

REPUBLIC OF THE PHILIPPINES, (OFFICE OF THE SOLICITOR GENERAL) PETITIONER, VS. WORKMEN'S COMPENSATION COMMISSION AND ANGEL COSTALES, RESPONDENTS.*G.R. No. L-40175. August 31, 1978*

Ponente: FERNANDEZ, J.

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This is a petition to review the decision of the Chairman of the Workmen's Compensation Commission dated April 4, 1974, affirming with modification the decision of the Acting Referee in RO4-WC Case No. 15669 entitled "Angel Costales, Claimant, versus Republic of the Philippines (Office of the Solicitor General), Respondent", ordering the respondent to pay the claimant disability benefits and to reimburse him of medical expenses and to pay claimant's counsel attorney's fees, and to pay administrative fees;[1] the order dated August 13, 1974, of the Workmen's Compensation Commission directing the Secretary of the Commission to take appropriate action for the immediate enforcement of the decision dated April 4, 1974;[2] and its resolution dated February 5, 1975, dismissing the motion for reconsideration of the Republic of the Philippines (Office of the Solicitor General).[3]

The claimant, Angel Costales, now private respondent, was formerly employed as assistant supply officer in the Office of the Solicitor General with a monthly salary of P260.00. He worked in said office for about nine (9) years. Sometime in 1965, Costales contracted an illness which was diagnosed in June by Dr. Generoso Marcelo as hypertension malignant with a reading of 170/110 and genito-urinary disturbances. Costales was under the medical care and treatment of Dr. Marcelo from June 5, 1965 to October 20, 1970. By reason of his illness, Costales was granted sick leave with pay from July 1 to 15, 1965 and from May 18 to June 18, 1970. After the expiration of the sick leave, he continued working. However, on August 4, 1971, Costales suffered a stroke and was confined at the University of Santo Tomas Hospital where his illness was diagnosed as severe hypertension, cerebro-vascular accident and on and off dysternia. Due to his severe hypertension which complicated into cerebral vascular accident causing paralysis of the right portion of his body, Costales was forced to stop working and was granted sick leave benefits effective October 1, 1971 on which date his application for retirement due to such disability was approved. He was retired at the age of 64 years. Two months after his retirement or on December 8, 1971, Costales sought confinement at the Family Clinic Hospital due to his illness. On account of his confinement in said hospital, Costales allegedly incurred a total sum of P1,995.30 for medical expenses but only the sum of P1,587.50 has been duly supported by proper receipts.

Sometime in 1972, the claimant, Angel Costales, filed with Regional Office No. IV, Department of Labor, Manila, a notice and claim for compensation against the respondent. It is alleged that the Office of the Solicitor General received a copy of the notice and claim for compensation on June 22, 1972. On July 3, 1972, the Office of the Solicitor General filed its notice of controversion with the regional office. Thereafter, the case was set for hearing on the merits.[4]

The Acting Referee, Benjamin C. Alonte, rendered a decision on December 29, 1972 ordering the Office of the Solicitor General to pay the claimant compensation benefits. The Office of the Solicitor General filed a timely motion for reconsideration which was denied by the Acting Referee. Hence, the case was elevated to the Workmen's Compensation Commission.

The Chairman of the Commission affirmed the decision of the Acting Referee with the modification that the claimant's counsel was declared entitled to the sum of P600.00 as attorney's fees and the respondent was assessed the additional cost of P5.00 and was made to pay the total amount of P66.00 as administrative fee.

Copy of the decision of the Chairman of the Commission was received by the Office of the Solicitor General on April 8, 1974. The said Office filed a motion for extension of time dated April 18, 1974 asking for a period of ten (10) days within which to file a motion for reconsideration of the decision rendered by its Chairman to the Workmen's Compensation Commission sitting en banc. It is alleged that the motion for extension was sent by registered mail on April 18, 1974. The registry return card shows that said motion for extension was received by the Workmen's Compensation Commission on April 24, 1974. The Office of the Solicitor General asked for another extension of ten (10) days by registered mail on April 26, 1974. Finally, on May 7, 1974, the petitioner filed by registered mail its motion for reconsideration with the Workmen's Compensation Commission sitting en banc.

On August 13, 1974, the Chairman of the Workmen's Compensation Commission, concurred in by one Associate Commissioner, issued an order to the effect that the motion for reconsideration was received by the Commission only on April 29, 1974, clearly beyond the reglementary period. The decision dated April 4, 1974 was declared to have become final and executory. The Secretary of the Commission was directed to take appropriate action for the immediate enforcement of the decision dated April 4, 1974.

The petitioner filed an urgent motion for resolution on the merits of its motion for reconsideration, invoking Section 4, Rule 21 of the Rules of the Workmen's Compensation Commission. Finally, the Commission issued the resolution dated February 5, 1975 dismissing the petitioner's motion for reconsideration and declaring the decision of its Chairman dated April 4, 1974 final and executory.[5] Two Associate Commissioners dissented. Hence, this petition for review.

The petitioner assigns the following errors:

"I

THE WORKMEN'S COMPENSATION COMMISSION ERRED IN DECLARING THE DECISION OF ITS CHAIRMAN DATED APRIL 14, 1974 FINAL AND EXECUTORY DESPITE A MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR RECONSIDERATION FILED BY HEREIN APPELLANT WITHIN THE REGLEMENTARY PERIOD PROVIDED FOR IN SECTION 1, RULE 21 OF THE RULES OF THE WCC.

II

THE HONORABLE CHAIRMAN OF THE WCC ERRED IN FINDING THAT THE RESPONDENT ANGEL COSTALES RETIRED FROM THE SERVICE DUE TO HIS ILLNESS WHICH HE THUS

CONSIDERED COMPENSABLE UNDER SECTION 44 (1) OF THE WCA.

