

NATIONAL SHIPYARDS AND STEEL CORPORATION (NASSCO), PETITIONER, VS. THE WORKMEN'S COMPENSATION COMMISSION AND DR. OLIVER B. CORONADO, RESPONDENTS.

G.R. No. L-22628. January 31, 1967

Ponente: REYES J. B. L., J.

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REYES J. B. L., J.:

The National Shipyards and Steel Corporation (NASSCO for short) prays this Court to reverse an award of the Workmen's Compensation Commission ordering it to pay respondent Dr. Oliver B. Coronado compensation of P3, 521.70 , P4,581.00 for medical expenses and P264.13 attorney's fees, plus P41.00 administrative fees under section 55 of the Workmen's Compensation Acts.

It is undisputed that Dr. Coronado was, at all times material to this appeal, engaged by, and serving as company physician at, the NASSCO Iligan Steel Mills at Iligan City at a monthly wage of P386.00, plus allowance of P50.00 a month for housing facilities. While assigned to evacuate by airlift an emergency case from Iligan City, he suffered "Angiospastic Retino-pathology" in his left eye (disease of the retina), causing him bodily pain requiring medical treatment, and resulting in 70% loss of vision in the injured eye. He filed claim with the Workmen's Compensation Commission, which the employer corporation resisted. The case was tried by Regional Office No. XI of Cagayan de Oro City, whose award was, with slight modification, affirmed by the Commission.

Unable to obtain reconsideration, the employer appealed.

The first assignment of error assails the jurisdiction of Regional Office No. XI to take cognizance of the claim, under Reorganization Plan 20-A, and must be overruled, in view of our previous holdings that -

"In conferring initial power to hear and decide such (workmen's compensation) claims upon the hearing officers of the (Labor) Department's Regional Offices, section 25 of Plan 20-A was merely reallocating powers already possessed by the Department, and was in conformity with the authority granted by section 6, of Republic Act No. 997, as amended by Republic Act No. 1241." (San Miguel Brewery vs. Sobre-mesana, G. R. L-18730, September 16, 1961)

since the regional offices' hearing officers are in the nature of referees that the Commission could appoint (La Mallorca vs. Ramos, L-15476, September 19, 1961), and the Plan did not vest them with judicial power.

In its second assignment of error, the NASSCO contends that a doctor is not an industrial employee, and is not covered by the Workmen's Compensation Act. This stand is, like the first error assigned, without merit, because section 3 of the Compensation Act expressly makes said Act applicable to "employees and laborers employed x x x in the industrial concerns of the government" (of which the petitioner-appellant NASSCO is one) as well as "all other persons performing manual labor in the service of the National Government and its political subdivisions or instrumentalities". Hence, the fact that Dr. Coronado does not perform manual labor does not except him from the operation of the Compensation Act (Act 3428, as amended).

Nor is the fact that Dr. Coronado's wages, including allowances, exceed P4, 800 per annum evidentiary that he is outside the coverage of the Compensation Act. Section 39 (e) of the Act defines "public employment" as follows:

““(e) ' Public employment' signifies employment in the service of the National Government and its political sub-divisions and instrumentalities. It does not include employment as public officer elected by the popular vote nor persons paid more than four thousand eight hundred pesos per annum.' Italics supplied).”

But Dr. Coronado's claim, as we have seen, does not rest upon his holding "public employment" under this section, but on section 3, where no limitation is fixed upon earnings of the covered employee.

The third assignment of error assails the action of the referee in closing the trial without permitting the NASSCO to complete its evidence. But as appears from the appealed decision, and is supported by the record, the NASSCO had managed to secure not less than four postponements, the last being granted on condition that no further postponement will be allowed; and yet, despite such warning, the NASSCO counsel nevertheless requested postponement by telegram, and this request was, upon proper objection, denied by the hearing officer. We see neither error nor abuse of discretion in such action. Just because NASSCO happens to be a government controlled corporation does not entitle it to delay trial indefinitely to suit its convenience.

Appellant's fourth and final assignment of error refers to the sufficiency of the evidence. It is claimed that the decision under appeal is not supported by substantial evidence. This claim is belied by the record, since it shows that the decision is predicated upon the uncontradicted testimony of Dr. Alipio Villacorta, a specialist who treated the claimant, that the latter's ailment could have been caused by abrupt changes in atmospheric pressure in the course of an airplane flight. Supported as it is by the certifications of Drs. Tamesis and Eusebio, also specialists in eye diseases, this evidence certainly constitutes substantial evidence to support the findings of the Commission. Even granting that the claimant's hypertension was a contributing factor, the same does not suffice to relieve the employer of responsibility, since aggravation of a preexisting disease, when caused by working conditions, entitles the claimant to compensation. We have heretofore pointed out that, because of the statutory presumption of compensability, the burden is on the employer to show that the injury could not have been caused by the nature or conditions of the employment. [1]

Finding no reversible error in the decision appealed from, the same is affirmed. Costs against petitioner-appellant National Shipyards and Steel Corporation.

Concepcion, C.J., Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

[1] Iloilo Dock & Engineering Co. vs. WCC, L-17283, July 31, 1962; Agustin vs. Workmen's Comp. Comm., L-19957, Sept. 29, 1964; Vda. de Acosta vs. WCC, L-19772, Oct. 21, 1964; Central Azucarera Don Pedro vs. Agno, et al., L-20424, Oct. 22, 1964.

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