonte v. WCC*, 58 SCRA 138; *Mercado v.*

WCC, 72 SCRA 260; C.A. Chiong Shipping Co. & C. A. Chiong v. WCC, 25 SCRA 76.

[3] Batangas Trans. Co. v. Vda. de Rivera, L-7658, May 8, 1956.

[4] National Development Co. v. Galamgam, 38 SCRA 495; General Textiles, Inc. v. Taay, 42 SCRA 375; Development Bank of the Phil. v. WCC, 49 SCRA 365; Phil. Graphic Arts, Inc. v. Mariano, 53 SCRA 409.

CONCURRING OPINION

MAKASIAR, J.:

I concur with the additional opinion that the respondent employer should likewise be directed to provide the claimant with such medical, surgical and hospital services as well as appliances and supplies as the nature of his disability and the progress of his recovery may require and which will promote his early restoration to the maximum level of his physical capacity. It is my consistent view that the provisions of Section 13 of the Workmen's Compensation Act, as amended, and Article 184 of the New Labor Code, as amended, confer such right on the disabled employee, whether his disability is temporary or permanent. This is in compliance with the social justice guarantee of both the 1935 and 1973 Constitutions and in obedience to the directive of Article 4 of the New Labor Code that "all doubts in the implementation and interpretation of the provisions of this Code, including its implementing rules and regulations, shall be resolved in favor of labor", which is a re-statement of existing jurisprudence as well as Article 1702 of the New Civil Code. To limit such right to a temporarily disabled employee would inflict gross injustice on those permanently disabled, who still need to be relieved from the pain, trauma, social ostracism or humiliation generated by such permanent disability.

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