

ANTONIA C. CARTAS, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES (BUREAU OF PUBLIC SCHOOLS), THE HONORABLE SECRETARY OF LABOR & COMPENSATION APPEALS & REVIEW STAFF, RESPONDENTS.

G.R. No. L-47196. July 14, 1978

Ponente: SANTOS, J.

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SANTOS, J.:

This is a Workmen's Compensation case. Antonia C. Cartas, herein petitioner-claimant, now a resident of Caba, La Union, was a public school teacher who retired from the service of respondent Bureau of Public Schools on January 7, 1973 (see Pet., Annex "D", Roll., p. 25; Annex "E", id. p. 26).

On April 4, 1974, retired public school teacher Cartas filed a " Notice of Injury or Sickness and Claim for Compensation" with the Department of Labor, Workmen's Compensation Section, Regional Office No. IV, Manila. Her claim was docketed as Case No. R04-WC Case No. 151198. She annexed two (2) Physician's Reports accomplished by Dr. Faustino Nufable and Dr. Juan Komiya and her service records (Pet., Annexes "A", "B", "C" & "D"; Roll., pp. 10, 22, 23, 24, & 25).

On August 29, 1975, the Hearing Officer/Team Leader, Workmen's Compensation Section, Regional Office No. IV, Pedro P. Pelaez, dismissed petitioner's claim for lack of merit, on the grounds that claimant Cartas had retired from the service on January 7, 1973 at the age of 56, and had thus terminated her employee-employer relationship with respondent Bureau of Public Schools. Also, that she worked continuously up to her retirement on January 7, 1973 and that the alleged ailments are not disabling or service-connected (Pet., Annex "E"; Rollo., p. 26).

Claimant, now petitioner, filed a Motion for Reconsideration of said Order (Pet., Annex "F", Roll., p. 27). The Workmen's Compensation Commission (WCC) having ceased to exist as of March 31, 1976, the claimant's case was forwarded to the Secretary of Labor and the Compensation Appeals and Review Staff (CARS) which was created to attend to such cases. Claimant submitted an affidavit to the effect that she first stopped working on December 14, 1968, returned to work thereafter, and that on January 7, 1973, she again stopped working, this time permanently because of her retirement (Pet., Annex "G", Roll., p. 32).

On August 7, 1977, the Secretary of Labor issued an Order finding the claimant's herein petitioner's Motion for Reconsideration well-taken. The Secretary reversed the order of dismissal of Regional Office No. 4 and awarded her P710.99 as disability compensation benefit under Section 14, Act 3428 as amended, and the further sums of P71.09 as and for attorney's fee and P13.00 as and for administrative fee (Pet., Annex "H", Roll., p. 34). In said Order, the Secretary of Labor found that the period of disability claimed was from December 14, 1968 to February 5, 1969, which was confirmed by the Report submitted by respondent Bureau. The Secretary also found that the attending physician of the claimant, Dr. Faustino Nufable, was of the opinion that the PTB and duodenal ulcer, from which claimant suffered, were work-connected which was also shared by the respondent Bureau, as indicated in their Employer's Report. Hence, the award for disability compensation in the amount of P710.99,

since December 14, 1968 to February 5, 1969 covers a period of 103 days or 14 and 5/7 weeks and at the rate of 60% of her average weekly wage of P80.53 (Roll., pp. 34-35).

From this Order of the Secretary of Labor, claimant now petitioner, now seeks this review per this Petition filed December 6, 1977, on the grounds that the Secretary of Labor erred - (a) in not finding that she is now totally and permanently disabled for labor and is entitled to the maximum disability benefit of P6,000 under Sec. 14, Act 3428, as amended; and (b) in that, granting that she is not totally and permanently disabled for labor, in not finding that she is entitled to non-scheduled disability benefits under Section 18 of said Act (Pet., Roll., p. 14).

Respondent Bureau of Public Schools filed its Comment thru the Solicitor General on January 30, 1978 (Roll., p. 51); whereas, the respondent Secretary of Labor and the Compensation Appeals and Review Staff (CARS) filed their Comment on January 31, 1978 (Roll., p. 60). Both respondents opposed the petition and prayed that the same be dismissed for lack of merit.

The issues raised by this Petition are: (1) whether petitioner was totally and permanently disabled so as to be entitled to maximum disability benefit of P6,000.00 under Section 14; and (2) if not, whether petitioner is entitled to non-scheduled disability benefit under Section 18, Act 3428, as amended.

This Petition, after a consideration of the Comments, is without merit. The evidence shows that the petitioner suffered only temporary total disabilities twice. The First was from December 14, 1968 up to February 5, 1969, for which she was compensated per the Order of the Secretary of Labor on August 7, 1977, now subject of this Petition for Review, in the amount of P710.99. The second alleged temporary total disability occurred after claimant, now petitioner, retired on January 7, 1973. The Physician's Report of Sickness or Accident, accomplished by Dr. Juan Komiya, shows that he administered treatment on petitioner only on January 2, 1973, after her retirement from the service. Compensation payments which are premised on loss or impairment of earning capacity due to illness or injury cannot extend beyond retirement date of employee (*Hernandez vs. WCC*, L-20202, July 21, 1965, 14 SCRA, p. 219). It also appears from the Physician's Report of Sickness by Dr. Komiya that claimant, now petitioner, may resume her former occupation right away (Question No. 15, Physician's Report on Accident, Dr. Juan Komiya), and that her sickness has not resulted in permanent disability for labor (Question No. 20, *ibid.*). Both physician's reports of Drs. Nufable and Komiya noted that her illness did not render her totally and permanently disabled for labor (see Annexes "B" and "C", Rollo, pp. 23 and 24).

The second issue, whether complainant, now petitioner, is entitled to non-scheduled disability benefits, is answered in the negative. Section 18, Act No. 3428, as amended, provides only for amputation and non-scheduled disability or injury resulting in amputation of a part of the body, such as hands, feet, arms or legs and disfigurement of the face or head. The same does not include disabling illnesses such as PTB and duodenal ulcer.

IN VIEW OF ALL THE FOREGOING, the Court resolved to DENY this Petition for Review for lack of merit.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, Aquino, and Concepcion, Jr., JJ., concur.

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