III

THE HONORABLE CHAIRMAN OF THE WCC ERRED IN FINDING THAT THE HEREIN PETITIONER HAS FORFEITED ITS RIGHT TO CONTROVERT THE CLAIM FILED AGAINST IT BY RESPONDENT ANGEL COSTALES."[6]

The record discloses that the motion for first extension of ten days from April 18, 1974 was sent by registered mail on said date. The date of mailing at the post office is considered the date of filing with the Workmen's Compensation Commission. Hence, the said motion for first extension was filed on time. It also appears that the second motion for extension was filed on April 26, 1974 by registered mail, within the first extension of ten days prayed for. In view of the foregoing, the motion for reconsideration of the petitioner-appellant filed on May 7, 1974 was on time.

This appeal, however, has no merit. The respondent Commission did not commit the second error assigned. The evidence established that sometime in 1965, the claimant, Angel Costales, contracted an illness which was diagnosed by Dr. Generoso Marcelo as hypertension, malignant and genito-urinary disturbances; that he was under the medical care and treatment of Dr. Marcelo from June 5, 1965 to October 20, 1970; that by reason of his illness, Angel Costales was granted sick leave with pay from July 1 to 15, 1965 and from May 18 to June 18, 1970; that after the expiration of the sick leave, he suffered a stroke and was confined at the University of Santo Tomas Hospital where his illness was diagnosed as "severe hypertension and CVA and on and off dysternia"; that on October 1, 1971, he was retired from the service by virtue of his illness; that two months after his retirement, or on December 8, 1971, Angel Costales sought confinement at the Family Clinic Hospital due to his illness; and that on account of his confinement in said hospital, he incurred medical expenses allegedly in the amount of P1,995.30 but only the sum of P1,587.50 has been duly supported by proper receipts.

On the basis of the established facts, it is clear that the ailment of the claimant, Angel Costales, supervened while he was still in the service. There is a presumption that the claim is compensable. The claimant is relieved from the burden of proving causation once the illness or injury is shown to have arisen in the course of employment. The function of the presumption is precisely to dispense with the need for proof. The burden to overthrow the presumption and to disconnect, by substantial evidence, the injury or sickness from employment, is laid by the statute at the employer.[7]

Apart from the legal presumption in his favor, Angel Costales established that he had been suffering from lingering ailment since 1965 and that when his ailment became worse, he was forced to retire from the service. These facts have been established by the joint statement of the claimant's superior officers, Honorata Y. Crespo and Carmen L. Caguia, Administrative Officer and Supply Officer, respectively, of the Office of the Solicitor General.[8]

Anent the third error assigned, the records show that the Office of the Solicitor General, through its representative, knew of claimant's ailment as early as 1965 and the latest, at the time of his retirement from the service on October 1, 1971. Despite thereof, the respondent did not file the notice of controversion during the time fixed in Section 45 of the Workmen's Compensation Act. Having failed to seasonably controvert the right of the claimant to compensation, the respondent is deemed by operation of law to have renounced its right to challenge the instant claim on non-jurisdictional grounds.[9] This means that all non-jurisdictional defenses such as the

non-compensability of the illness or injury, prescription and others are barred.[10] Moreover, even granting, arguendo, that the petitioner-appellant has not forfeited its right to controvert the claim against it by Angel Costales, the fact remains that petitioner-appellant has not successfully rebutted by competent evidence the right of Angel Costales to be compensated for his illness which supervened during his employment with the said petitioner.

It appears that the private respondent, Angel Costales, had died on April 26, 1976 allegedly survived by his widow, Anastacia Costales, and his legitimate children, namely, Reynario U. Costales, Augustus U. Costales, Romeo U. Costales, Rodolfo U. Costales, Cornelio U. Costales, Erlinda C. Rivera, Cremaluz U. Costales, and Fe Costales, surviving spouse of Emmanuel U. Costales, deceased. Upon proof of the relationship of said alleged heirs to the deceased Angel J. Costales, let the benefits awarded in this decision be paid to them.[11]

WHEREFORE, the decision of the Chairman of the Workmen's Compensation Commission dated April 4, 1974 and the other orders and resolutions appealed from are hereby affirmed and the petitioner-appellant is ordered to pay:

- 1) The heirs of the claimant, Angel Costales, the sum of Six Thousand Pesos (P6,000.00) as disability benefits, and the sum of One Thousand Five Hundred Eighty Seven Pesos and 50/100 (P1,587.50) as reimbursement of medical expenses;
- 2) To pay claimant's counsel the sum of Six Hundred Pesos (P600.00) as attorney's fees; and
- 3) To pay the successor of the Workmen's Compensation Commission the sum of Sixty Six Pesos (P66.00) as administrative fees.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Muñoz Palma, and Guerrero, JJ., concur.

[1] Annex "C", Rollo, pp. 35-40.

[2] Annex "G", Rollo, pp. 47-48.

[3] Annex "F", Rollo, pp. 53-54.

[4] Rollo, pp. 35-36.

[5] Brief for the Petitioner-Appellant, p. 6, Rollo, p. 122.

[6] Ibid., pp. 1-2, Rollo, p. 122.

[7] Magalona vs. Workmen's Compensation Commission and NASSCO, L-21849, 21 SCRA 1199.

[8] Rollo, p. 38.

[9] Victorias Milling Co. Inc. vs. Workmen's Compensation Commission and Villanueva, L-10533, May 13, 1957, 101 Phil. 1208.

[10] ITEM COP vs. Florzo, et al., L-21969, 17 SCRA 1104.

[11] Manifestation and Comments, Rollo, p. 130.

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